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A not-for-profit PHI Retirement Community  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

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BUREAU OF LTC PGMS  
REFER TO \_\_\_\_\_

September 10, 2008

Gail Weidman  
Office of Long-Term Care Living  
Bureau of Policy and Strategic Planning  
P.O. Box 2675  
Harrisburg, PA 17105

Dear Ms. Weidman:

Kirkland Village Assisted Living has been providing high quality health care and housing services to older adults in the Lehigh valley for 15 years. I am writing to you today to comment on the proposed Assisted Living Regulations. We believe that many of the proposed changes will jeopardize older adult's ability to access quality care at an affordable rate. Kirkland Village has the following concerns:

**Administrator staffing and Direct care staffing  
2800.56 and 2800.57**

The intent of this regulation as written appears to require a licensed administrator 24 hours per day/7 days per week which not only dramatically increases our costs, but is also well beyond the requirements of skilled nursing facilities. A more reasonable requirement is to have a qualified back-up in the case of an extended absence by the administrator. In addition, the requirement for 40 hours per week of on-site administrator is double the current requirement, higher than skilled nursing, and does not allow for any vacation or education time. The cost implication for Kirkland Village is \$12,686 which will reduce the number of residents able to receive charitable care. This will also reduce the number of direct care employees providing care for our residents.

**Pharmacy and Prescription Drug Accountability**

The facility should be permitted to dictate the manner in which prescription drugs are delivered and packaged by a pharmacy. The facility must be able to ensure the integrity of its medication administration regimen, and to deviate from that system is to pave the way for medication administration errors. Accordingly, if a pharmacy refuses to package prescription drugs in a manner consistent with the facility's operation, the facility should not be forced to accept drugs from that source. Kirkland Village recently completed a transition to a medication administration process that we feel improves the safety of medication administration, particularly when medications are administered by unlicensed staff.

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www.kirklandvillage.org

**Initial and annual assessment****2800.225**

This requirements requires an RN to complete the assessment and support plan which are not clinically necessary and is a mandate that simply increases the cost profile of delivering care. Kirkland Village provides a higher standard of care by ensuring completion and/or input by an LPN or MSW, so the additional cost of having an RN complete these versus the benefit is not balanced. For Kirkland, the impact of this regulation alone is \$65,000 which will dramatically increase costs to our residents or reduce the amount of charitable care we are able to provide.

**Dementia-specific training****2800.65(e) and 2800.69**

The intent of this regulation is consistent with Kirkland Village's practice of providing appropriate training on dementia, however, the requirement that dementia care-centered education be in addition to the already mandated educational requirement does not contribute to improved resident care. Dementia care education can easily be incorporated into the already robust educational requirement, not in addition to it. As this regulation stands, direct care workers are being asked to obtain more CEU's than RNs which is unnecessary and costly.

**Bundling of core services****2800.25c and 2800.220**

The portion of this regulation of most concern is the requirement to have all vehicles be handicapped accessible in order to provide transportation. Kirkland Village currently has one handicapped bus. We would not be able to provide transportation services if required to replace our other non-handicapped vehicles. The price tag for this conversion for Kirkland is an estimated 165,000 which would eliminate our ability to spend our dollars on other meaningful resident care and facility upgrades. The current complement of vehicles on our campus meets the needs of our residents.

**Discharge of Residents**

Kirkland Village must be permitted to maintain control over the transfer and discharge of our residents to ensure that residents are being appropriately cared for. The proposed regulation curtails that power, and inserts the Long-Term Care Ombudsman as an active participant. While we recognize the need for the resident to be able to access the Ombudsman, we feel it is inappropriate for the Ombudsman to take an active role in negotiations or in the disposition of informed consent agreements or in discharge proceedings. The Ombudsman should provide a counseling role for the resident, not act as a legal advisor.

**Licensing Fee****2800.11**

The dramatic increase in the licensing fee is an administrative cost that does not have a direct effect on improving care provided to residents, and will serve to decrease care due to our having to either cut resources and charitable care or increase costs to residents. The price tag for Kirkland Village is \$7,222 per year.

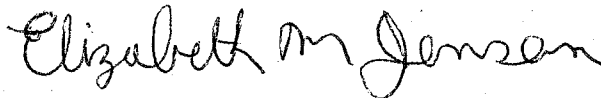
**First aid kits**

**2800.96 and 2800.171**

These two requirements appear to mandate an AED in each first aid kit and in each vehicle. Kirkland Village provides more than the regulatory-required number of first aid kits and AEDs because we believe that will enhance resident care. However, if we are required to provide AEDs in all first aid kits, we will have no choice but to reduce the number of first aid kits in our building. In addition, the requirement to have an AED in each vehicle would cost Kirkland Village an additional \$13,500. This would reduce our ability to provide needed transportation services.

The overall impact of these regulations needs to be evaluated to determine if Pennsylvania's seniors will have greater access to the services they need, as was the intention of the Assisted Living Licensure Act. Thank you for your time and consideration to this matter. If you have specific questions, please do not hesitate to call me at 610 691 4500.

Sincerely,



Elizabeth M. Jensen, MSW  
Assisted Living Administrator

CC: Kim Kaufman, Executive Director  
Independent Regulatory Review Commission