

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HUMAN SERVICES LICENSING
Assisted Living Residences (55 Pa.Code Chapter 2800)**

Q/A - Regulatory Clarifications – March 2019

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).

Question: Are Assisted Living Residences (ALR) required to provide physical assistance with eating as indicated in the resident's support plan? May an ALR exclude applicants who need physical assistance with eating? May an ALR discharge residents who develop a need for physical assistance with eating?

ANSWER: In accordance with the Chapter 2800 regulations, an ALR must provide assistance with performing ADLs and IADLs, including adequate physical assistance with eating as needed. An ALR may not exclude potential residents (applicants) on the basis of the need for physical assistance with eating and may not discharge residents based on the need for physical assistance with eating.

Regulations:

§ 2800.220. Service provision.

(a) *Services.* The residence shall provide assisted living services as specified in subsection (b). The residence shall offer and provide the core service packages specified in subsection (c). The residence shall provide or arrange for the provision of supplemental health care services as specified in subsection (e). Other individuals or agencies may furnish services directly or under arrangements with the residence in accordance with a mutually agreed upon charge or fee between the residence, resident and other individual or agency. These other services shall be supplemental to the assisted living services provided by the residence and do not supplant them.

(b) *Assisted living services.* The residence shall, at a minimum, provide the following services:

(4) Assistance with performing ADLs and IADLs in accordance with §§ 2800.23 and 2800.24 (relating to activities; and personal hygiene).

(c) *Core service packages.* The residence shall, at a minimum, provide the following core service packages:

(2) *Enhanced Core Package.* This core package shall be available to residents who require assistance with ADLs. The services must include the following:

- (i) The services provided in the basic core package under paragraph (c)(1)(i)—(vii).

- (ii) (ii) Assistance with ADLs and unanticipated ADLs for an undefined period of time.

§ 2800.23. Activities.

(a) A residence shall provide each resident with assistance with ADLs and appropriate cueing for ADLs as indicated in the resident's assessment and support plan.

(b) A residence shall provide each resident with assistance with IADLs and appropriate cueing for IADLs as indicated in the resident's assessment and support plan.

§ 2800.162. Meals.

(f) A resident shall receive adequate physical assistance with eating or be provided with appropriate adaptive devices, or both, as indicated in the resident's support plan.

(g) Appropriate cueing shall be used to encourage and remind residents to eat and drink, as indicated in the resident's support plan.