

#2712



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September 15, 2008

Independence...Friendship...Respect

Independent Regulatory Review Commission

333 Market Street

14th Floor

Harrisburg, PA 17101

INDEPENDENT REGULATORY
REVIEW COMMISSION

Regulation I.D. #14-514 (#2712)

Dear Sirs:

We are writing this on behalf of our 2,000 employees and nearly 2,500 senior customers of Country Meadows Retirement Communities in Pennsylvania. We have been enthusiastic supporters of Act 56 and are pleased that Assisted Living has finally been legally defined in Pennsylvania.

As current providers of personal care, independent living, home care and skilled nursing care, we embrace the concept of assisted living and had hoped to be among the first providers in Pennsylvania of assisted living care.

We have reviewed the regulations published by the Department of Public Welfare and we have serious concerns about some aspects of the published regulations. We fear that, as these regulations are currently written, it is unlikely that providers will be willing to offer this new level of care.

We have five main areas of concern:

- **Licensing Fees (2800.11)** We believe that the proposed license fee would be the highest of any state in the nation. We suggest that a fee of about \$1,000 for a 100 bed facility would be reasonable (and we note that it would still be a twenty-fold increase versus the current personal care licensing fee).
- **Transfer and Discharge (2800.228)** The proposed regulation is unwieldy, very complicated and presents providers with potentially uncontrollable liability. Providers must have the right to determine whether they are able to safely care for a resident. If they deem the risk too great, they must have the right to discharge the resident to an appropriate care setting.
- **Informed Consent (2800.30)** The proposed regulation appears to be unnecessarily complex and presents providers with potentially uncontrollable liability. We support a process in which an Informed Consent agreement must be voluntarily entered by both resident and provider. If a provider assesses that they are not able to safely care for a resident, they should not be required to do so.

- **Supervision (2800.53,56,60,225, 227)** Primary concerns are the requirement for RN supervision and for Administrator presence in the AL residence at least 40 hours per week. These are not practical for assisted living. We suggest that a licensed nurse (not necessarily an RN) is very satisfactory to develop and review assessments and support plans for assisted living. We suggest that the Administrator's required presence in the ALR be reduced to 20 hours per week to permit visits to residents in hospitals and nursing homes, to facilitate meetings with families and to attend ongoing training and organizational meetings. Finally, active Nursing Home and Personal Care Home administrators should be grandfathered as qualified to take the AL Administrator test.
- **Square Footage (2800.101)** The current requirement of 250 square feet per living unit (excluding bathroom and closet) will make assisted living too costly for those of moderate means. We suggest that a minimum of 150 square feet would be a reasonable standard in line with other states with similar regulations.

Although we have identified other concerns with the proposed regulations, we see these as the five major issues. If these five could be satisfactorily resolved, Country Meadows would once again be enthusiastic about launching assisted living services in the Commonwealth.

Thank you for giving these concerns your consideration.

Yours very truly,

A handwritten signature in black ink, appearing to read "David C. Leader". The signature is fluid and cursive, with a large initial "D" and "L".

David C. Leader
Chief Operating Officer