

Bureau of Human Services Licensing (BHSL)

Frequently Asked Questions about Human Service Licensing Applications and Process

January 10, 2013

Q: What kinds of human service licenses does the Bureau of Human Services Licensing (BHSL) issue?

A: BHSL issues licenses for the following human service facilities:

- Adult Training Facilities (55 Pa.Code § 2380)
- Vocational Facilities (55 Pa.Code § 2390)
- Personal Care Homes (55 Pa.Code § 2600)
- Assisted Living Residences (55 Pa.Code § 2800)
- Child Residential and Day Treatment Facilities (55 Pa.Code § 3800)
- Community Homes for Individuals with Mental Retardation (55 Pa.Code § 6400)
- Family Living Homes (55 Pa.Code § 6500)

Q: If I already have a licensed human services setting, may I “transfer” my license to another physical site or to someone else to operate?

A: **NO.** Please be advised that a legal entity may not begin to operate a human service setting until it has in its possession a license issued by the Department of Public Welfare, as per 62 P.S. § 1002. In accordance with 62 P.S. § 1009, all licenses issued by the Department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the Department, shall not be transferable, shall be issued only to the person for the premises and for the facility named in the application and shall specify the maximum number of individuals who may be cared for in the facility at any one time. The Department shall refuse to issue a license or shall revoke a license due to lending, borrowing or using the license of another, or in any way knowingly aiding or abetting the improper granting of a license, as per 62 P.S. § 1026(b)(3). Therefore, if a facility is operating without its own license, enforcement action may be taken by the Department.

Q: What will happen if I operate a human service setting without having a license?

A: If the Department receives complaint of an unlicensed operation, BHSL inspectors have the legal right to conduct an unannounced, onsite inspection at the facility. If the facility is found to be operating without a license, the operator will be fined and ordered to cease operation. In cases where the residents of an unlicensed facility are at risk of death or serious injury, the Department may remove the residents immediately. **If a resident of an unlicensed facility suffers injury or death from neglect or mistreatment, the Department will refer the case to local, state, and federal law enforcement agencies for investigation.**

Q: When must a human service setting have a license to operate?

A: See table below.

Adult Training Facilities	The law requires that adult training facilities have a license from the Department of Public Welfare (Department) whenever there is a building or portion of a building in which services are provided to four or more individuals, who are 59 years of age or younger and who do not have a dementia-related disease as a primary diagnosis, for part of a 24-hour day, excluding care provided by relatives. Services include the provision of functional activities, assistance in meeting personal needs and assistance in performing basic daily activities.
Vocational Facilities	The law requires that vocational facilities have a license from the Department of Public Welfare (Department) whenever there is a premise in which rehabilitative, habilitative or handicapped employment or employment training is provided to one or more disabled clients for part of a 24-hour day.
Personal Care Homes	The law requires that personal care homes have a license from the Department of Public Welfare (Department) whenever 4 or more people with personal care needs and are unrelated to the operator live in the home. It does not matter if the home is providing personal care or assisted living services; if 4 of the people who live in the home need personal care or assisted living services, then the home must be licensed.
Assisted Living Residences	The law requires that assisted living residences have a license from the Department of Public Welfare (Department) whenever 4 or more people with assisted living needs and are unrelated to the operator live in the residence. It does not matter if the residence is providing assisted living services; if 4 of the people who live in the residence need assisted living services, then the residence must be licensed.
Child Residential and Day Treatment Facilities	The law requires that child residential and day treatment facilities have a license from the Department of Public Welfare (Department) whenever a premise or part thereof, is operated for a portion of a 24-hour day or in a 24-hour living setting in which alternative education, and/or intervention or support programs, and/or care is provided for one or more children to prevent a child's placement in a more restrictive setting and/or to facilitate a child's reunification with his/her family, and who are not relatives of the facility operator.
Community Homes for Individuals with Mental Retardation	The law requires that community homes for individuals with mental retardation have a license from the Department of Public Welfare (Department) whenever there is a building or separate dwelling unit in which residential care is provided to one or more individuals with mental retardation. Each apartment unit within an apartment building is considered a separate home. Each part of a duplex, if there is physical separation between the living areas, is considered a separate home.
Family Living Homes	The law requires that family living homes have a license from the Department of Public Welfare (Department) whenever there is a private home of an individual or a family in which residential care is provided to one or two individuals with mental retardation. The term does not include a home if there are more than two individuals, including respite care individuals, living in the home at any one time who are not family members or relatives of the family members. If relatives of the individual live in the home, the total number of people living in the home at any one time who are not family members or relatives of the family members may not exceed four.

