

Adult Residential Licensing

2009 ANNUAL REPORT

A Report on Licensed Personal Care Homes

**Commonwealth of Pennsylvania
Department of Public Welfare**

February 10, 2010

**ADULT RESIDENTIAL LICENSING
2009 ANNUAL REPORT**

TABLE OF CONTENTS

Introduction.....	1
Executive Summary.....	2
Characteristics of Personal Care Homes.....	3
Annual Trends.....	8
Resident Information.....	9
Inspections.....	10
Violations.....	11
Complaints.....	12
Incidents	14
Enforcement Actions.....	15
Administrative Fines.....	19
Waivers.....	20
Training and Technical Assistance.....	21
ARL Workload.....	22
Goals for 2010.....	23

Introduction

Personal care homes are residential facilities that provide personal care services, assistance and supervision to four or more adults who need such services.

The Department of Public Welfare's Adult Residential Licensing program protects the health, safety and well-being of more than 48,000 vulnerable adults who reside in personal care homes, through the formulation, application and enforcement of state licensing regulations. Each home is inspected by the state licensing agency at least once a year, and many homes are inspected several times a year.

This report describes the homes inspected and licensed, annual trends in the number of personal care homes, the needs of residents served in personal care homes, the types of violations found, the nature of complaints and incidents received and investigated, the types of enforcement actions taken and other Adult Residential Licensing activities in calendar year 2009.

In this report, personal care homes are referred to as "PCHs," or "homes," the Department of Public Welfare is referred to as "Department," and Adult Residential Licensing is referred to as "ARL."

The information in this report covers the period of January 1, 2009 through December 31, 2009.

Executive Summary - 2009

As of December 31, 2009, there were 1,424 licensed personal care homes in the Commonwealth of Pennsylvania. Of those, 1,003 were for-profit, and 421 were non-profit.

The total personal care home capacity on any given day in 2009 was 69,000, with the total number of persons served about 48,000. This constitutes an occupancy rate of 70% and a vacancy rate of 30%.

Residents who are 60 years of age or older made up 82% of all people served in a PCH. Residents with mental illness made up 16% of the people served. Residents with low income who receive the Supplemental Security Income (SSI) PCH supplement made up 18% of all people served in a PCH. Of the total number of homes, 59% served persons who receive SSI.

ARL completed 2,951 inspections. About 50% of all homes had more than one inspection.

A total of 18,873 regulatory violations were found during inspections, with an average of 11 violations found during each annual renewal licensing inspection. The most commonly found violations included improper documentation of medication administration, the inability to evacuate residents quickly in the event of fire or other emergency, the failure to keep poisons locked and inaccessible to residents and the failure to perform criminal history background checks on staff persons.

ARL received 1,441 complaints and 20,550 incident reports.

ARL issued 464 enforcement actions, most of which were Provisional (warning) licenses. Two of those actions were emergency closures in response to immediate life safety dangers.

ARL issued fines to 49 homes, for 133 regulatory violations and assessed \$1.2 million in fines.

ARL granted 74 regulatory waivers and denied 23 waivers. The most common waivers related to qualifications of direct-care staff (most due to staff holding a non-U.S. diploma) and ceiling height (lower than the required 7 feet).

ARL provided 129 hours of free training.

ARL's new County Coordinator program provided technical assistance to 121 homes between September 2009 and December 2009.

ARL's goals for 2010 include: maintain up-to-date licensing inspections, increase public access to licensing information, increase technical assistance to homes, continue enforcement actions against noncompliant homes, implement a licensing indicator system for highly-compliant homes, design a weighted rating system for all homes and bring homes in line with mandated building codes.

Characteristics of Pennsylvania's Personal Care Homes

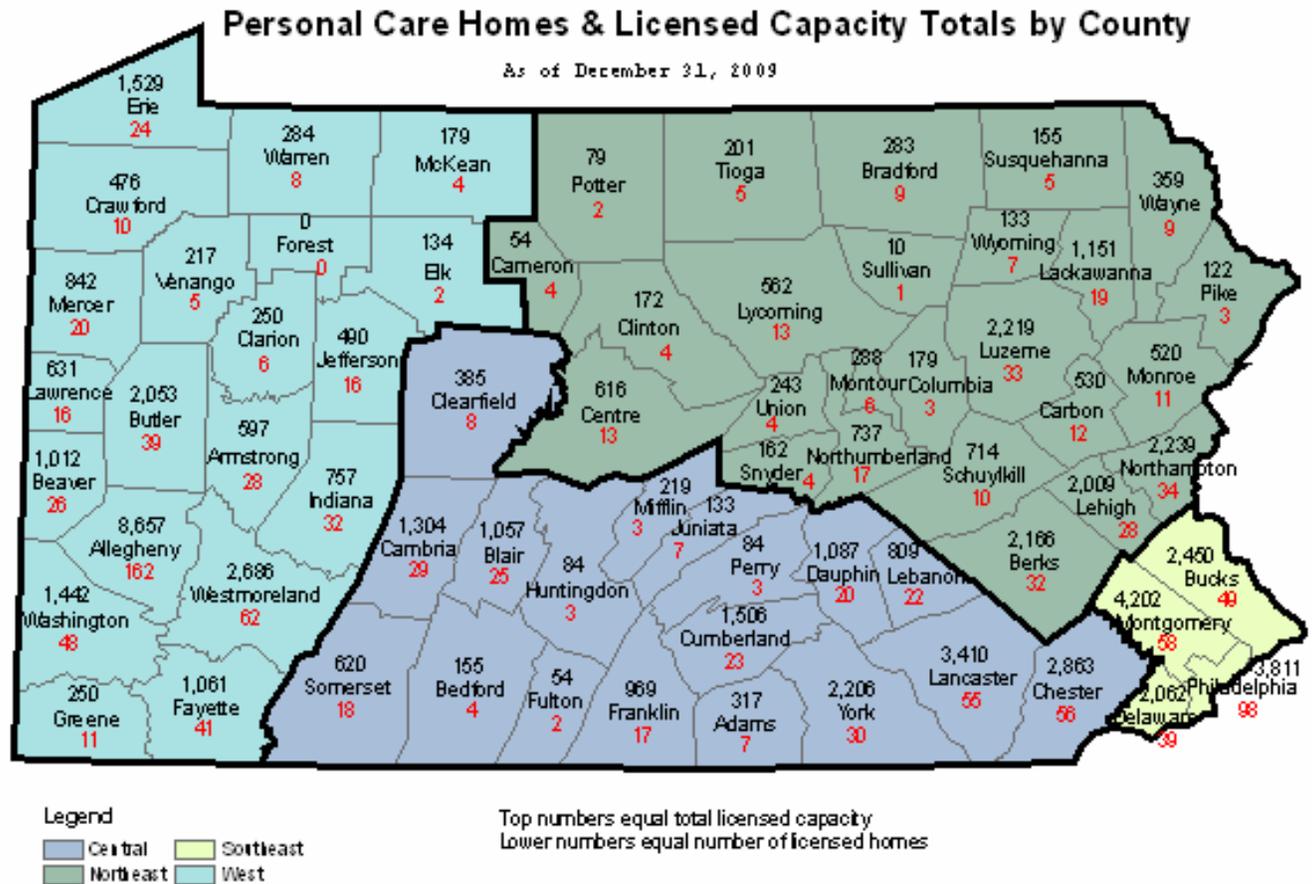
There are 1,425 personal care homes licensed in Pennsylvania. The exact number of homes changes as new homes open and other homes close.

