

**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 2016

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: § 6500.20(a) – Reporting of Unusual Incidents

§ 6500.20(a) - An unusual incident is abuse or suspected abuse of an individual; injury, trauma or illness of an individual requiring inpatient hospitalization; suicide attempt by an individual; violation or alleged violation of an individual's rights; an individual who is missing for more than 24 hours or could be in jeopardy if missing at all; misuse or alleged misuse of individual funds or property; outbreak of a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to reportable diseases); or an incident requiring the services of a fire department or law enforcement agency.

Question: What are some examples of "communicable diseases" as defined in 28 Pa. Code § 27.2 (relating to reportable diseases)?

ANSWER: In accordance with 28 Pa. Code § 27.2 (relating to reportable diseases), the following diseases, infections and conditions are reportable within 24 hours after being identified by symptoms, appearance or diagnosis:

Animal bite; Anthrax; Arboviruses; Botulism; Cholera; Diphtheria; Enterohemorrhagic E. coli; Food poisoning outbreak; Haemophilus influenzae invasive disease; Hantavirus pulmonary syndrome; Hemorrhagic fever; Lead poisoning; Legionellosis; Measles (rubella); Meningococcal invasive disease; Plague; Poliomyelitis; Rabies; Smallpox; Typhoid fever.

In accordance with 28 Pa. Code § 27.2 (relating to reportable diseases), the following diseases, infections and conditions are reportable within 5 working days after being identified by symptoms, appearance or diagnosis:

AIDS; Amebiasis; Brucellosis; CD4 T-lymphocyte test result with a count of less than 200 cells/ μ L or a CD4 T-lymphocyte percentage of less than 14% of total lymphocytes (effective October 18, 2002);

Campylobacteriosis; Cancer; Chancroid; Chickenpox (varicella) (effective January 26, 2005); Chlamydia trachomatis infections; Creutzfeldt-Jakob Disease; Cryptosporidiosis; Encephalitis; Giardiasis; Gonococcal infections; Granuloma inguinale; Guillain-Barre syndrome; HIV (Human Immunodeficiency Virus) (effective October 18, 2002); Hepatitis, viral, acute and chronic cases; Histoplasmosis; Influenza; Leprosy (Hansen's disease); Leptospirosis; Listeriosis; Lyme disease; Lymphogranuloma venereum; Malaria; Meningitis (All types not caused by invasive Haemophilus influenza or Neisseria meningitis); Mumps; Pertussis (whooping cough); Psittacosis (ornithosis); Rickettsial diseases; Rubella (German measles) and congenital rubella syndrome; Salmonellosis; Shigellosis; Staphylococcus aureus, Vancomycin-resistant (or intermediate) invasive disease; Streptococcal invasive disease (group A); Streptococcus pneumoniae, drug-resistant invasive disease; Syphilis (all stages); Tetanus; Toxic shock syndrome; Toxoplasmosis; Trichinosis; Tuberculosis; suspected or confirmed active disease; and Tularemia.

Regulation: § 6500.33(f) - Rights of the Individual

§ 6500.33(f) - An individual has the right to receive, purchase, have and use personal property.

Question: Are kitchens and refrigerators permitted to be kept locked or made inaccessible to individuals due to behavioral concerns?

ANSWER: Kitchens and refrigerators may not be kept locked. Homes may apply for a waiver of the regulation if an individual or individuals have a medical diagnosis (such as Prader-Willi; etc.) where this restriction would be necessary as per the individual's physician.

Regulation: § 6500.33(h) - Rights of the Individual; § 6500.70 - Telephone

§ 6500.33(h) - An individual has the right to reasonable access to a telephone and the opportunity to receive and make private calls, with assistance when necessary.

§ 6500.70 - A home shall have an operable telephone that is easily accessible.

Question: Are telephones permitted to be kept locked or made inaccessible to individuals?

ANSWER: Telephones may not be kept locked or made inaccessible to individuals at any time. Telephones need to be kept unlocked and accessible so that they can be used immediately in the event of an emergency. If a home is having an issue with an individual making excessive calls to 911, the home should apply for a waiver of regulation.

Regulation: § 6500.46(a) – Annual Training

§ 6500.46(a) - The adult family member who will have primary responsibility for caring for and providing services to the individual shall have at least 24 hours of training in the human services field annually.

Question: If internal policies are specific to the daily requirements of life sharing, can they still be considered training?

ANSWER: Training courses focusing on billing, as well as internal policies that are specific to the daily requirements of life sharing, do not constitute training relevant to human services.

Regulation: § 6500.70 – Telephone

§ 6500.70 - A home shall have an operable telephone that is easily accessible.

