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*Deceased

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August 26, 2009

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2009 AUG 31 AM 9:33

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Dear Mr. Coccodrilli:

Attached please find a copy of the comments CARIE submitted to the Department of Public Welfare, Office of Long Term Living regarding the proposed Act 44 & Miscellaneous Changes for Non-public & County Nursing Facilities regulations, Regulation No. 14-516. Should you need any clarification or have questions, please do not hesitate to contact me at (267) 546-3434 or menio@carie.org.

Respectfully submitted,



Diane A. Menio
Executive Director

More Than Thirty Years
30
in Service to the Elderly

Center for Advocacy for the Rights and Interests of the Elderly
100 South Broad Street, 1500 Land Title Building Philadelphia, PA 19110-1088
T: 215.545.5728 F: 215.545.5372 W: www.carie.org

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United Way
of Southeastern Pennsylvania

August 26, 2009

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INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: Proposed Regulation No. 14-516

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

Dear Ms. Weidman:

On behalf of CARIE, the Center for Advocacy for the Rights and Interests of the Elderly, I am submitting comments regarding the proposed Act 44 & Miscellaneous Changes for Non-public & County Nursing Facilities regulations, Regulation No. 14-516. CARIE's comments reflect a concern in regard to the proposed change to the Department of Public Welfare's bed hold or hospital reserved bed day policy.

CARIE requests that provisions be added to sections 1187.97, 1187.104, and 1189.103 (relating to limitations on payments for reserved beds) of the proposed regulations to require that facilities hold the resident's bed for the current maximum of 15 days even when facilities are not getting paid to do so. While Medicaid rules require that a resident be admitted to the next available bed, it does not require the facility to make the same bed available to the resident. To be able to return to the same bed at a facility is a quality of life issue for a resident who is hospitalized. Residents almost always prefer returning to the same room. Since the regulations propose stopping reserved bed day payments for facilities with low occupancy rates, it should not present a hardship for a facility to hold the same bed for a resident who is hospitalized. We simply ask that the proposed regulations be amended to include provisions to require facilities that will no longer receive reserved bed day payments to hold the resident's bed for 15 days as will be done for residents in facilities with high occupancy rates.

CARIE is a non-profit organization dedicated to improving the quality of life for frail older adults by working to protect their rights and promote awareness of their special needs and concerns. CARIE provides long term care ombudsman services to residents of 69 nursing facilities and personal care homes in north, west, south and central Philadelphia. It is through this experience that we know how important it is to allow residents to return to their rooms after a hospital stay.

We hope that you will incorporate this change into the final form regulations. Should you need any additional information, please contact me at menio@carie.org or (267) 546-3434. Thank you for the opportunity to provide comments.

Respectfully Submitted,



Diane A. Menio
Executive Director

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