

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HUMAN SERVICES LICENSING
Family Living Homes
(55 Pa.Code Chapter 6500)**

Q/A - Regulatory Clarifications – April 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).

Regulation: § 6500.23(a)-(b) – Criminal History Record Check

§ 6500.23 –

(a) An application for a Pennsylvania criminal history record check shall be submitted to the State Police for individuals 18 years of age or older who reside in the home, prior to an individual living or receiving respite care in the home.

(b) If a person 18 years of age or older who resides in the home is not a Pennsylvania resident, an application for a Federal Bureau of Investigation (FBI) criminal history record check shall be submitted to the FBI in addition to the Pennsylvania criminal record check, prior to an individual living or receiving respite care in the home.

Question: Do the Older Adults Protective Services Act (OAPSA) requirements apply to household members 18 years of age or older such as a spouse or adult child of the primary caregiver in a Family Living Home? If the adult household member's criminal history record check indicates s/he has a prohibitive offense, can the individual with ID be served in the home? If during the renewal of a criminal history record check it is found the household member has a prohibitive offense, may the adult household member continue to reside in the home with the individual served?

ANSWER: Although the regulation at § 6500.23 requires a criminal history record check for household members 18 years of age or older, it does not specify that household members shall not have a prohibitive offense. It is to the discretion of the employer and their policies as to whether they want to contract with a family living home provider who has a household member 18 years of age or older with a prohibitive offense.

BHSL Licensing Representatives will review the home's policies on prohibitive offenses. It is strongly recommended that homes do not serve individuals in homes in which household member(s) 18 years of age or older have a prohibitive offense. While the regulation does not prohibit the

admission of an individual to a family living home with a household member who has a prohibitive offense, the agency remains responsible for the health, safety and well-being of the individual, including any harm that may be perpetrated by the offender.

Regulation: § 6500.77 – First Aid Materials

§ 6500.77 - Each home shall have antiseptic, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and syrup of Ipecac if any individual 4 years of age or younger, or an individual likely to ingest poisons, is served.

Question: Does the August 9, 2004 letter from former Deputy Secretary Kevin T. Casey still stand regarding the dismissal of syrup of epicac from the first aid kit contents?

ANSWER: Yes. The letter sent to community home and family living home providers from former Deputy Secretary Kevin T. Casey dated August 9, 2004 is still in effect. Syrup of epicac does not need to be included in the list of items required in a home's first aid kit.

Regulation: § 6500.125(c)(2) – Family Physical Examination

§ 6500.125(c) - The physical examination shall include:

(2) Tuberculin skin testing by Mantoux method with negative results every 2 years for family members 1 year of age or older; or, if a tuberculin skin test is positive, an initial chest X-ray with results noted. Tuberculin skin testing may be completed and certified in writing by a registered nurse or licensed practical nurse instead of a licensed physician.

Question: Can the T-Spot test be used for tuberculosis skin testing instead of the Mantoux method?

ANSWER: Yes. The T-Spot test is a blood test used for tuberculosis skin testing. It is FDA-approved and can be performed in one visit to a physician's office.