Question: Does telephone service need to be installed and/or operable prior to a provider moving into a new physical site?

ANSWER: Telephone service does not need to be operable prior to occupation of the new physical site. However, the home's telephone service must be operable at the time of admission of any individuals.

Question: Is a family living home required to have a landline telephone?

ANSWER: Yes, it is required. Homes must be equipped with a telephone that will work in the event of a power outage. If a landline telephone is cordless or web-based, a functioning cell phone must be present on the premises. A home may not only use a cell phone.

Regulation: § 6500.71 – Emergency Telephone Numbers

§ 6500.71 - Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center shall be on or by each telephone in the home.

Question: If an individual does not have the ability to contact emergency personnel, is it still required to have emergency telephone numbers posted on or by each telephone?

ANSWER: Emergency phone numbers should be posted on or by each telephone regardless if individuals in the home have the ability to contact emergency personnel. The posting of emergency telephone numbers also aids staff and visitors of the home in an emergency situation as well.

Regulation: § 6500.109(a), (b) – Fire Drills

§ 6500.109(a) - A fire drill shall be held at least every 3 months, until all individuals demonstrate the ability to evacuate within 2 1/2 minutes, or within the period of time specified in writing within the past year by a fire safety expert, without family assistance, or with family assistance if the individual is never alone in the home. The fire safety expert may not be a family member or employee of the agency.

(b) A fire drill shall be held at least every 6 months if all individuals have the ability to evacuate as specified in subsection (a).

Question: Do fire drills for family living homes need to be unannounced? May the family living provider both set off the fire alarm and participate in evacuating the individual(s)?

ANSWER: Fire Drills for family living homes do not need to be unannounced. The family living provider may both set off the fire alarm and participate in evacuating the individual(s).

Regulation: §§ 6500.121(a); 151(a) – Individual Physical Examination; and Assessment

§ 6500.121(a) - An individual shall have a physical examination within 12 months prior to living in the home and annually thereafter.

§ 6500.151(a) - Each individual shall have an initial assessment within 1 year prior to or 60 calendar days after admission to the family living home and an updated assessment annually thereafter. The initial assessment must include an assessment of adaptive behavior and level of skills completed within 6 months prior to admission to the family living home.

Question: Does BHSL allow any grace periods for completing physical exams or assessments?

ANSWER: Yes. "Annually" means at least once every 12 months. A 15-day flex or grace period is allowed for any item that has a time requirement of one year or more. This includes, but is not limited to:

- Individual physical evaluations (§ 6500.121)
- Documentation of evacuation times and fire-safe areas (§ 6500.109(a))
- Completion of ANNUAL Individual Assessments (§ 6500.151(a))

Unless there is a specific grace period or timeline specified in the applicable section, a 5-day flex or grace period is allowed for any item that has a time line of less than one year. This does **NOT** apply to the following:

- Conducting fire drills (§ 6500.109(b))

The grace period on timelines does NOT apply to INITIAL documentation or to the following regulations:

- Criminal history record checks (§ 6500.23)
- Fire safety training (§ 6500.110(c))
- Initial Individual physical evaluations (§ 6500.121(a))
- Initial assessments (§ 6500.151(a))
- Initial ISPs (§ 6400.152(d)(1))

Grace periods do not apply to initial documentation requirements for new admissions and new hires.

Regulation: § 6500.121(c)(7), (8) - Individual Physical Examination

§ 6500.121(c) - The physical examination shall include:

(7) A gynecological examination, including a breast examination and a Pap test for women 18 years of age or older, unless there is documentation from a licensed physician recommending no or less frequent gynecological examinations.

(8) A mammogram for women at least every 2 years for women 40 through 49 years of age and at least every year for women 50 years of age or older.

Question: If an individual has had a double mastectomy performed, is a doctor's order stating that mammograms are not necessary considered acceptable documentation for the individual to not have mammograms performed?

ANSWER: Yes; the home should also apply for a waiver of regulation. A copy of the doctor's order, assessment and ISP should be included with the home's waiver request.

Regulation: § 6500.138(a) - Medications Training

§ 6500.138(a) - Family members who administer prescription medications or insulin injections to individuals shall receive training by the individual's source of health care about the administration, side effects and contraindications of the specific medication or insulin.

Question: If an individual's physician is not available to provide training regarding the administration, side effects and contraindications of the specific medication or insulin, is the individual's pharmacist permitted to provide this training?

ANSWER: Yes. An individual's pharmacist is permitted to provide training regarding the administration, side effects and contraindications of the specific medication or insulin.