Personal care homes vary in size. A PCH's maximum capacity is the highest number of people that can be served in the home and is indicated on the home's license. The smallest personal care home has a maximum capacity of 4 persons. The largest personal care home has a maximum capacity of more than 250 persons. The average maximum capacity of a personal care home is 49. The average number of persons served is 34.

Size of Personal Care Homes

Maximum Capacity	Percent of Homes in Size Range
9 People or fewer	14.7%
10 - 29 People	29.0%
30 - 50 People	20.1%
51 - 75 People	14.4%
76 - 100 People	11.0%
100 - 200 People	10.0%
Over 200 People	Less than 1%

Personal care homes are located in nearly every county in Pennsylvania. The following map shows the location of Pennsylvania's personal care homes.



The following table shows the number and description of homes by ARL Region.

Personal Care Home Demographic Information by Region

Region	Size	Profit	Non Profit	Total
Southeast	4-8	11	17	28
	9-29	50	32	82
	30>	70	64	134
Region Total		131	113	244
Northeast	4-8	17	5	22
	9-29	60	16	76
	30>	145	45	190
Region Total		222	66	288
Central	4-8	35	17	52
	9-29	62	18	80
	30>	106	94	200
Region Total		203	129	332
Western	4-8	84	14	98
	9-29	164	18	182
	30>	195	85	280
Region Total		443	117	560
State	4-8	147	53	200
	9-29	336	84	420
	30>	516	288	804
State Total		999	425	1,424

The following 2-page table shows the maximum capacity and the number of residents served in each of Pennsylvania's 67 counties.

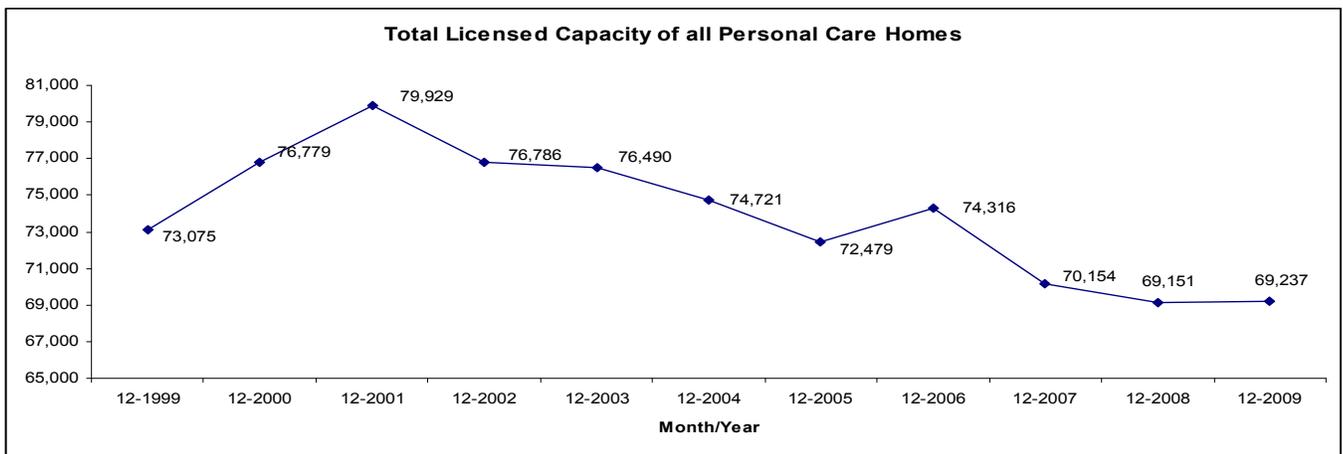
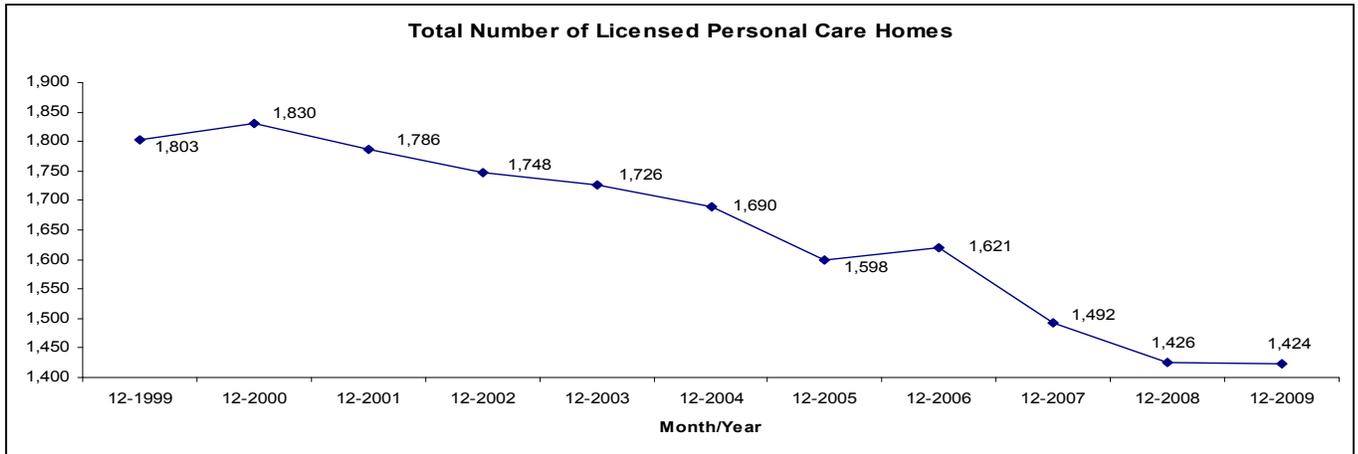
Capacity and Resident Information

