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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Gail Weidman  
Office of Long Term Care Living  
Department of Public Welfare  
6<sup>th</sup> Floor Bertolino Bldg.  
Harrisburg, Pa. 17102

Reference: Proposed 2800 regulations, IRRC#14-514

Dear Ms. Weidman,

We are writing this letter to address our concerns regarding the effect of the proposed 2800 regulations for Assisted Living.

We are representing Garden Spot Village a CCRC, located in Lancaster County. We have 110 licensed Assisted Living beds, which include a 21 bed secured dementia unit. We are optimistic that the Department is looking out for the needs of our elders and understand that they provide an option for "community based services", under the Medicaid waiver program. We as a facility are also aware of the financial, emotional and social implications that some of these regulations will have on the elders in our community.

- 2800.11 (c) Licensure Fees will increase from \$50. to \$12,000. This is an increase that would need to be passed on to the elders in our facility, in the form of increased rates or decreases in resident care.
- 2800.131 (a) Fire Extinguishers for all resident rooms although this seems like a regulation that will provide for the safety of residents, on further examination, we feel that our elders do not have the physical strength or dexterity to operate a fire extinguisher and would be losing precious minutes attempting to operate this when they could be exiting the building. Our building has a full sprinkler system and this seems like a condition and cost that has not been fully examined. Have you considered this regulation as it applies to residents in secure dementia units? These elders do not have cognitive abilities to handle a fire extinguisher and having them in a resident room could expose these residents and others to safety hazards. This would also add additional costs that would again be passed on to the elder
- 2800.171. AED's in every emergency kit, would result in another expenditure of \$8,000 to ensure compliance.
- 2800.101(d) Kitchen Capacity Requirement- This requirement seems excessive for a facility such as ours that serves 3 nutritious meals in lovely dining room. Elders could continue to choose if they wanted to have microwaves and refrigerators, and facilities could be required to provide these items in a common area. It is unreasonable to ask facilities to make these additional expenditures to meet these regulations especially when the majority of those who already possess these items don't use them.
- 2800.101 (j) (1) A bed with a solid foundation and fire retardant mattresses that is in good repair, clean and supports the resident. This would prevent residents from bringing

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- their own beds and mattresses with them to the facility. Consider the impact this would have on the already difficult transition to living in a facility. A bed and mattress is a very personal choice and I feel we need to allow our elders to determine if they want to bring this with them, we want them to create home for themselves in our facility. Please give them a choice.
- 2800.16 (a) (3)- The adding of “illness” to the list of reportable incidents seems unnecessary, if the goal of ‘reportables’ is to keep the Department aware of unusual incidents. It is not unusual for this population to become ill.
- 2800.220 (c) (7) We feel that we do have a responsibility to coordinate escort services for residents, but that residents should have a right to determine if the escort would accompany them into the appointment.
- 2800.56 (a) and (b) These changes to the Administrator staffing are extremely restrictive and should be looked at in more reasonable manner. The requirement for an Administrator to be ‘in the residence’ an average of 40 hours, does not allow for required attendance at continuing education sessions and normal out of office time (vacation, holiday and sick time). The requirement for a facility to have 2 qualified administrators seems excessive and unnecessary. Administrators are generally available today through a wide range of communication devices, such as cell phones and computers. Staff can rely on their Administrator’s knowledge and expertise by phone or email, at any time and any place.
- 2800.22(b) The regulation regarding provision of written materials during the application process seems burdensome both to the facility and the applicant. The facility would be required to provide information to applicants who are strictly in the investigative phase, usually visiting a number of facilities to help them in the selection process. These materials could possibly be provided to those applicants who have established serious intentions for admission, when an application fee is paid.

Thank you for taking the time to listen to our concerns. Our goal is to continue to create home for our residents, while providing excellent resident care. Please look at these regulations in this light and do not tie the hands of facilities and individuals who are going to spend their precious time, energy and money on complying with regulations that are burdensome and excessive, when they could be caring for residents.

Sincerely,

Rebecca J. Weber  
Director of Health Care Services  
Garden Spot Village

Denise J. Hoak  
Director of Assisted Living  
Garden Spot Village