

July 23, 2009

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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The Office of Long-Term Living
Bureau of Policy and Strategic Planning
Attention: Bill White
P.O. Box 2675
Harrisburg, PA 17105

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Proposed Assisted Living Residence Regulatory Package

Dear Mr. White and Members of the Independent Regulatory Review Commission:

Jenner's Pond, Inc., a continuing care retirement community serving approximately 400 residents, submits these comments on the proposed Assisted Living Residence Regulatory package as provided on June 24, 2009 for additional consideration prior to the Department's final submission for approval.

The following is the list of our most significant concerns with the proposed regulations:

1. 2800.16(a)3: The provision as proposed is taken from the 2600 Personal Care Home regulations, but adds the requirement that illnesses requiring treatment at a hospital or medical facility also be reportable. We do not believe that the addition of illness to reportable incidents is necessary. Residents in assisted living residences will be older, frail individuals who will be susceptible to illness. Mandating a report for each time a resident changes level of care for what will often be routine illness, is not necessary.
2. 2800.22(a): The elimination of the 15 day post admission timeframe only serves to ensure that more valuable staff time will be taken away from residents and instead focus on completing paperwork requirements. We support the reinstatement of the 15 day post admission timeline present in the first draft of the proposed regulation.

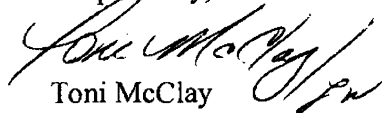
3. 2800.22(b)(3): We believe that it is inappropriate for the Department to have the authority to approve or disapprove of an assisted living residence's resident handbook. This provision exists nowhere else in the continuum of care and we question how there will be adequate resources to review and approve all resident handbooks and amendments to existing handbooks.
4. 2800.56(a) The Department's proposed standard of 40 hours per week in paragraph (a) will make it virtually impossible for administrators to meet the proposed continuing education requirements and other off-site obligations. The current standard for Personal Care Homes is 20 hours or more per week, and in skilled nursing facilities it is 36 hours or more per week in each calendar month. We contend that the skilled nursing facility requirement is an appropriate standard.
5. 2800.65(e)(g): The combined educational requirements set forth in this proposed regulatory package exceed those required for Nursing Home Administrators and Registered Nurses. We urge the Department to return this requirement to the previously agreed upon 12 hours annually.
6. 2800.171(a): To mandate that the residence procure transportation to every social appointment that each resident makes will represent a serious administrative burden and divert allocation of resources away from care. There is also no limitation to the requirement. We believe that the language should be amended to include only social activities scheduled by the residence within a reasonable local area.
7. 2800.171 (d) and (e): The provisions in these paragraphs are untenable as drafted. The windows of time outlined are mandates, without taking into account external factors such as weather and traffic.
8. 2800.202(4): We believe clarification is needed regarding medications that are prescribed on a PRN basis with the intent of alleviating anxiety for the resident.
9. 2800.224: We believe that this section of newly proposed regulatory language represents a significant burden to providers without any direct or indirect benefit to residents or quality of life/quality of care. We urge the return to the system that is working well in Personal Care Homes.
10. 2800.227(b): A licensed practical nurse has the requisite knowledge and expertise to review and approve a support plan. Supervision by a Registered Nurse is not necessary and simply represents an additional cost.

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11. 2800.227(c): With the requirement of support plans to change as the resident's condition changes, it is excessive to require quarterly updates as well. We recommend the quarterly requirement be changed to annually.

We applaud the Department's efforts and we appreciate the opportunity to share our comments and concerns regarding the proposed regulations.

Respectfully,



Toni McClay
President/CEO

cc: Senator Patricia H. Vance
Senator Dominic Pileggi
Representative Tom Houghton