County	Homes	Licensed Capacity	# PCH Residents	# SSI Residents	Homes w/SSI Res	4-8 Beds	9-29 Beds	30-99 Beds	100+ Beds	Profit	Non Profit
ADAMS	7	317	278	49	4	1	3	1	2	5	2
ALLEGHENY	162	8,657	6,045	941	93	23	43	71	25	118	44
ARMSTRONG	28	597	480	129	22	10	10	8	0	25	3
BEAVER	26	1,012	807	144	19	8	6	9	3	24	2
BEDFORD	4	155	133	24	4	1	1	2	0	4	0
BERKS	32	2,166	1,601	252	15	0	7	18	7	27	5
BLAIR	25	1,057	815	187	19	4	8	12	1	15	10
BRADFORD	9	283	225	76	7	0	6	3	0	8	1
BUCKS	49	2,450	1,801	117	17	5	11	27	6	22	27
BUTLER	39	2,053	1,284	157	29	5	13	16	5	29	10
CAMBRIA	29	1,304	933	178	18	1	8	19	1	22	7
CAMERON	4	54	44	25	3	1	3	0	0	2	2
CARBON	12	530	601	60	9	3	3	4	2	10	2
CENTRE	13	616	434	47	8	1	3	8	1	8	5
CHESTER	56	2,863	1,649	62	14	13	14	19	10	34	22
CLARION	6	250	145	32	5	1	1	4	0	3	3
CLEARFIELD	8	385	309	45	6	0	2	6	0	6	2
CLINTON	4	172	117	57	1	1	1	2	0	4	0
COLUMBIA	3	179	144	24	3	0	0	3	0	3	0
CRAWFORD	10	476	355	111	8	1	3	5	1	5	5
CUMBERLAND	23	1,506	1,032	73	16	5	2	10	6	9	14
DAUPHIN	20	1,087	842	134	11	7	0	11	2	5	15
DELAWARE	39	2,062	1,365	138	17	12	7	11	9	21	18
ELK	2	134	85	3	2	0	0	2	0	0	2
ERIE	24	1,529	1,008	144	15	1	6	10	7	15	9
FAYETTE	41	1,061	807	260	31	7	21	13	0	40	1
FOREST	0	0	0	0	0	0	0	0	0	0	0
FRANKLIN	17	969	546	55	8	3	4	6	4	9	8
FULTON	2	54	44	26	2	0	1	1	0	2	0
GREENE	11	250	185	95	10	1	6	4	0	11	0
HUNTINGDON	3	84	70	36	3	1	0	2	0	1	2
INDIANA	32	757	605	245	27	7	13	12	0	27	5
JEFFERSON	16	490	375	129	15	1	6	9	0	13	3
JUNIATA	7	133	120	48	5	3	3	1	0	7	0
LACKAWANNA	19	1,151	920	253	11	0	2	16	1	14	5
LANCASTER	55	3,410	2,416	415	37	6	11	25	13	28	27
LAWRENCE	16	631	403	108	13	3	4	8	1	11	5

County	Homes	Licenced Capacity	# PCH Residents	# SSI Residents	Homes w/SSI Res	4-8 Beds	9-29 Beds	30-99 Beds	100+ Beds	Profit	Non Profit
LEBANON	22	809	624	127	10	2	8	12	0	14	8
LEHIGH	28	2,009	1,439	164	13	1	5	14	8	22	6
LUZERNE	33	2,219	1,597	402	24	2	5	19	7	25	8
LYCOMING	13	562	347	78	7	1	6	5	1	8	5
MCKEAN	4	179	107	21	4	1	1	1	1	2	2
MERCER	20	842	455	59	12	7	3	7	3	14	6
MIFFLIN	3	219	172	12	2	0	0	3	0	2	1
MONROE	11	520	366	41	6	1	2	7	1	8	3
MONTGOMERY	58	4,202	2,720	79	14	3	9	31	15	27	31
MONTOUR	6	288	209	94	4	0	1	5	0	2	4
NORTHAMPTON	34	2,239	1,379	101	13	5	5	16	8	28	6
NORTHUMBERLAND	17	737	451	163	13	1	9	6	1	15	2
PERRY	3	84	46	18	3	1	1	1	0	2	1
PHILADELPHIA	98	3,811	2,409	1,090	74	8	55	26	9	61	37
PIKE	3	122	89	4	1	0	1	2	0	2	1
POTTER	2	79	36	10	2	0	0	2	0	1	1
SCHUYLKILL	10	714	485	60	5	0	3	5	2	9	1
SNYDER	4	162	133	47	3	1	1	2	0	4	0
SOMERSET	18	620	438	140	14	3	7	7	1	14	4
SULLIVAN	1	10	10	2	1	0	1	0	0	1	0
SUSQUEHANNA	5	155	134	20	5	0	3	2	0	5	0
TIOGA	5	201	129	44	5	0	1	4	0	2	3
UNION	4	243	162	21	4	0	1	2	1	2	2
VENANGO	5	217	176	95	4	0	1	4	0	3	2
WARREN	8	284	198	61	8	0	6	2	0	3	5
WASHINGTON	48	1,442	1,097	222	29	12	21	14	1	44	4
WAYNE	9	359	212	64	8	2	3	4	0	6	3
WESTMORELAND	62	2,686	1,899	257	32	10	18	28	6	56	6
WYOMING	7	133	102	24	6	2	4	1	0	6	1
YORK	30	2,206	1,618	159	18	1	7	13	9	24	6
TOTAL	1,424	69,237	48,262	8,558	871	200	420	623	181	999	425

