

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HUMAN SERVICES LICENSING
Assisted Living Residences (55 Pa.Code Chapter 2800)

Q/A - Regulatory Clarifications – May 2015

The clarifications and interpretations below will remain on the Department's web site until the information is included in the next updated Regulatory Compliance Guide (RCG).

Regulations: §§ 2800.25(a), (b) – Resident-Community Contract

§ 2800.25 –

(a) Prior to admission, or within 24 hours after admission, a written resident-residence contract between the resident and the residence must be in place. The administrator or a designee shall complete this contract and review and explain its contents to the resident and the resident's designated person if any, prior to signature.

(b) The contract shall be signed by the administrator or a designee, the resident and the payer, if different from the resident, and cosigned by the resident's designated person if any, if the resident agrees. The contract must run month-to-month with automatic renewal unless terminated by the resident with 14 days' notice or by the residence with 30 days' notice in accordance with § 2800.228 (relating to transfer and discharge).

Question: If a third party, such as a family member or outside agency, manages the resident's finances but does not use his/her own funds to pay for the resident's stay at the residence, must the third party sign the contract as a payer?

ANSWER: A person who merely manages a resident's finances does not have to sign the contract.

Regulations: §§ 2800.51, 52 – Criminal History Checks; Staff Hiring, Retention and Utilization

§ 2800.51 - Criminal history checks and hiring policies shall be in accordance with the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and 6 Pa. Code Chapter 15 (relating to protective services for older adults).

§ 2800.52 - Hiring, retention and utilization of staff persons shall be in accordance with the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and 6 Pa. Code Chapter 15 (relating to protective services for older adults) and other applicable regulations.

Question: Does a prohibitive offense committed when a potential employee was a juvenile prevent the now adult from working in a licensed assisted living residence?

ANSWER: No. If a Pennsylvania criminal background check shows that an individual was “adjudicated delinquent” as a juvenile, this does NOT count as a conviction for purposes of the Older Adults Protective Services Act (OAPSA) criminal background check rules.

Regulation: § 2800.65(h) – Staff Orientation and Direct Care Staff Person Training and Orientation

§ 2800.65(h) - Direct care staff persons shall have at least 16 hours of annual training relating to their job duties. The training required in § 2800.69 (relating to additional dementia-specific training) shall be in addition to the 16 hour annual training.

Question: May a direct care staff person complete the Department-approved direct care training course and competency test annually and have it count towards the direct care staff person’s annual training requirement each training year?

ANSWER: No. A direct care staff person may only complete and pass the Department-approved direct care training course and competency test one time. This training is intended only for new direct care staff persons working in a residence.

Although a direct care staff person may only complete and pass the Department-approved direct care training course and competency test one time, residences may print out the materials and use it as part of their annual training with supplemental training materials.

Regulation: § 2800.107(c) – Emergency Preparedness

§ 2800.107(c) - The residence shall maintain at least a 3-day supply of nonperishable food and drinking water for residents.

Question: If a residence is on public water, is the residence’s hot water tank acceptable to augment or fulfill the requirement for an emergency water supply?

ANSWER: No. The residence needs to have a 3-day supply of emergency water separate from the water in the residence's hot water tank.

Regulation: § 2800.227(h) – Development of the Final Support Plan

§ 2800.227(h) - If a resident or designated person is unable or chooses not to sign the final support plan, a notation of inability or refusal to sign shall be documented.

Question: Does a residence need to have two witnesses when notating that a resident either refused or was unable to sign the support plan?

ANSWER: NO; two witnesses are NOT needed when notating that a resident either refused or was unable to sign the support plan.

This officially rescinds the Department's March 2015 Q/A interpretation of this regulation.