Q: How do I apply for a human service license to operate a human service setting?

A: A completed application is needed for each human service setting that is to be licensed. Application forms and a helpful checklist (which lists all documentation which must be included with the application) can be found on the BHSL web site under the link titled "Human Services Licensing Application for Licensure." Providers must fill out the application in its entirety, and attach all applicable supporting documentation needed – such as a certificate of occupancy for the physical site to be licensed, corporation papers, proof of non-profit status, fictitious name approval documentation, foreign business documentation, and an application fee. If any documentation is missing or incomplete, it will be returned to the provider and will need to be corrected and re-submitted.

Q: If I am applying for a human services license, do I also have to complete a civil rights compliance questionnaire?

A: **YES.** A civil rights compliance questionnaire must be completed for each human service setting application and sent to the local Bureau of Equal Opportunity (BEO) for review and approval. Addresses for the BEO regional offices can be found on the BHSL web site under the link titled "Human Services Licensing Application for Licensure." Once the BEO reviews your completed civil rights compliance questionnaire, they will send a written letter in response. BHSL will request a copy of this letter before the license is issued; approval from the BEO must be achieved before BHSL may issue a human service setting license.

If an applicant already has a licensed human service setting, they may NOT use the BEO approval letter for the current licensed facility (the letter will have the licensed facility's license number on it) and apply it to the new physical site listed on the application. Each licensed facility under BHSL must have its own approval from the BEO (BEO approval letters for new/not yet licensed facilities will have "new" or "not assigned" written on them where the license number is typically listed).

Q: I submitted my human services setting application for licensure – now what happens?

A: Once a completed application is received, a thorough review of the application, supporting documentation with the application, and the applicant is conducted. Written correspondence from BHSL is then sent to the applicant; a formal list of documentation needed for review is also provided. The applicant will need to submit all requested documentation to BHSL for review and approval. If there are items on the list that the applicant is unfamiliar with, the applicant should reference the regulation listed after it on the list; the regulation will tell what BHSL is looking for in terms of showing compliance with the regulation. Once the documentation has been reviewed and has been determined by BHSL to be in compliance with the applicable regulations, an inspection may be scheduled. Issuance of a license may then follow. New licenses will not be issued without applicants having successfully completed the application process – including application submission, policy review, and an onsite inspection.

Q: How long does it take for a new human service setting license to be issued?

A: IT DEPENDS. This answer is contingent upon the applicant – which means that issuance of a license depends on the applicant doing several things:

- How quickly the applicant responds to the information requests from BHSL (i.e. does it take the applicant a month to reply or only a few days?),
- Submitted documentation presentation (i.e. is the documentation labeled and in an organized manner, or does BHSL have to organize it and guess as to what each document is?),
- Quality of documentation submitted (i.e. is it in “final format” - does it meet the regulations or is more work needed in order for it to be determined compliant?).

Each one of these factors identified above can delay issuance of a license to a human service setting. It is the applicant's responsibility to learn and understand the regulations for the kind of facility it is applying for. BHSL will review the applicant's policies, but is not responsible for writing the applicant's policies for them.

Typically an average BHSL human service setting can achieve licensure **in at a minimum of 60 days**. This does not mean that after 60 days an application is automatically licensed, as if it were a “clock” per se. A human service setting achieves licensure when it has successfully satisfied all parts of the application process – no matter how long that takes – 60 days minimum or otherwise. All applications are treated the same; no preferential treatment is given. Applications and documentation are reviewed according to the date in which it was received. To help expedite the application, the applicant should focus on submitting quality documentation which is in compliance with the regulations, and submit it in a timely manner. This is the only way that the applicant can help to expedite their application – each step in the process must be satisfied before the application can move on to the next step in the process.

For applicants seeking licensure by December/January – please submit your application as early as possible – allow for longer than 60 days to achieve license issuance. BHSL typically receives an influx of applications at the end of each year; due to the sheer quantity of applications received and limited staff members to process them, applications will likely take longer to process during this time of the year than any other time of the year. Please plan accordingly; new licenses will not be issued without applicants having successfully completed the application process – including application submission, policy review, and an onsite inspection.

Q: Where can I find more information about BHSL or the human service setting application process?

A: BHSL's Operator Support Hotline can be used for questions, comments, suggestions and complaints. The Hotline phone number is: **1-866-503-3926**. BHSL's web site also has an abundance of information regarding each of the programs it licenses, as well as information regarding the human service setting application process. The Department of Public Welfare BHSL web site can be found here: <http://www.dpw.state.pa.us/provider/longtermcareservices>.