



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**MAILING DATE:** MAR 07 2016

Ms. Kristin A. Ferge, Executive VP and Treasurer  
Ms. Joan Ferraro, Executive Director  
Brookdale Living Communities of Pennsylvania-ML, Inc.  
6737 West Washington Street, Suite 230  
Milwaukee, Wisconsin 53214

**RE:** Brookdale Mt. Lebanon  
1050 McNeilly Road  
Pittsburgh, Pennsylvania 15226  
License #: 432360

Dear Ms. Ferge and Ms. Ferraro:

On February 18, 2016, the Department of Human Services (Department) issued a notice of its intent to assess a fine for regulatory violations with 55 Pa.Code Ch. 2600 (relating to personal care homes) for the above personal care home.

Pursuant to 62 P.S. §§ 1085-1087 and 55 Pa.Code §§ 2600.261-268 (relating to enforcement), the Department hereby assesses a fine for the following uncorrected violations. Brookdale Mt. Lebanon continues to advertise as an Assisted Living residence on <https://www.brookdale.com/locations/pennsylvania/>.

55 Pa.Code Chapter 2600 Section no.	Class of Violation	Census at Inspection	Fine Per resident Per day	Calculated Fine = Per day	Initial Fine Assessment
18	III	57	\$3	\$171	<u>\$2,565</u>

Total Fine Assessment for period of February 19, 2016 through March 4, 2016 = \$2,565.

The enclosed Invoice for Personal Care Home Fine specifies the total amount of the fines for the period following the Department's notice of intent to assess a fine. The invoice is payable within 30 days from the mailing date of this letter. The fines will continue to accumulate and will be recalculated at the end of each month until all violations are fully corrected. You must notify the Department's Regional Human Services Licensing office in writing as soon as each violation is fully corrected and submit written documentation of each correction. Even if you pay the full amount of this invoice, fines will continue to accumulate for each violation until you have provided written notice of full correction and the Department has verified that the violations are fully corrected.

In accordance with §2600.268 (relating to notice of violations), the personal care home administrator shall immediately post this written notice in a conspicuous and public place in the home, if this notice includes a Class I violation.

If you disagree with the decision to assess a fine, you have the right to appeal through hearing before the Bureau of Hearings and Appeals, Department of Human Services in accordance with 1 Pa.Code Part II, Chs. 31-35 and 62 P.S. §1086(f). If you decide to appeal, a written request for an appeal with a check made payable to the "Commonwealth of Pennsylvania" for the total monthly fine amount or \$500, whichever is less, must be received within 30 days of the mailing date of this letter by:

Jacob Herzing, Enforcement Manager  
Bureau of Human Services Licensing  
Department of Human Services  
Room 631 Health and Welfare Building  
625 Forster Street  
Harrisburg, Pennsylvania 17120

This decision to assess a fine is final 31 days from the date of this letter, or if you decide to appeal, upon issuance of a decision by the Bureau of Hearings and Appeals.

If you have any questions regarding this invoice please contact Kevin Brumbach, Human Services Licensing, at 717-783-3670.

Sincerely,



Matthew J. Jones  
Director

Enclosure

Personal Care Home Fine Invoice

# Personal Care Home Invoice

PA Department of Human Services  
 Bureau of Human Services Licensing  
 Room 631, Health and Welfare Building  
 625 Forster Street  
 Harrisburg, Pennsylvania 17120  
 Phone: 717-783-3670 Fax: 717-783-5662

**Assessment #:** W00056

**Invoice Date:** MAR 07 2016

**Bill To:**

Brookdale Living Communities of PA-ML, Inc.  
 6737 West Washington Street, Suite 230  
 Milwaukee, WI 53214

Re: Brookdale Mt. Lebanon  
 1050 McNeilly Road  
 Pittsburgh, PA 15226

**Contact Name** Kristin A. Ferge & Joan Ferraro

**License Number** 43236

Fine/Appeal	Description - 55 Pa.Code § 2600.	From:	To:	Fine Imposed	Line Total
Class III	18	2/19/2016	3/4/2016	\$2,565.00	\$2,565.00
<b>Invoice Total</b>					<b>\$2,565.00</b>

Please remit this portion with payment to ensure proper credit

Brookdale Living Communities of PA-ML, Inc.  
 6737 West Washington Street, Suite 230  
 Milwaukee, WI 53214

