

# CARIE

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\* Deceased

May 28, 2010

Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
333 Market St., 14<sup>th</sup> Floor  
Harrisburg, PA 17101  
Via email: [irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)

RE: Assisted Living Residences, DPW Final-Form Regulation #14-514 (#2712)

Dear Mr. Coccodrilli:

I am writing on behalf of CARIE, the Center for Advocacy for the Rights and Interests of the Elderly, to request that the Independent Regulatory Review Commission (IRRC) approve the Assisted Living Residences, DPW Final Form Regulation #14-514 (#2712) scheduled for a vote on June 3, 2010. 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 needs and concerns. CARIE provides long term care ombudsman services to residents in about 150 nursing facilities and personal care homes in north, west, south and central Philadelphia so we understand the impact these regulations will have on consumers.

While we are supportive of the regulations being approved, we still have numerous concerns that are documented in the comments submitted during the proposed rulemaking stage as well as those identified by the Pennsylvania Assisted Living Consumer Alliance (PALCA). Some concerns relate to inherent flaws in Act 56 of 2007 that we understand can not be adequately addressed in the final regulations such as the informed consent process, the lack of appeal rights for residents, and the limitations a residence may place on who can provide health or supplemental health care services. Other issues related to the health and welfare of residents also fall short in the final regulations. For example, the regulations should better reflect higher staffing and training standards to ensure quality care in assisted living residences. We are also still concerned about the role of the ombudsman in the informed consent process involving “incompetent” residents.

However, overall we do believe that the final form regulations will offer residents a better standard of care than available in a personal care home as well as the framework to provide residents the opportunity to “age in place.” CARIE is also particularly pleased to see the clear concise delineation of resident rights as outlined in Appendix A. This list will serve as an important tool in educating residents and their families about their rights.



**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](http://www.carie.org)



The Department of Public Welfare had the formidable task of drafting regulations that are responsive to the needs of consumers and providers. The final form regulations reflect important improvements from the proposed regulations. CARIE encourages the IRRC to approve the regulations. Should you have any questions or need additional information, please contact me at 267-546-3434 or [menio@carie.org](mailto:menio@carie.org).

Sincerely,



Diane A. Menio  
Executive Director

cc: Honorable Patricia Vance, Chairman, Senate Public Health & Welfare Committee  
Honorable Vincent Hughes, Minority Chairman, Senate Public Health & Welfare Committee  
Honorable Phyllis Mundy, Chairman, House Aging & Older Adult Services Committee  
Honorable Tim Hennessey, Minority Chairman, House Aging & Older Adult Services Committee  
Jennifer Burnett, Deputy Secretary, Office of Long-Term Living, Department of Aging  
Elaine Smith, Bureau of Policy & Strategic Planning, Department of Public Welfare