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July 24, 2009

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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

RE: Proposed Assisted Living Residence Regulatory Package

As the administrator of Westminster Woods in Huntingdon, I have some serious concerns regarding the impact of the proposed Assisted Living Regulations on my facility and the residents we serve. While I support the concept of aging in place and allowing our residents to make choices regarding the services they receive, the proposed regulations and changes from the previous version continue to impose significant new cost on facilities and residents.

Although changes from the original proposed regulations have been made, I still do not believe that the proposed regulations for Assisted Living Residences advance the public interest. The proposed changes focus on the construction of the physical plant amenities and duplicative documentation that have little to no bearing on the care delivered to the residents, and which are likely to make the assisted living level of care too costly for many Pennsylvanians to afford.

I have attached specific comments detailing areas of concern to me, particularly those that have a dramatic cost impact, and ask that you please consider these comments in formulating a decision. Seniors in our community and many others are going to be very negatively impacted if these regulations are approved without change.

Thank you for your attention to this matter.

Sincerely,

Nancy Luke RN
Assisted Living Administrator

Reference: Proposed Assisted Living Residence Regulatory Package

- 2800:11c** The licensure fee proposed represents an extraordinary increase over current fees. As a personal care residence with 34 beds our current annual fee is \$20. If proposed fees were to become final our cost would be \$2850.
- 2800:56a** The proposed standard for administrators of 40 hours a week will make it virtually impossible for administrators to meet proposed continuing education requirements as well as other off-site obligations as may be necessary to ensure the residents receive quality care and programming. **Suggest** that administrator or designee be present in the residence 36 hours or more per week in each calendar month which is in alignment with the Administrators for Skilled Nursing Homes.
- 2800:56b** The administrator shall designate a staff person to supervise the Residence in the administrator's absence. The designee shall have the same qualifications as defined in 2800.53a (1-5). This would allow an LPN to function in this role and alleviate the facility from an approximate cost of \$6, 109 for the 100 hour course and the 24 hour annual training.
- 2800:64h** Proposed regulation states that a personal care home administrator who is employed as an administrator of Personal Care home prior to the effective date of the regulations, is required to complete the 100 hour training course and pass a competency test to be developed by the department. **Suggest:** A Personal Care Home Administrator who is employed as an administrator of a Personal Care home prior to the effective date of the regulations be exempt from the 100 hour training course, but shall pass a competency test to be developed by the department.
To ensure no significant void between the effective date of the regulations and existence of Assisted Living the department must have be prepared day 1 with a curriculum and a test.
- SB 704** With the passing of this bill and **HB 1152** of 2009 The Department of of the Commonwealth of Pennsylvania is legally charged with the Licensure function for Assisted Living Residences. Currently, there is not a definition for how compliance will be measured when surveying a ' distinct part'. **Suggest:** Any combination of two or more contiguous rooms , which meet or exceed the physical plant standards established for Assisted Living Residences within this regulation and that the residence has set aside for the provision of assisted living services. These rooms

shall be clearly delineated on the Residence's floor plan printout, which will be provided to the Department's licensing agents at the time of inspection.

- 2800.220(c)2** Having a bundled package of services in a "Core Package" to be delivered to the residents is a great concept. However, the idea of an "Enhanced Core Package" would not be economical to charge residents for services they may not require. Instead, services provided by the residence that are not included in the basic core package may be purchased by the resident according to the changing needs of the resident and as indicated in the support plan.
- 2800.22(a)** The proposed altering of the timeframes for the Assessments and the Support Plans will cause duplicative administrative processes. Suggest: The Assisted Living resident assessment is completed within 15 days after admission on a form specified by the Department. Likewise, the Support Plan will be developed and implemented within 30 days after admission. This will eliminate the Preliminary Support Plan.
- 2800.22(b)(e)** The proposed regulation suggest the Resident Handbook be approved by the Department. This provision exists nowhere else in the continuum of care and should not exist here either. 22 (e) (3) should simply state A copy of the residence rules and handbook.
- 2800.65(d)(f)** The proposed regulation requires direct care staff may not provide Unsupervised assisted living services until completion of 18 hours of training in the following areas. Suggest: The listed items of required training should remain but when coupled with the other mandated training requirements 12 hours is sufficient time to cover them.
- 2800.101b** The new proposed square footage requirements of 175 per living units in existing facilities would cost our facility a loss of 4 rooms which is over \$150,000 per year.