Annual Trends

New personal care homes open and existing personal care homes close throughout the year. The Department issued licenses to 33 new homes in 2009. The following graphs show the number of licensed homes between 1999 and 2009, the capacity between 1999 and 2009 and the percent increase/decrease between each year.



*Excludes 20 homes operating pending appeal as of 1/1/09

Month/Year	Homes	Capacity	Percent Gain/Loss, Homes	Percent Gain/Loss, Capacity
December 1999	1,803	73,075	NA	NA
December 2000	1,830	76,779	1.50%	5.07%
December 2001	1,786	79,929	-2.40%	4.10%
December 2002	1,748	76,786	-2.13%	-3.93%
December 2003	1,726	76,490	-1.26%	-0.39%
December 2004	1,690	74,721	-2.09%	-2.31%
December 2005	1,598	72,479	-5.44%	-3.00%
December 2006	1,621	74,316	1.44%	2.53%
December 2007	1,492	70,154	-7.96%	-5.60%
December 2008	1,426	69,151	-4.42%	-2.46%
December 2009	1,424	69,237	-0.14%	0.12%

Resident Information

Just as personal care homes open and close throughout the year, the number of residents served in a PCH also changes. This change occurs because residents move into a home, stay for a certain time, and then leave the home. Data on persons who reside in personal care homes is not collected, but the Department collects a snapshot of the types of persons served during its annual inspections. The following information from December 2009 is representative of residents and their needs on any given day in calendar year 2009.

Residents in Pennsylvania Personal Care Homes

Total Capacity	69,237
Total Number of Persons Served	48,262
Occupancy Rate (Percentage of total capacity that is occupied)	70%
Vacancy Rate (Percentage of total capacity that is vacant)	30%

Snapshot of Residents by Age, Need and Income

Resident Description	Number	Percent of Total Served
Residents 60 Years of Age or Older	40,804	85%
Residents with Mental Illness	7,336	15%
Residents with a Mobility Need	7,769	16%
Residents with a Physical Disability	4,138	9%
Residents with a Dementia Related Illness	3,978	8%
Residents with a Developmental Disability	1,486	3%
Residents with low income who receive the Supplemental Security Income (SSI) PCH supplement	8,558	18%
Residents who pay privately or who are funded through a source other than SSI supplement	39,704	82%

Note: Percentages will not sum to 100% as many residents fall into more than one category

Inspections

There are three types of personal care home inspections completed by ARL: Full Inspection, during which all of the state licensing regulations are measured; Partial Inspection, during which a portion of the regulations are measured (completed in response to a complaint, a reported incident or an interim inspection); and Initial Inspection, during which all of the regulations that can be measured are measured in a new home that does not yet serve four or more people. ARL completed 2,951 inspections in calendar year 2009. More than 10 percent of the homes had more than one full inspection, and nearly half of the homes had at least one additional partial inspection.

Number of Inspections Completed

Type of Inspection	Number Completed
Full	1,572
Partial	1,346
Initial	33
All Inspections	2,951

Percentage of Personal Care Homes with One or Multiple Inspections

Number of Inspections	Percentage of Homes in Category
1 Inspection	53%
2-5 Inspections	43%
6-10 Inspections	3%
Over 10 Inspections	1%

Violations

While the numbers and types of regulatory violations found in PCHs vary from home to home, the following are the 10 most commonly found regulatory violations and the percentage of inspections during which the violation was found.

Ten Most Frequently-Cited Violations

Violation – 55 Pa.Code § 2600	General Description of Violation	Percent of Inspections Where Regulation Was Cited as a Violation
187a	Administration of medication is not properly documented	20%
82c	Poisons are not kept locked or inaccessible	18%
132d	Homes are unable to evacuate residents from the building quickly in event of fire or other emergency	12%
101j7	Resident bedrooms do not have safe nighttime lighting	10%
187d	The home did not follow the prescriber's instructions when administering medications to residents	10%
51/52	Homes not performing criminal background checks on staff	10%
252	Resident records are incomplete	10%
225c	Residents did not receive new assessments annually or after a significant change in condition	9%
95	Furniture and equipment in the home is unclean, damaged, or dangerous	9%
85a	Unsanitary conditions found in home	9%

Number of Violations Found

Number of Violations Found During Each Full Inspection	Percent of Inspections in Category
0 Violations	3%
1-10 Violations	55%
11-30 Violations	37%
31 - 50 Violations	4%
51 - 100 Violations	1%
Over 100 Violations	0%

Total number of regulatory violations found (for all homes) = 18,873

Average number of violations found per home in full inspections = 11

Complaints

Adult Residential Licensing investigates all complaints of a potential regulatory violation in a personal care home. Complaints can be made by anyone at any time, including nights and weekends. Eighty-seven percent (87%) of the complaints received in 2009 required an on-site investigation. Twelve percent (12%) of the complaints received were high-risk, requiring investigation within 24 hours.