**Assessment #:** W00056

Re: Brookdale Mt. Lebanon  
 1050 McNeilly Road  
 Pittsburgh, PA 15226

**Please make checks payable to:**  
**Commonwealth of Pennsylvania**

**Remit to:**  
**Bureau of Human Services Licensing**  
**Room 631, Health and Welfare Building**  
**625 Forster Street**  
**Harrisburg, PA 17120**  
**Attn: Kevin Brumbach**

**Total Due** \$2,565.00

**Payment Enclosed**

cc: file - Open Fines

**LICENSING INSPECTION SUMMARY**  
**PERSONAL CARE HOMES - 55 Pa.Code §2600**

**Name of Facility / Type(s) of Service:**

Brookdale Lebanon

**Street Address:**

1050 McNeilly Road

**City:**

Pittsburgh, Pennsylvania

**Zip Code:**

15226

**License Number:**

43236

**Type of Inspection:** Document Review

**Reason(s) for Inspection:**

Interim

**Notice:** No

**On-site Inspection Dates and Department Representatives On-Site:**

**Off-Site Inspection Dates and Inspectors, if Applicable:**

January 29, 2016 – Jacob Herzing

**1. REGULATION: 55 Pa.Code § 2600.18**

A home shall comply with applicable Federal, State and local laws, ordinances and regulations.

**2. DESCRIPTION OF VIOLATION**

Pursuant to Act 56 of 2007 and 62 P.S. § 1057.3(i), "no person, organization, or program shall use the term 'assisted living' in any name or written material" unless the person, organization, or program is an assisted living residence licensed in accordance with 55 Pa.Code Chapter 2800 (relating to assisted living residences).

Brookdale Mt. Lebanon advertises assisted living services are provided via <https://www.brookdale.com>. Brookdale Mt. Lebanon is not a licensed assisted living residence.

**3. PLAN OF CORRECTION (POC)** (Attach pages as necessary. Remember that each attached page must be signed and dated) Include steps to describe the violation(s) described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.

*Please see attached.*

Printed Name and Title of Legal Entity Representative (Required on all pages)

*Christina Jones*

Signature of Legal Entity Representative (Required on all pages)

*Christina Jones, RCHA*

Date *3/26/16*

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

**Repeated Violation:**

**Repeated Violation Dates:**

The above plan of correction is approved as of *3/4/16*  
(Date)

The above plan of correction was approved by *JH*  
(Initials)

Plan of correction implementation status as of *3/7/16*  
(Date)

- Fully Implemented
- Partially Implemented – Adequate Progress
- Partially Implemented – Inadequate Progress
- Not Implemented

**Regulation 2600.18**

The home shall comply with applicable Federal, State and local laws, ordinances and regulations.

On February 22<sup>nd</sup>, 2016 the Director of Marketing Strategy for the Northeast Division, Brookdale Senior Living ("Brookdale") confirmed that the following actions were completed:

All Pennsylvania Brookdale Senior Living community web pages were updated to use the term "Assistive Senior Living".

- All national and brand level digital advertising (pay-per-click, retargeting and associated web landing pages) have been corrected to use the term "Assistive Senior Living" in Pennsylvania;
- On February 12, 2016 the ad copy in all existing ads targeted to Pennsylvania from National and Brand campaigns were changed to "assistive senior living", with the exception of the Community campaigns which are initiated by the individual communities using a template.
- Marketing campaign materials have been updated to provide communities with a drop down customization option for "Assistive Senior Living" on all customizable marketing pieces
- As of February 22, 2016, all of the Facebook pages for Brookdale communities located in Pennsylvania have been changed to unpublished pages as we are continuing to establish the manner and timeline to correct the language on the Facebook pages, which includes the "Assisted Living" descriptor.
- All advertisement campaigns pertaining to Brookdale personal care homes in Pennsylvania have been updated to use the language "Assistive Senior Living".
- The communities have changed templates for the Pennsylvania communities on their web pages, which is a simple template selection in the interface they use to upload that information when specialized marketing materials are generated at the community level.

Training:

All Pennsylvania communities were trained on their specific community calendars posted on [www.brookdale.com](http://www.brookdale.com), and how to self-select the appropriate Brookdale calendar template and not the assisted living calendar template. A training session was held on February 25, 2016, by the District Director Operations for Executive Directors and or designees in each Pennsylvania community pertaining to management of their external marketing communications/ brochures and changing community templates for web and Facebook applications.

Monitoring:

Executive Director or designee will review and approve all external marketing materials to verify for policy compliance and make changes as indicated. This includes brochures as well as monitoring compliance with the web sites.

Training Evidence: Attendance sheet from training

Completion Date: February 27, 2016

Christina Jones, PCHA  
~~Christina Jones, PCHA~~ 2/26/16