

Pennsylvania Association of Elder Law Attorneys

A State Chapter of the National Academy of Elder Law Attorneys

P O Box 61051
Harrisburg, PA 17106

Officers

Marielle F Hazen, CELA*, President
Jeffrey A Marshall, CELA*, President-Elect
Robert Clofine, CELA*, Vice President
Stanley M Vasiladis, CELA*, Secretary
Sally L Schoffstall, Treasurer

Directors

Dana McBride Breslin, CELA*
Prof Lawrence A Frolik
Leslie H Wizelman, CELA*
Julian E Gray, CELA*
Carol Sikov Gross, CELA*
Linda M Anderson, CELA*

#2712

September 12, 2008

Gail Weidman
Department of Public Welfare
Office of Long-Term Care Living
P.O. Box 2675
Harrisburg, PA 17105

Arthur Coccodrilli, Chair
Independent Regulatory Review Commission
333 Market St, 14th Floor
Harrisburg, PA 17101

Re: Comments to the Proposed Assisted Living Residence Regulations - # 14-514.

Dear Ms. Weidman and Chairman Coccodrilli:

The Pennsylvania Association of Elder Law Attorneys hereby endorses the Pennsylvania Bar Association's comments to the proposed assisted living residence regulations - # 14-514.

The Pennsylvania Association of Elder Law Attorneys (PAELA) is an association of attorneys who represent consumers of long term care in Pennsylvania. PAELA attorneys provide advice and counsel to seniors and their families statewide regarding residential and care placement issues, including representation with respect to facility admission applications, contracts, and needs assessments. Our members review with clients the financing options for care, and represent them through the often onerous process of applying for available public benefits. We also help families with the problems they encounter when attempting to access needed services, and when disputes arise between our clients and residential facilities. As a result, we know firsthand how crucial it is that the assisted living residence regulations include adequate consumer protection provisions to protect the often frail and vulnerable elderly who reside in these facilities.

RECEIVED
SEP 17 AM 9:21
INDEPENDENT REGULATORY REVIEW COMMISSION

We are excited to see that the efforts over the past few years of the legislature, the Department of Public Welfare, and the many stakeholders have resulted in these important proposed regulations to establish minimum standards for assisted living residences in Pennsylvania. Successful promulgation of assisted living residence regulations has the potential to expand care options for individuals in need of care services, and to provide individuals with safe alternatives to allow them to age in place. In addition, it would lay the foundation for Pennsylvania to move forward with establishing a Medicaid waiver program for assisted living.

While we applaud the efforts thus far, we believe the regulations as proposed are lacking in some important consumer protections. We have reviewed the comments submitted on September 12, 2008, by the Pennsylvania Bar Association, and endorse those comments in their entirety. We respectfully request that the concerns outlined in the PBA comments be incorporated into the final version of the regulations.

We appreciate the opportunity to provide these comments. Please feel free to contact either Marielle Hazen or Jeffrey Marshall at the addresses below if you have any questions or would like additional information from us regarding these comments.

Sincerely,

Marielle F. Hazen, CELA*
President
PA Association of Elder Law Attorneys
2000 Linglestown Road, Suite 202
Harrisburg, PA 17110
(717)540-4332
mhazen@hazenelderlaw.com

Jeffrey A. Marshall, CELA*
President-Elect
PA Association of Elder Law Attorneys
49 East Fourth Street, Suite 200
Williamsport, PA 17701
(570) 321-9008
jmarshall@paelderlaw.com

**Certified Elder Law Attorney by the National Elder Law Foundation*