Number of Complaints Received and Investigated

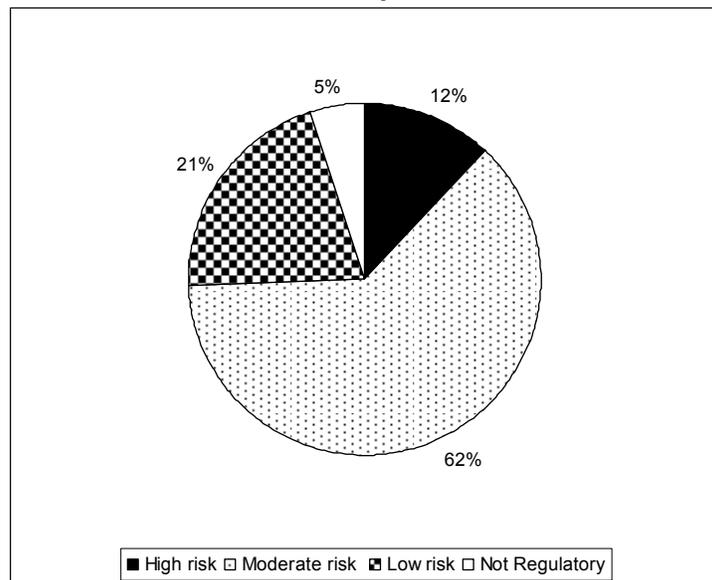
Number of Complaints Received	1,441
Number of Complaints Requiring On-site Investigation	1,260
Percent of Complaints Requiring On-site Investigation	87%
Percent of Complaints Where One or More Regulatory Violations Were Found	36%

Sources of Complaints Received

Complaint Source	Percent
Anonymous	30%
Friend or family member of resident	24%
Area Agency on Aging	17%
Current or former resident	11%
Other*	10%
Current or former employee	8%

*Includes advocacy groups, hospitals, police, legislators, and other government agencies

Risk Level of Complaints Received



Ten Most Frequently-Found Complaint Violations

Violation – 55 Pa.Code § 2600	General Description of Violation	Percent of Inspections Where Regulation Was Cited as a Violation
16c	The home did not report an unusual incident to the Department	13%
187a	Administration of medication was not properly documented	8%
225c	Residents did not receive new assessments annually or after a significant change in condition	8%
42b	Residents were abused, neglected or mistreated	8%
227c	Resident support plans were not revised after the resident's initial 30-day stay	8%
15a	The home did not report abuse to local Area Agency on Aging as required by the Older Adults Protective Services Act	8%
141a	Incomplete resident annual medical evaluations	6%
85a	There were unsanitary conditions, such as unclean floors and bathrooms	5%
187d	The home did not follow the prescriber's instructions when administering medications to residents	5%
227d	Resident support plans did not accurately identify/address needs	4%

Incidents

Personal Care Homes are required to report certain incidents to ARL. ARL received 20,550 incident reports in 2009; 4% (868) of these incidents required further investigation. It is likely that some homes do not report all of the incidents that are required to be reported, and that some homes do not report any incidents even though they occur (violations for failure to report incidents are the most-frequently found violation during complaint investigations; see table on page 13).

Types of Incidents Reported

Type of Incident	Percent of All Incidents Reported
Serious bodily injury or trauma requiring treatment at a hospital	44.5%
Prescription medication error	19.0%
Death of a resident	13.4%
Incident requiring the services of emergency management agency, fire department, or police	11.7%
Physical or sexual assault of a resident	4.7%
Unexplained absence of a resident for 24 hours or more, or any absence of a resident from a secured dementia care unit	1.5%
Complaint of abuse, suspected resident abuse, or referral of a complaint of abuse to a local authority	1.4%
Outbreak of a serious communicable disease	1.0%
Violation of a resident's rights	0.9%
Emergency such as natural disaster or utility outage	0.6%
Utility termination notice or an actual service termination	0.5%
Suicide attempt	0.3%
Misuse of a resident's funds by the home's staff or legal entity	0.2%
Fire or structural damage to home	0.2%
Violation of health and safety laws	0.1%
Unscheduled closure of the home or relocation of the residents	.02%
Bankruptcy of the legal entity	.02%
A criminal conviction against the legal entity, administrator or staff	.02%
Food poisoning	.01%

Note: Percentages will not add to 100% due to rounding

Enforcement Actions

Enforcement actions are taken in response to serious life safety conditions such as physical and sexual abuse of residents, criminal felony convictions, resident neglect/abandonment, deplorable unsanitary conditions, serious fire safety risks, falsification of documents, failure to seek necessary medical care, failure to provide staff supervision, lack of food/utilities and building code violations.

Summary of Enforcement Actions

Type of Enforcement Action	Central Region	Northeast Region	Southeast Region	Western Region	Statewide Total
Emergency Relocations	1 ▶ Whispering Pines (Adams)	0	0	1 ▶ Cedar Ridge (Westmoreland)	2
License Revocations	2 ▶ Regency Manor (York) ▶ Greathouse Manor (Clearfield)	1 ▶ Loving Care (Snyder)	1 ▶ Cambridge Brightfield (Montgomery)	1 ▶ Hixenbaugh (Washington)	5
Nonrenewals of License	8 ▶ Grayson View Harrisburg (Dauphin) ▶ Colonial Woods (Chester) ▶ HHHH PCH (York) ▶ Whispering Pines (Adams) ▶ Stevanus (Somerset) ▶ Mariloyd (Clearfield) ▶ Willow Creek (Lancaster) ▶ Autumn Estate (Blair)	6 ▶ Eastern Comfort AL 4 (Carbon) ▶ Eastern Comfort AL 5 (Carbon) ▶ Green Meadows - Allentown (Lehigh) ▶ Danville Manor (Montour) ▶ Green Ridge AL (Lackawanna) ▶ Colonial Haven (Snyder)	7 ▶ Southampton Residence (Bucks) ▶ Disston Manor (Philadelphia) ▶ Ragins (Philadelphia) ▶ A&J PCH (Philadelphia) ▶ Sunrise Assisted Living of Newtown Square (Delaware) ▶ A&H PCH (Philadelphia) ▶ Bethesda Court (Philadelphia)	13 ▶ Ashby's West (Mercer) ▶ Cherry Hill Manor – Eastern Orthodox Foundation (Indiana) ▶ Bon Venue (Allegheny) ▶ Shady Oaks (Allegheny) ▶ Cambridge Brentwood (Allegheny) ▶ Brownsville PCH (Fayette) ▶ Comfy Cozy (Fayette) ▶ Westwood Nursing and Rehabilitation Center (Allegheny) ▶ Cardwell's PCH (Allegheny) ▶ St. Nicholas Alzheimer's Resort (Allegheny) ▶ Juniper Village at Huntingdon Ridge – Wellspring (Westmoreland) ▶ Lakeview Estate (Erie) ▶ Lincoln Square (Allegheny)	34

