



Jewish Social Policy Action Network

Progressive voices for a healthy democracy

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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

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Dear Ms. Weidman and Chairman Coccodrilli:

The Jewish Social Policy Action Network (JSPAN) is very concerned that they proposed assisted living regulations #14-514 do not ensure that Pennsylvania's elderly and persons with disabilities can be safely served in a home-like setting.

The proposed assisted living regulations begin with the personal care home rules and overlay some changes to account for some of the differences between personal care homes and assisted living residences and some of the care needs of the residents they are intended to serve. The changes made thus far are critical and must be, by all means, preserved in the final regulatory package; they alone, however, are not enough to deliver on the promise of safely serving our loved ones in assisted living facilities.

Many more changes must be made to ensure that assisted living facilities are equipped, enabled, and accountable for providing all residents with quality care, provided by appropriate amounts of adequately trained staff, in a home-like setting that is safe, accessible, and stimulating.

Some ways in which the proposed regulations must yet be changed before becoming final rules for assisted living facilities include:

1735 Market Street, Suite #A417, Philadelphia PA 19103

215-635-2554

email: jspan@jspan.org

(Fax) 866-867-7604

JSPAN is a tax exempt non-profit Pennsylvania corporation. Visit our web site at www.jspan.org.

- Adding fundamental consumer protections that all Assisted Living residents and applicants deserve.
- Requiring consumers to have their needs assessed and a full picture of what the facility can or cannot do to meet the consumers' specific assessed needs - along with how much this will cost – prior to moving in to the facility and being made to sign a contract for residency and services.
- Mandating that all direct care staff complete a minimum amount of training hours (no less than the 77 hour core competency curriculum developed by the State Department of Labor and Industry) and be trained in first aid or CPR.
- Requiring all facilities (including buildings that exist as of the day the regulations take effect) to meet the best available standards or practices for fire safety and accessibility.
- Requiring enough direct care staff to ensure that at least 2 hours of care can be delivered to each resident each day but that the actual amount of direct care staffing to be based on the individual needs of the residents.
- Requiring all living units to be wheelchair accessible with no less than 250 square feet of living space, with no exceptions.
- Providing consumers with a right and a process to challenge a facility's decision to kick them out.
- Assuring the resident has a right to continue to use or otherwise choose their own healthcare providers, such as their doctor or psychiatrist.

JSPAN is also very concerned that not enough planning in the area of emergency preparedness is included in the proposed regulations. If we start planning just a few days or weeks or months before an emergency, it will be too late. Just a few of many issues and questions the regulations must address are:

- Require assisted living facilities to have an updated disaster recovery or continuity of operations plan that is tested and practiced.
- Encourage the staff at these facilities have a personal and family preparedness plan. If direct care workers do not have their families safe, how can they realistically be asked to concentrate on caring for their consumers while the safety of their loved ones remains uncertain?
- Ensure that health and other consumer records are not lost or inaccessible if there is a power failure, fire or other disaster.
- Consider requiring assisted-living facilities to have pre-planned contracts with fuel companies should they run out of back-up energy. After a hurricane in Florida, a nursing home was 15 minutes from expending its back-up fuel supply and the lives of their residents on dialysis and ventilators were at-risk.

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Thank you for considering our comments on this important matter.

Sincerely,

Brian Gralnick
Member, Board of Directors