



House Aging and Older Adult Services Committee
Informational Meeting on House Bill 2291

June 20, 2018

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Good morning Chairman Hennessy, Chairman Samuelson and distinguished members of the House Aging Committee, my name is Anne Henry and I am the Senior Vice President and Chief Government Affairs Officer for LeadingAge PA. Thank you for inviting me to testify today.

LeadingAge PA is a statewide association representing nearly 350 not-for-profit providers of long-term care and senior services. Our members operate Continuing Care Retirement Communities (CCRCs); government subsidized affordable housing units for seniors; market rate independent living units in settings such as apartments, cottages and villas; nursing facilities; personal care homes; assisted living residences and a variety of home and community based services.

Today, I am here to present our full support of House Bill 2291 which would ensure that individuals living in independent living settings are able to age in place. The Governor and his administration have often said that they support the concept of aging in place; however, recent activities by the Department of Human Services (DHS) surveyors appear to be contrary to this philosophy. Mr. Dickson will outline what occurred at the CCRC that he operates in Westmoreland County during his testimony. I believe he will demonstrate why HB 2291 is necessary so that DHS does not force seniors into personal care homes at a higher cost unnecessarily when they can safely continue to live in an independent living setting. Also, he will explain why independent living providers don't meet the criteria to unnecessarily obtain a personal care home license.

LeadingAge PA believes HB 2291 would protect the privacy and dignity of seniors who have chosen independent living settings, such as a CCRC or housing complex, to age in place as long as they can safely do so. We support House Bill 2291 because it promotes the ability of seniors to make these important choices about their homes and allows them to live with purpose and meaning, which are part of LeadingAge PA's vision for senior services and are values that our members strive to honor in all of their programs.

I would like to take a few minutes to describe the independent living settings as outlined in HB 2291. It is our belief that these settings do not meet the criteria that would require that they be licensed as personal care homes.

To begin, CCRCs are available in many areas of the country and are prevalent in Pennsylvania, having been pioneered here as a communal living option for seniors that typically offers both

meals and lodging together with nursing services, medical services or other health-related services, usually in a campus setting. In practice, this means that most CCRCs offer independent living units, a personal care home or assisted living residence, and a nursing facility. In Pennsylvania, CCRCs are required by statute to obtain a certificate of authority from the Department of Insurance. In addition, the personal care home or assisted living residence must maintain a license from the Department of Human Services and the nursing facility must maintain a license from the Pennsylvania Department of Health. Further, if a resident decides to purchase home health or home care services, these agencies are licensed by the Department of Health.

CCRCs in Pennsylvania are required to provide to each resident a disclosure statement which, among other things outlines the services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care is furnished. The disclosure statement describes which services are included in basic contracts for continuing care and which services are made available at or by the facility at extra charge. Financial disclosures are also required as well as a copy of the provider's standard form or forms of contract - or resident's agreement - for continuing care. Resident's Agreements outline the services to be provided by the CCRC and the rights and responsibilities of the resident. These documents describe the circumstances that would prompt and the processes that would govern a move to a higher level of care.

Additionally, in a poll of our members and in discussing CCRCs with our colleagues in other states, most CCRCs have some sort of emergency response system in their independent living units that affords seniors who are capable of residing independently, safety and security if something unfortunate happens. As a practical matter, usually when an individual activates the emergency response system, it is done in error or is due to a maintenance issue such as a clogged sink. Only in limited cases is the emergency response activated due to a healthcare emergency or need. There is no consistency over which staff of the CCRC respond to the emergency response system.

Multifamily housing units that are funded by state and federal taxpayer dollars are another setting where seniors are aging in place without oversight of DHS surveyors. Many housing programs funded through the U.S. Department of Housing and Urban Development (HUD) recognize the importance of a supportive services component and sanction service coordinators in these housing settings. Through the assistance of service coordinators, many individuals residing in affordable housing settings are able to access community-based services that are designed to help them stay longer in their housing – aging in place, and avoid more expensive nursing homes likely paid for by the Medical Assistance program since many of these households have income that falls below the federal poverty guidelines.

Additionally, the Pennsylvania Housing Finance Agency has long-recognized the value of supportive services and incorporates supportive services programs in many of its housing properties. HB 2291 would recognize and protect these innovative and important affordable housing programs from unnecessary, unaffordable licensure as personal care homes.

Many Living Independence for the Elderly or LIFE programs in Pennsylvania have found it advantageous to build or partner with affordable housing providers for shelter for their participants. While I can't speak for all of these housing arrangements, a few that I have visited have emergency response systems designed to alert the LIFE provider should a need arise. It should be noted that the individuals in the LIFE program have been assessed as nursing facility clinically eligible – a higher bar than personal care home residents, yet they are living independently.

The final independent living setting in HB 2291 is that of settings privately leased or rented to individuals. Sometimes these settings are limited to individuals over a certain age and may take on different forms. For instance, our members rent apartments, cottages and villas under these types of arrangements. The individuals who live there as they age may require health or home care services. When they find themselves having these needs they independently contract with a licensed home care or home health care provider or reach out to family for assistance.

In all of the settings mentioned above, seniors are living where they chose to live and they are safely aging in place. We urge passage of HB 2291 so that these individuals can continue to do so without living in fear that DHS will force them to move or require their housing provider to become a personal care home unnecessarily.

Thank you for allowing me to testify today. I would be happy to take any questions you may have.