Type of Enforcement Action	Central Region	Northeast Region	Southeast Region	Western Region	Statewide Total
License Revocations/ Issuance of Provisional Licenses	2 ▶ Autumnwood II (Somerset) ▶ Autumn House West (York)	2 ▶ Twin Cedars AL (Pike) ▶ Gracious Living Estates (Susquehanna)	1 ▶ Quadrangle AL – Sunrise (Delaware)	12 ▶ Smith's PCH (Beaver) ▶ Barley House (Warren) ▶ Westminster of Oakmont – Presbyterian Homes (Allegheny) ▶ St. Mary's at Ashbury Ridge (Erie) ▶ Sycamore Estate (Allegheny) ▶ Peace's PCH 1 (Jefferson) ▶ Miller PCH (Fayette) ▶ Broadmore AL of Lakemont Farms (Allegheny) ▶ Hartwood (Allegheny) ▶ Peace's PCH 2 (Jefferson) ▶ Home is Where the Heart Is (Erie) ▶ Sunrise of Fox Chapel (Allegheny)	17
Provisional Licenses (due to enforcement; not new homes)	P1 = 26 P2 = 17 P3 = 5 P4 = 5 Total = 53	P1 = 20 P2 = 5 P3 = 2 P4 = 1 Total = 28	P1 = 26 P2 = 16 P3 = 12 P4 = 3 Total = 57	P1 = 35 P2 = 24 P3 = 11 P4 = 4 Total = 74	212
Bans on Admissions	10 ▶ Grayson View Harrisburg (Dauphin) ▶ Colonial Woods (Chester) ▶ HHHH PCH (York) ▶ Whispering Pines (Adams) ▶ Stevanus (Somerset) ▶ Mariloyd (Clearfield) ▶ Willow Creek (Lancaster) ▶ Autumn Estate (Blair) ▶ Regency Manor (York) ▶ Greathouse Manor (Clearfield)	7 ▶ Eastern Comfort AL 4 (Carbon) ▶ Eastern Comfort AL 5 (Carbon) ▶ Green Meadows - Allentown (Lehigh) ▶ Danville Manor (Montour) ▶ Green Ridge AL (Lackawanna) ▶ Colonial Haven (Snyder) ▶ Loving Care (Snyder)	8 ▶ Southampton Residence (Bucks) ▶ Disston Manor (Philadelphia) ▶ Ragins (Philadelphia) ▶ A&J PCH (Philadelphia) ▶ Sunrise Assisted Living of Newtown Square (Delaware) ▶ A&H PCH (Philadelphia) ▶ Bethesda Court (Philadelphia) ▶ Cambridge Brightfield (Montgomery)	14 ▶ Ashby's West (Mercer) ▶ Cherry Hill Manor – Eastern Orthodox Foundation (Indiana) ▶ Bon Venue (Allegheny) ▶ Shady Oaks (Allegheny) ▶ Cambridge Brentwood (Allegheny) ▶ Brownsville PCH (Fayette) ▶ Comfy Cozy (Fayette) ▶ Westwood Nursing and Rehabilitation Center (Allegheny) ▶ Cardwell's PCH (Allegheny) ▶ St. Nicholas Alzheimer's Resort (Allegheny) ▶ Juniper Village at Huntingdon Ridge – Wellspring (Westmoreland) ▶ Lakeview Estate (Erie) ▶ Lincoln Square (Allegheny) ▶ Hixenbaugh (Washington)	39

Type of Enforcement Action	Central Region	Northeast Region	Southeast Region	Western Region	Statewide Total
Denials of New Licenses	2 ▶ Rascoe Courts (Dauphin) ▶ New Hope Farm (York)	2 ▶ Serenity (Snyder) ▶ FC Harmony (Luzerne)	3 ▶ Penn Assisted Care (Montgomery) ▶ Parkside (Philadelphia) ▶ Springfield Residence SDU (Montgomery)	1 ▶ Belle's Estate (Washington)	8
Illegal Operations	2 ▶ Hill Home (Franklin) ▶ Shirley Hill (Franklin)	0	2 ▶ Ernestine Brown (Philadelphia) ▶ Jackson House (Philadelphia)	0	4
Court Filings	0	0	1 ▶ Cambridge Brightfield (Montgomery)	0	1
Orders to Limit Access/Capacity	0	3 ▶ Twin Cedars AL (Pike) ▶ Gracious Living Estates (Susquehanna) ▶ Loving Care (Snyder)	2 ▶ Southampton Residence (Bucks) ▶ Disston Manor (Philadelphia)	3 ▶ Cherry Hill Manor – Eastern Orthodox Foundation (Indiana) ▶ Bon Venue (Allegheny) ▶ Patty Miller PCH (Fayette)	8
Appointment of Master	0	0	1 ▶ Cambridge Brightfield (Montgomery)	0	1
Administrative Fines (Regulation fined)	Class 2 = 19 Class 3 = 6 Total = 25	Class 2 = 18 Class 3 = 11 Total =29	Class 2 = 37 Class 3 = 19 Total = 56	Class 2 = 16 Class 3 = 7 Total =23	133
TOTAL ENFORCEMENT ACTIONS	105 (332 total homes in region)	78 (288 total homes in region)	139 (244 total homes in region)	143 (560 total homes in region)	464 (1,424 homes statewide)

