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14-516



COMMUNITY LEGAL SERVICES  
OF PHILADELPHIA

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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AUG 28 2009  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

August 28, 2009

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

Re: Proposed Regulation No. 14-516

Dear Ms. Weidman:

I am writing, on behalf of the Aging and Disabilities Unit of Community Legal Services, Inc., to submit comments on the proposed regulations implementing Act 2008-44. The Aging and Disabilities Unit (formerly known as the Elderly Law Project) has a 25 year history of representing low income Philadelphia seniors in matters concerning access to and quality of health care, including long term care services. The rights of nursing home residents have traditionally been one of the unit's primary areas of focus, and CLS regularly provides legal advice and assistance to nursing home residents who are navigating transitions between the hospital and nursing facility. Our comments focus on the proposed change to the Department's policy on hospital reserved bed (or "bed hold") days.

We recommend that provisions be added to 55 Pa. Code §§ 1187.104 and 1189.103 to require the facility to hold the resident's bed for 15 days regardless of whether Medical Assistance is paying for a bed hold. Although residents have the right to be readmitted to the facility's next available bed even if payment has not been made to hold their bed, it is almost always very important to residents to be able to return to the familiar surroundings of their own room and bed. The medical literature on "transfer trauma" has documented that relocation can have negative physical and psychological effects on long term care residents, especially the frail elderly. Having the ability to return to their own bed after a hospitalization is important both to minimize the stress of relocation and as a quality of life issue for residents. Since the affected facilities are by definition those with low occupancy rates, it should not present a hardship for these facilities to hold the bed for a hospitalized resident.

We hope that you will incorporate this recommendation into the final form regulation. If you have any questions, please feel free to contact me at (215) 227-2400, ext. 2431 or [pwalz@clsphila.org](mailto:pwalz@clsphila.org). Thank you very much for your consideration of these comments.

Sincerely,

Pamela Walz  
Co-Director, Aging and Disabilities Unit

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