

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

Q/A - Regulatory Clarifications – October 2014

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: § 2800.107(b) – Emergency Preparedness

(b) The residence shall have written emergency procedures that include the following:

- (1) Contact information for each resident's designated person.*
- (2) The residence's plan to provide the emergency medical information for each resident that ensures confidentiality.*
- (3) Contact telephone numbers of local and State emergency management agencies and local resources for housing and emergency care of residents.*
- (4) Means of transportation in the event that relocation is required.*
- (5) Duties and responsibilities of staff persons during evacuation, transportation and at the emergency location. These duties and responsibilities shall be specific to each resident's emergency needs.*
- (6) Alternate means of meeting resident needs in the event of a utility outage.*

Question: Should a residence's Emergency Preparedness plan address a plan for evacuation if the residence is located within 10 miles of a nuclear power plant?

ANSWER: Yes. If a residence is located within 10 miles of a nuclear power plant, the residence must include in its Emergency Preparedness plan a plan to evacuate to a location at least 10 miles from the power plant should an evacuation be ordered by emergency management officials.

Regulation: § 2800.183(f) – Storage and Disposal of Medications and Medical Supplies

(f) Prescription medications, OTC medications and CAM that are discontinued, expired or for residents who are no longer served at the residence shall be destroyed in a safe manner according to the Department of Environmental Protection and Federal and State regulations. When a resident permanently leaves the residence, the resident's medications shall be given to the resident, the designated person, if any, or the person or entity taking responsibility for the new placement on the day of departure from the residence.

Question: Does BHSL have any guidance to offer relating to the Drug Enforcement Administration's (DEA) final rule regarding the disposal of pharmaceutical controlled substances in accordance with the Controlled Substance Act, as amended by the Secure and Responsible Drug Disposal Act of 2010 ("Disposal Act")?

ANSWER: The DEA's Disposal Act amended the Controlled Substances Act to allow ultimate users to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner. The goal of the Disposal Act is to encourage public and private entities to develop a variety of methods of collection and disposal in a secure, convenient, and responsible manner. The Act permits long term care facilities including assisted living residences to dispose of a current or former resident's pharmaceutical controlled substances. The Act provides additional options for disposal and does not prohibit any methods currently used by long term care facilities that are consistent with Federal, State, tribal, and local laws and regulations.

The assisted living residence regulation at § 2800.183(f) already acknowledges that discontinued or expired prescription, OTC, and CAM medications are to be destroyed in a safe manner in accordance with the Department of Environmental Protection and Federal and State regulations. The DEA's new final rule provides additional options for disposal, such as depositing discontinued or expired medications into an authorized collection receptacle located at the facility. An authorized retail pharmacy or a hospital/clinic with an on-site pharmacy may install, manage and maintain a collection receptacle at a long-term care facility. The DEA's new final rule does not change the medication disposal methods which assisted living residences have already been practicing under the 2800 regulations.

For more detailed information about additional options for safe medication disposal under the DEA's Disposal Act, see the web site here: <https://www.federalregister.gov/articles/2014/09/09/2014-20926/disposal-of-controlled-substances>

The DEA also has a helpful document on its web site called "Disposal Act – Long Term Care Facility Fact Sheet," which can be found here: http://www.deadiversion.usdoj.gov/drug_disposal/fact_sheets/disposal_ltcf.pdf