

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 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: § 2800.25(a), (b) – Resident-Community Contract

§ 2800.25 -

(a) Prior to admission, or within 24 hours after admission, a written resident-residence contract between the resident and the residence must be in place. The administrator or a designee shall complete this contract and review and explain its contents to the resident and the resident's designated person if any, prior to signature.

(b) The contract shall be signed by the administrator or a designee, the resident and the payer, if different from the resident, and cosigned by the resident's designated person if any, if the resident agrees. The contract must run month-to-month with automatic renewal unless terminated by the resident with 14 days notice or by the residence with 30 days notice in accordance with § 2800.228 (relating to transfer and discharge).

Question: Can a Power of Attorney (POA) sign the resident-community contract for the resident?

ANSWER: Yes; if the POA document allows it, the POA can sign binding contracts on behalf of the resident. However, the resident must first be given the opportunity to sign for themselves unless the resident is not competent. A notation must be made indicating the resident was given the opportunity to sign.

Regulation: § 2800.227(h) – Development of the Final Support Plan

§ 2800.227(h) - If a resident or designated person is unable or chooses not to sign the final support plan, a notation of inability or refusal to sign shall be documented.

Question: Does a residence need to have a witness when notating that a resident either refused or was unable to sign the support plan?

ANSWER: Yes; two witnesses are needed when notating that a resident either refused or was unable to sign the support plan.