**Enforcement Report History
April 2004 - December 2008**

TYPE OF ENFORCEMENT ACTION	April 2004-April 2005 Estimates only—data not available	April 2005-April 2006	May 2006 – December 2006	January 2007-December 2007	January 2008-December 2008	January 2009-December 2009
Emergency Relocations	4	16	2	14	3	2
License Revocations	17	12	6	6	4	5
Nonrenewals of License	0	15	14	29	31	34
Ban on Admissions	0	11	20	35	31	39
Denials of Initial License	0	6	0	4	7	8
Illegal Operations	0	5	2	12	11	4
Court Filings	0	7	5	1	1	2
License Revocations/ Issuance of Provisional License	0	14	9	5	37	17
Orders to Limit Access	0	0	0	9	9	8
Provisional Licenses due to Enforcement (not new homes)	60	61	28	172	247	212
Fines*	0	0	0	0	0	133*
Court Appointment of Master	0	0	0	0	0	1
TOTAL ENFORCEMENT ACTIONS	81 (12 mos) 7/month average	147 (12 mos) 12/month average	86 (8 mos) 11/month average	287 (12 mos) 24/month average	381 (12 mos) 32/month average	461 (12 mos) 39/ month average

*Implemented in 2009; see "Administrative Fines" on page 19

ENFORCEMENT GLOSSARY:

Revocation - Taking back a previously issued license before it expires – 62 P.S. §1026(b)

Nonrenewal - Refusal to renew a license upon its expiration – 62 P.S. §1026(b)

Provisional - A license issued to an operator based on substantial but not complete compliance – 62 P.S. § 1008 (serves as a warning of substantive regulatory violations)

Denial - Refusal to grant a license to a new applicant – 62 P.S. § 1007

Illegal Operation - Operating a personal care home without a license – 62 P.S. §§1002, 1031, 1052, 1053, 1057.2, 1086(e)

Emergency Relocation - An action to close a premises issued by a local jurisdiction such as the police or local building codes official, or an Order issued by the Department of Public Welfare under 55 Pa.Code § 20.37

Court Filing - Action taken pursuant to 62 P.S. §§ 1052, 1053, 1055, 1056, 1057

Orders to Limit Access - Prohibition of access for a specific person, due to abuse or other dangerous circumstances

Appointment of Master – Individual or agency designated by the Department to assume operation of home at operator's expense -- 62 P.S. §1057(b)

Fine – A monetary penalty for a regulatory violation -- 62 P.S. §1085, 1085, 1087(a)(1)

Administrative Fines

In 2009, the Department implemented an administrative fine system as an additional enforcement tool to compel regulatory compliance. Throughout the year, the Department assessed a monetary fine for a repeated regulatory violation that was not timely corrected in homes under licensing enforcement action. Administrative fines are used to compel compliance with state licensing regulations, not to generate revenue or punish homes for noncompliance.

Administrative fines were classified as Class II (requiring correction in five days) or Class III (requiring correction in 15 days). Homes were issued a warning that fines would be issued if violations were not corrected within the allowed timeframes. Homes that did not correct violations were fined after the correction period ended.

In accordance with law, money collected through the fine process is placed in a special account used to relocate residents in homes closed by enforcement action.

Administrative Fines Summary

Summary	Number
Number of warnings of possible fines if violations not corrected	99
Number of homes to which the warnings were issued	73
Number of fines actually issued because of failure to correct violations	73
Number of homes to which the fines were issued	49
Total number of violations for which fines were invoiced	133
- Class II	90
- Class III	43
Total fine amount assessed	\$1,193,726

Waivers

Waivers of regulations may be granted by the Department when all three of the following conditions are met:

1. There is no jeopardy to the residents.
2. An alternative for meeting the health and safety needs of the residents is provided.
3. Residents benefit from the waiver.

Number of Waivers Requested by ARL Region

REGION	GRANT	DENY	WAIVER NOT NEEDED (Not a violation)	TOTAL
Central	46	9	5	60
Northeast	8	2	3	13
Southeast	11	4	2	17
West	9	8	1	18
TOTAL	74	23	11	108

Top Five Regulations for which Waivers were Requested

REGULATION 55 Pa.Code § 2600.	TOTAL NUMBER OF WAIVER REQUESTS	GRANT	DENY	WAIVER NOT NEEDED	OUTCOME PENDING
54(a) Qualifications for direct care staff (Most due to non-U.S. high school diplomas)	144	52	7	7	78
101(e) Ceiling height (lower than required 7 feet)	11	8	0	0	3
121(b) Egress doors locked under special circumstances	9	9	0	0	0
53(a) Qualifications for administrators	4	0	4	0	0
232(c) Activity space in secured dementia care units	3	0	0	1	2

Training and Technical Assistance

The Department is required by law to “encourage the adoption of higher standards and recommend methods of improving care and services.” The provision of technical assistance and consultation by ARL and other Department and local agency staff is essential for the personal care homes in Pennsylvania to provide healthy and safe care, as well as to improve the overall quality of care in PCHs for the next decade.

In Summer 2009, ARL developed a new County Coordinator position within each of its four regional offices. The County Coordinator’s primary duty is to provide one-on-one technical assistance to homes having difficulty complying with the regulations that primarily serve persons who receive SSI. County Coordinators also conduct Risk Management Team meetings with other federal, state and local agencies to develop coordinated, intra-agency strategies to assist struggling homes. Additionally, County Coordinators provide and audit free statewide trainings to personal care homes.

County Coordinator Activities, September 2009 – December 2009

Month	Technical Assistance to Individual Homes	Risk Management Team Meetings	Statewide Trainings Conducted
September 2009	30	18	4
October 2009	35	10	0
November 2009	26	11	3
December 2009	30	9	0
Total	121	48	7

