

**TESTIMONY OF MICHAEL R. WYLIE, NHA
VICE PRESIDENT OF DEVELOPMENT GENESIS HEALTHCARE
CENTRAL AND SOUTHERN REGIONS
BEFORE THE HOUSE AGING & OLDER ADULT SERVICES COMMITTEE**

OCTOBER 11, 2007

Introduction

Chairwoman Mundy and members of the House Aging and Older Adult Services Committee, I appreciate the opportunity to testify about a matter which I take very seriously – treatment of residents in nursing and personal care home facilities.

My name is Michael Wylie and I currently serve as the Vice President of Development for the Central and Southern regions of Genesis Health Care. Genesis HealthCare is one of the nation's largest long term care providers with over 210 skilled nursing centers and assisted living residences in 12 eastern states operating under the Genesis HealthCare trade name.

I have the oversight of managed and affiliated centers in Pennsylvania, New Jersey, West Virginia, Maryland, Virginia, Delaware and the Washington DC area. I have been with Genesis HealthCare since 1984 in several capacities including Administrator, Senior Administrator and Regional Director of Operations. I am very proud of our on-going commitment to quality care.

I am also the former Chair of the Pennsylvania Health Care Association on whose board I continue to serve and a member of the board of the New Jersey Health Care Association of New Jersey. I am also licensed as a Nursing Home Administrator both in Pennsylvania and Massachusetts.

Position Regarding Incidences of Abuse

Without hesitation, I can state unequivocally that Genesis HealthCare does not condone or tolerate ANY instances of neglect or abuse such as what transpired in Carbondale. Genesis takes very seriously the trust relationships established with the residents and their families when a resident and/or their family decides to use our services.

Where instances of abuse or neglect are identified we believe in immediate, effective and swift action. We believe that where the responsible party is identified there should be consequences for that party so as to ensure proper protection for our residents.

It is our belief that incidences such as these are not the sole responsibility of just one of the parties involved in the care of our elder community but the concern and responsibility of every entity involved.

The resident's family or caretaker, state departments and elder care entities all have a part in the care of our elder community and must work together to see the proper administration of effective and responsive care.

Proposed Legislation

Thank you for sharing with me earlier this week several draft pieces of possible legislation which generally serve to help ensure the enhanced protection of our elderly residing in nursing homes, personal care homes and other settings. I would like to offer the committee some initial preliminary comments. PHCA would like to take the opportunity to review the legislation in greater detail and to consult with counsel. PHCA would also welcome the opportunity to work with the committee toward the finalization of the legislation.

Crimes and Offenses Amendment

Assuming that this does not conflict with federal regulations and it is clearly determined that the abuse is directly causally related to the negligent death of a dependent care person then the possibility of an enhanced sentence could be appropriate.

Health Care Facilities Act Amendment

Even if the definitions in this section do not conflict with federal regulations there is a need for greater clarity regarding the definition of what is considered a general complaint and some more consideration regarding the proposed timetable.

House Bill 423

Regarding HB 423 which would create the Long-Term Care Consumers Notification Act, we thoroughly endorse proper notification of consumers and potential consumers regarding the status of long-term care services. However some of the present language in the legislation is unclear and potentially duplicative of standards long term care providers currently observe. We will submit more detailed comments.

Older Adult Protective Services Act Amendment, Chapter 7

Concerning the possible amendment to Chapter 7 of the Older Adults Protective Services Act, again we endorse efforts to ensure the proper care of our elder community; however, the term "neglect" is not specifically defined within the context of the amendment.

Older Adult Protective Services Act Amendment, Definition of Facility

As to the conflict of interest provision, this must be sufficiently tailored so as not to encroach upon a physician's ability to possess an ownership interest in "any" facility. This is not to diminish the importance of "transparency" which is essential. Federal "Stark" legislation addresses these issues requiring some level of conformity of what is proposed.

Public Welfare Code Amendment, Onsite Investigations

I am in agreement with a proactive approach to onsite investigations. However, I believe the timetable presented in this amendment could be structured in a manner producing more effective results.

Conclusion

In consideration of the role of the different entities involved in the proper care of the elder community, we would welcome balanced legislation which effectively addresses the problem of elder abuse or neglect.

As stated earlier, Genesis has zero tolerance for such incidences of abuse and is more than willing to effectively address and eliminate such problems.

As a board member of the Pennsylvania Healthcare Association, PHCA would welcome the opportunity to be an active participant in the finalization of the wording of this legislation.

Chairwoman Mundy and members of the Committee, I thank you for your time and attention. I am willing to answer any questions regarding any statement made during my testimony.