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August 15, 2010

New regulations may make assisted living a better option for some

A long term policy goal of the Pennsylvania legislature was realized in July, 2010 when the final form Assisted Living Regulations were published. The regulations take effect in January, 2011, implementing a 2007 law passed by the Pennsylvania legislature. These regulations also allow Pennsylvania to apply for a Home and Community Based waiver to permit Medicaid to assist in paying for care in an Assisted Living facility, potentially opening the door to an intermediate level of care for persons who cannot afford to pay for this care privately.

Currently, in Pennsylvania, persons who require assistance with their care have several options. Most people would prefer to “age in place,” preferably in their own homes. However, sometimes the extent and type of medical issues, and lack of a ready and willing caregiver, make it impossible for someone to stay in their own home. For example, an elderly man with dementia problems may be fairly strong physically, but is unable to stay home without full time caregivers. His wife may not be able to manage to care for him, or he might not have someone who lives with him. Paying for caregivers to stay with him 24 hours a day is expensive, and still may not provide this gentleman with the type of care that he needs, including structured activities and socialization opportunities. Most people think that the only alternative is a nursing home, which while providing safety and structure, may still not meet this gentleman’s needs in the best, least restrictive environment.

There are many people who may no longer be able to function in an independent living setting, but also do not require expensive nursing home care. For these persons, an Assisted Living facility may be the answer. Pennsylvanians want a more home-like setting where they can “age in place,” and obtain nursing facility level of care when and as it is needed. Until these new regulations, there was no separate licensure status for Assisted Living Facilities. All such facilities are currently regulated under the Personal Care home regulations, which do not permit provision of nursing facility level of care, and were designed on a model intended to provide a lower acuity level of care than the Assisted Living facilities and their residents would like to see in place.

The purpose of the new regulations which implement Act 56 (the 2007 law) is to “allow people to age in place, maintain their independence and exercise decision-making and personal choice.” An additional purpose was to provide “a significant long-term care alternative” to Pennsylvanians and to “ensure a balance of availability between institutional and home-based and community-based long term care for adults who need such care” (Act 56-Legislative findings and declarations). In this way, adults who require some assistance with their care can live in a home-like setting with other like minded adults, safely and less expensively than in a nursing home, which is of necessity a much more institutional setting.

An important part of this development is the Pennsylvania’s plan to submit an application by August 31, 2010 to the Centers for Medicare and Medicaid (CMS) for a waiver to allow Medicaid to help pay for care in an Assisted Living facility. This gives more persons options when financial concerns are the reason for not being able to choose where one “ages in place.” Stay tuned for more developments as these new regulations are implemented.