

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF HUMAN SERVICES**  
**BUREAU OF HUMAN SERVICES LICENSING**  
**Child Residential and Day Treatment Facilities** (55 Pa.Code Chapter 3800)

**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).*

**Regulation: § 3800.16(d) – Reportable Incidents**

*§ 3800.16(d) - The facility shall orally report to the appropriate Departmental regional office and the contracting agency within 12 hours, a fire requiring the relocation of children, an unexpected death of a child and a child who is missing from the facility if police have been notified.*

**Question:** Which phone number is to be used to make oral reports to the Department regarding fire requiring the relocation of children, an unexpected death of a child and a child who is missing from the facility if police have been notified?

**ANSWER:** For all oral reports to the Department regarding the emergency events listed above, the following phone number should be used: (717) 783-3670.

**Regulations: §§ 3800.51, 52 – Child Abuse and Criminal History Checks; Staff hiring, Retention and Utilization**

*§ 3800.51 – Child abuse and criminal history checks shall be completed in accordance with 23 Pa.C.S. § § 6301—6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).*

*§ 3800.52 - Staff hiring retention and utilization shall be in accordance with 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).*

**Question:** May a facility use a background check from Pennsylvania's Justice Network (JNET) in lieu of a background check from the Pennsylvania State Police (PSP)?

**ANSWER:** No. According to the Pennsylvania State Police (PSP), the PSP e-patch system is more updated than the JNET system. A background check from the PSP will yield more tangible background results.

Please also be aware that neither the JNET background check nor the PSP background check can replace the FBI federal background check, or the ChildLine clearance.

**Regulations: §§ 3800.58(d), (h) – Staff Training**

*§ 3800.58(d) - After initial training, the director and each full-time, part-time and temporary staff person, who will have regular and significant direct contact with children, shall have at least 40 hours of training annually relating to the care and management of children. This requirement for annual training does not apply for the initial year of employment.*

*§ 3800.58(h) - A record of training including the person trained, date, source, content, length of each course and copies of any certificates received, shall be kept.*

**Question:** For staff who complete a course from an accredited college or university, how many hours of training can be counted towards the training requirement?

**ANSWER:** For staff who complete a course from an accredited college or university, 10 hours may be recorded for each course taken. Each course will only count towards the training requirement if the course specifically relates to the care and management of children.

**Question:** For staff who complete a course from an accredited college or university, what date should be used on the record if the staff person attended a spring/fall/summer session?

**ANSWER:** The specific dates of the training shall be recorded on the staff person's record of training.

**Regulation: § 3800.144(b) – Dental Care**

*§ 3800.144(b) - A child who is 3 years of age or older shall have a dental examination performed by a licensed dentist and teeth cleaning performed by a licensed dentist or dental technician at least semiannually. If a child has not had a dental examination and teeth cleaning within 6 months prior to admission, a dental examination and teeth cleaning shall be performed within 30 days after admission.*

**Question:** Is there a grace period for initial dental exams or will a violation be issued if the initial dental exam is not completed by the 30<sup>th</sup> day?

**ANSWER:** If the facility is unable to obtain an initial dental exam within 30 days of the child's admission due to insurance or scheduling complications, the following will be considered:

- If the child has a valid medical assistance or insurance card, then a 15-day grace period will be given as long as the initial effort to schedule the dental exam is made within 5 calendar days of the child's admission and all efforts to schedule the exam are documented.
- If the child does NOT have a valid medical assistance or insurance card, then a 30-day grace period will be given as long as efforts to obtain a valid medical assistance or insurance card are completed within 5 calendar days of the child's admission and all efforts to schedule the exam are documented.

**Question:** Does semiannually mean every 6 months or twice per year?

**ANSWER:** Semiannually is defined as twice per year. However, it is strongly recommended that a child receives a dental exam every six months.

**Regulation: § 3800.148 – Health and Behavioral Health Services**

*§ 3800.148 –*

*(a) The facility shall identify acute and chronic conditions of a child and shall arrange for or provide appropriate medical treatment.*

*(b) Medically necessary physical and behavioral health services, diagnostic services, follow-up examinations and treatment, such as medical, nursing, pharmaceutical, dental, dietary, hearing, vision, blood lead level, psychiatric and psychological services that are planned or prescribed for the child, shall be arranged for or provided.*

**Question:** What is a facility's responsibility for obtaining medical equipment for a child which has a substantial price tag, such as \$10,000 or more?

**ANSWER:** A facility must provide or arrange for medically necessary physical and behavioral health services, diagnostic services, follow-up examinations and treatment, such as medical, nursing, pharmaceutical, dental, dietary, hearing, vision, blood lead level, psychiatric and psychological services that are planned or prescribed for the child. If the facility is unable to provide the medical equipment by purchasing it, the

facility is also permitted to arrange for the medical equipment through community services or otherwise.