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July 21, 2009

The Honorable John M. Hall  
Secretary, Department of aging  
Office of Long-Term Care Living  
Bureau of Policy and Strategic Planning  
P.O. Box 2675  
Harrisburg, PA 17105

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

RE: Proposed Assisted Living Residence Regulatory Package

Dear Secretary Hall:

Thank you for the opportunity to comment on the proposed Assisted Living Residence Regulatory package provided on June 24, 2009. We are pleased to see that some changes have been made from the previous draft version but continue to be concerned about the implementation of some regulations if adopted as they appear in this version.

Presby's Inspired Life has been serving the needs of older adults since 1954. Today we serve over 2,700 seniors in 30 communities providing housing, residential services, skilled nursing and assisted living. We as an organization have been supportive and a strong proponent of regulations that help to ensure the safety and well-being of older adults. Our history of regulatory compliance confirms our commitment to those regulations. Presby's Inspired Life has maintained active membership in trade associations with many individual serving as board members and committee chairs with (AAHSA) American Association of Homes and Services for the Aging and (PANPHA) Pennsylvania Association of Not for Profit Homes and Services for the Aging.

We feel that some of the current proposed regulations present additional costs to our organization yet do not assure an improvement in the safety and well being of our residents. These proposed regulations focus on physical plant changes which poses additional costs that will need to be passed on to residents affecting monthly fees limiting the number of people who will be able to access this level of care. Residents able to afford Assisted Living will likely more quickly deplete their resources increasing the burden on Medicaid when admitted to nursing homes and the most expensive level of care. These proposed regulations provide for an increased focus on and in some cases duplication of administrative tasks which can take focus off of direct care and services that truly improve the quality of life for those we serve.

Presby's Inspired Life projects to provide \$1.3 mil in benevolent care in 2009, there has been a considerable increase in the numbers of people requiring this assistance at an Assisted Living level of care. Increased costs related to regulatory compliance will result in increase benevolence and fewer people that we can serve.

We feel that PANPHA's response to the proposed regulations reflects and protects the interest of its members and the residents they serve and we strongly support their comments

Please see below for Presby's comments on the proposed regulations:

**Bundling of Core Services:** The "core services" should be services that most all residents require with an ability to purchase additional services referred to as "enhanced services" as needed. Bundling of a comprehensive service package increases the cost to provide services that may not even be needed as well place undue burden on resident as well as residence.

**Administrator Requirements:** The proposed regulation requires the Administrator to be in the building 40 hrs per week. This is more stringent than the staffing requirements for a skilled nursing facility. We would support PANPHA in suggesting that the requirement be consistent with that of a skilled nursing facility at an average of 36 hours per week.

**Physical Plant Requirements:** Currently all of our buildings do meet the proposed requirement for square footage but do recognize that many of our peers are able to provide quality care to residents residing in units who do not meet the proposed square footage. Again, we believe that the focus should be on safety and services. The requirement to provide a kitchen with a sink, though a nice amenity is not necessary when there is a considerable focus on providing a 3 meal a day dining program. The cost of providing plumbing to allow for a kitchen sink in each unit will require dollars that could be better utilized to provide care and service.

**Supervision by RN in Assessment and Support Plan Development:** An RN should not be required for completion or direct supervision of the development of a support plan. This is a cost that could be prohibitive. An RN's clinical expertise could be better utilized by providing management of clinical services that could include the oversight of multiple services including two tasks.

**Informed Consent:** As the PANPHA response notes this proposed regulation is contrary to the current statute which was analyzed and discussed at length prior to its adoption. The inability to take action prior to the evidence of imminent risk of substantial harm poses a risk to all residents and staff within the community. The vary nature of the contractual relationship between residence and client allows for the identification and associated action to issues.

Regards,

Mary K. Kender  
Vice President of Senior Services  
Presby's Inspired Life