



**TESTIMONY OF JEREMY J. ADLON ON BEHALF OF THE PENNSYLVANIA
ASSISTED LIVING ASSOCIATION**

HOUSE AGING AND OLDER ADULT SERVICES COMMITTEE

Wednesday, November 20, 2013

Good Morning Chairman Hennessey and members of the Committee. I am Jeremy Adlon and I am the Executive Director of the Pennsylvania Assisted Living Association. I appreciate the opportunity to testify before the Committee today and engage in a conversation about an extremely important topic: elder and senior abuse.

The Association represents over 160 personal care homes and assisted living residences throughout the Commonwealth. Our members include communities operated by small independent owners and by companies that operate nationally.

Personal care homes and assisted living residences play a vital role in the continuum of senior care in Pennsylvania. Seniors residing in our communities enjoy the support system of caregiver staff and the freedom of self determination - key tenets of person centered, individualized care.

PALA understands the constant demands faced by caregivers in private settings, in licensed personal care homes and in assisted living communities and the stresses and strains that arise from the provision of daily care to our senior citizens. But there simply can be no tolerance for neglect and/or abuse of a senior citizen in any setting under any circumstances at any time. Senior abuse cannot be tolerated. In all settings, in all areas of the state, one senior suffering emotional, physical, or social abuse is one too many.

PALA works with the Departments of Public Welfare and Aging to educate our membership on what constitutes senior abuse, reporting senior abuse, and the drastic consequences of any senior suffering abuse in one of our Communities.

Pennsylvania has developed robust and effective oversight of our elder citizens that includes monitoring and reporting of alleged abuse and/or

neglect and that involves the Department of Public Welfare's Bureau of Human Services Licensing, the Department of Aging's Ombudsman Program and the 52 Area Agencies on Aging, and the Office of Attorney General. Indeed, I refer the Committee to DPW's Regulatory Compliance Guides for Personal Care Homes and Assisted Living Communities. The Guidelines provide personal care homes and assisted living communities with clear and precise instructions regarding compliance with applicable statutes and regulations and that include most specific requirements governing the avoidance and reporting of neglect and abuse.

We cannot be too vigilant about avoiding, detecting, reporting and addressing abuse and neglect. I do want to make a distinction, however, between the provider that causes or facilitates abuse and a rogue employee that commits abuse or neglect DESPITE all reasonable efforts by the provider to protect their residents. Good care is delivered privately and with dignity in assisted living and personal care. An employee can cause emotional or physical harm behind that closed door despite proper criminal background checks, proper training, and proper supervision. When the investigation yields these instances, the real perpetrator, the employee, should be charged to the maximum extent of the Law. But what about the provider in that situation? A provider should be held harmless if no violations or role in the episode is identified. That is not the case now, to not do so causes initial reluctance to report possible abuse, and, the practice can ironically contribute to abuse going unreported.

Also, oftentimes, casual remarks lead to hours and hours of investigation. Other states, like our neighbor Ohio, formally recognize that their licensed ALR providers are care professionals trained in identifying abuse. When casual comments are first made that could technically meet the definition of an allegation, a caregiver commenting on an unusual bruise by saying, "I don't know, maybe somebody hit her" or a Memory Care resident, commenting about harm in a language and tone that is highly suspect of being a product of their illness, Ohio permits their licensed provider to initially investigate and deem the allegation substantiated or unsubstantiated.

If the latter, a report is completed and available at annual inspection. If substantiated, it is formally reported immediately to APS and the licensing agency. This recognition of licensed provider capability, saves hundreds and hundreds of hours of manpower and undue stress, on confused residents particularly, and is offered for consideration.

I appreciate the opportunity to testify today. While brief, I would ask you to remember that PALA strongly condemns senior abuse, along with remembering the report and inspection requirements of DPW's Bureau of Human Services Licensing, and other state agencies.

PALA would be more than happy to share more thoughts and suggestions moving forward. The best opportunity to do that, would be at our Communities. We invite you, each member on this Committee, to visit any personal care home or assisted living residence in your district. Many of you have been to a Community. For those that have not, we welcome you to set up a visit. You will be able to see firsthand what exactly constitutes personal care and assisted living, get an idea on what the regulations entail, and meet the residents and caregivers. To best understand this vital component of senior living, you need to walk the halls of the Community.

Why walk the halls? Because this is our future. Personal care and assisted living remain a key option on the continuum of care throughout the state. With the baby boomer generation becoming a key demographic of those living in our Communities, personal care homes and assisted living residences are expected to grow in the years ahead. We welcome you to be a part of that discussion, and your input will continue to be most welcome and appropriate.

Thank you for the opportunity to testify.