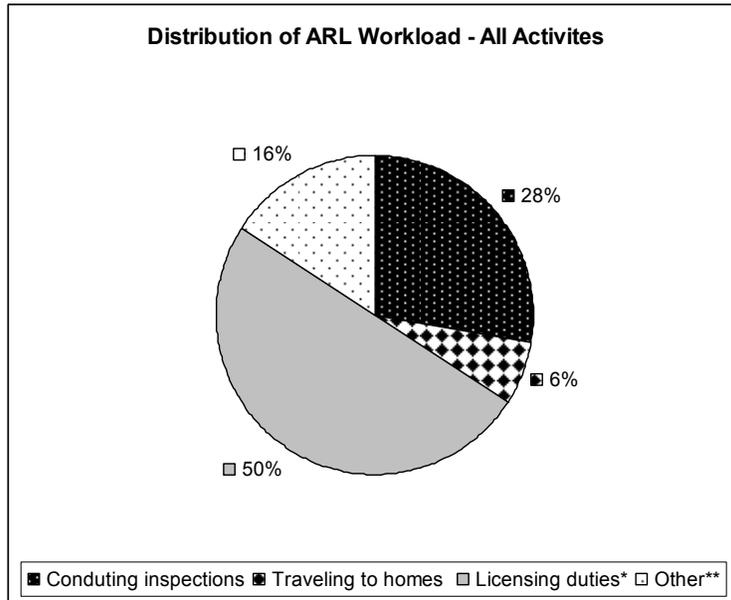
The Department funds many training courses for personal care home administrators and direct care staff persons. Many training courses are available free of charge to the operators, particularly those homes that serve one or more persons who receive the SSI state PCH supplement. The Department offered 129 hours of free training at multiple locations throughout the state in 2009. Courses included resident rights, fire safety, nutrition and food handling, coordinating with local services agencies, infection control and elder abuse prevention. Full scholarships for the required administrator training course are granted to personal care homes serving residents who receive SSI. Additionally, a direct care staff training course is available on-line at no cost to the providers.

ARL provides an average of 75 hours of training per year to each of the Department’s licensing inspectors. Training topics include: inspection policies, PCH regulations, laws of other state agencies, investigation skills, financial administration, abuse prevention and investigation, fire safety, nutrition, program development, resident rights, elder care, mental health services, preventing the spread of communicable diseases, cultural awareness and medication practices. A new licensing inspector receives over 120 hours of training in his/her first 6 months of employment. Training includes participation in the Department’s medication administration program and the new PCH administrator training courses, as well as a peer review in other regions.

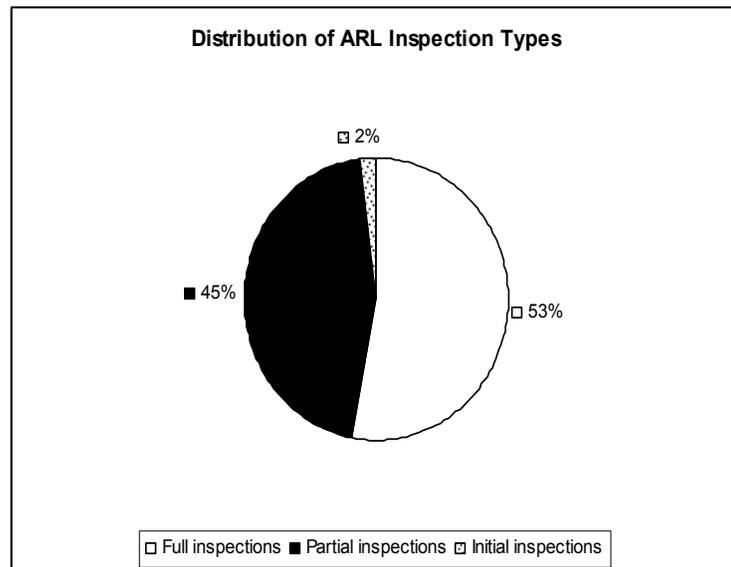
ARL Workload

In addition to a small component of management/ support staff, Adult Residential Licensing employs 43 licensing inspectors, who perform the inspection work described in this report. Workload varies by the amount of enforcement, travel time and the type of inspection required.

Region	Number of Inspectors	Number of Homes	Inspector to Home Workload Ratio
Southeast	6	193	1:32
Northeast	7	236	1:34
Central	15	506	1:34
West	14	489	1:35
Statewide	42	1424	1:34



*Licensing duties include preparing reports of violations, assisting homes to develop acceptable plans of correction for identified violations and verifying compliance. **Other duties include other enforcement actions such as relocations, court testimony, offsite investigations, training and technical assistance.



Goals for 2010-2011

- Increase public awareness of and access to licensing information. ARL understands the value of information to consumers of human services. Since 2008, the public has been able to access full inspection reports for all of the Commonwealth's personal care homes free of charge via the Internet. ARL will expand the available public information to include complaint and incident violation reports, as well as regulatory waivers. The website will be better organized to locate individual reports and information.
- Continue enforcement actions against noncompliant homes. Regulatory compliance protects people by reducing life safety risks and preventing avoidable dangers. ARL will continue to ensure the safety of personal care home residents by taking appropriate enforcement actions against homes that do not comply with state licensing regulations. ARL will continue to partner with local human service and local/state/federal law enforcement agencies to provide resident protection. ARL will partner with Temple University to conduct prompt, skilled investigations of alleged abuse, theft, death and assault.
- Expand training for personal care home administrators. ARL will increase its free and low-cost training for administrators and other staff persons such as diabetes education, behavioral health services, abuse prevention, incident investigation, infection control and emergency preparedness.
- Implement a licensing indicator system for highly-compliant homes. ARL will use a national, statistically-based methodology to design a tool to: a) conduct abbreviated annual inspections for homes with a history of high regulatory compliance and b) provide additional oversight and technical assistance to homes with a troubled licensing history.
- Design a weighted rating system for all homes. ARL will use a national, statistically-based methodology to develop a system that weighs the risk, seriousness, and patterns of regulatory violations.
- Bring homes in line with mandated building codes. ARL will coordinate efforts with the Pennsylvania Department of Labor and Industry to evaluate and promote compliance with Certificate of Occupancy use and classifications for the types of services provided, in order to strengthen the fire safety protections for residents of personal care homes.

Report Prepared By:

Ron Melusky, Regional Operations Director, Adult Residential Licensing

CONTACT for questions on this report:

Ron Melusky, Regional Operations Director, Adult Residential Licensing
Pennsylvania Department of Public Welfare
Room 423 Health and Welfare Building
Seventh and Forster Streets
Harrisburg, PA 17120; 717-783-3670
rmelusky@state.pa.us