

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF PUBLIC WELFARE**  
**BUREAU OF HUMAN SERVICES LICENSING**  
**Community Homes for Individuals with Mental Retardation**  
(55 Pa.Code Chapter 6400)

**Q/A - Regulatory Clarifications – October 2014**

*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).*

**Regulation: § 6400.103 – Evacuation Procedures**

*There shall be written emergency evacuation procedures that include individual and staff responsibilities, means of transportation and an emergency shelter location.*

**Question:** Should a home's Evacuation Procedures address a plan for evacuation if the home is located within 10 miles of a nuclear power plant?

**ANSWER:** Yes. If a home is located within 10 miles of a nuclear power plant, the home must include in its Emergency Preparedness plan a plan to evacuate to a location at least 10 miles from the power plant should an evacuation be ordered by emergency management officials.

**Regulation: § 6400.161(e) – Storage of Medications**

*(e) Discontinued prescription medications shall be disposed of in a safe manner.*

**Question:** Does BHSL have any guidance to offer relating to the Drug Enforcement Administration's (DEA) final rule regarding the disposal of pharmaceutical controlled substances in accordance with the Controlled Substance Act, as amended by the Secure and Responsible Drug Disposal Act of 2010 ("Disposal Act")?

**ANSWER:** The DEA's Disposal Act amended the Controlled Substances Act to allow ultimate users to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner. The goal of the Disposal Act is to encourage public and private entities to develop a variety of methods of collection and disposal in a secure, convenient, and responsible manner. The Act permits long term

care facilities including community homes for individuals with mental retardation to dispose of a current or former resident's pharmaceutical controlled substances. The Act provides additional options for disposal and does not prohibit any methods currently used by long term care facilities that are consistent with Federal, State, tribal, and local laws and regulations.

The community homes for individuals with mental retardation regulation at § 6400.161(e) already acknowledges that discontinued prescription medications are to be disposed of in a safe manner. The DEA's new final rule provides additional options for disposal and does not likely change the medication disposal methods which community homes for individuals with mental retardation have already been practicing under the 6400 regulations. Current acceptable medication disposal methods include:

- Adding a small amount of water to a solid drug, or some absorbent material such as cat litter, sawdust or flour to liquid drugs to discourage any unintended use of the drug.
- Double seal the container in another container or heavy bag to prevent easy identification of the drug container or to prevent a glass container from breaking.
- Any written disposal instructions by a pharmacist.

For more detailed information about additional options for safe medication disposal under the DEA's Disposal Act, see the web site here: <https://www.federalregister.gov/articles/2014/09/09/2014-20926/disposal-of-controlled-substances>.

The DEA also has a helpful document on its web site called "Disposal Act – Long Term Care Facility Fact Sheet," which can be found here: [http://www.deadiversion.usdoj.gov/drug\\_disposal/fact\\_sheets/disposal\\_ltcf.pdf](http://www.deadiversion.usdoj.gov/drug_disposal/fact_sheets/disposal_ltcf.pdf).

**Regulation: § 6400.191 – Definition of Restrictive Procedures**

*A restrictive procedure is a practice that limits an individual's movement, activity or function; interferes with an individual's ability to acquire positive reinforcement; results in the loss of objects or activities that an individual values; or requires an individual to engage in a behavior that the individual would not engage in given freedom of choice.*

**Question:** If an individual with a diagnosis of Autism is ordered a weighted vest to assist with decreasing self-stimulation, and the individual can remove the Velcro buckled straps him/herself, is this considered to be a restraint and/or require a restrictive procedure plan?

**ANSWER:** Yes; the use of the weighted vest would require a restrictive procedure plan and all applicable regulations would apply.