

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

Q/A - Regulatory Clarifications – April 2016

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: General

Question: If a legal entity has more than one licensed assisted living residence on a campus setting, what paperwork is required when a resident moves from one licensed residence to another licensed residence on the campus?

ANSWER: For the resident-community contract, if all terms of the contract (including rate for room and board; etc.) remain the same, then an addendum statement can be added to the current resident-community contract indicating the date of admission to the new residence and stating that the terms of the previously signed contract remain the same. If the terms of the resident-community contract have changed, then a new resident-community contract must be completed.

A new preadmission screening must be completed for admission to the new residence. Residences should consider the new physical site structure, and whether the resident's needs can be met at the new residence.

If the medical evaluation was completed in the past year, a new medical evaluation would not need to be completed unless there was a significant change.

Finally, for the assessment and support plan, new documentation would not need to be completed unless there was a significant change. However, the residence should add an addendum statement indicating the date that the resident moved to the new residence.

Regulation: General

Question: Does BHSL allow any grace periods?

ANSWER: Yes. As per the March 1, 2015 Regulatory Compliance Guide (RCG), BHSL allows the following:

A 15-day flex or grace period is allowed for any item that has a time requirement of one year or more. This includes, but is not limited to:

- Medical evaluations (§ 2800.141)
- Fire-safety inspections and supervised fire drills (§ 2800.132(b))
- Documentation of evacuation times and fire-safe areas (§ 2800.132(d))
- Completion of ANNUAL Resident Assessments (§ 2800.225(a)(1))

Unless there is a specific grace period or timeline specified in the applicable section, a 5-day flex or grace period is allowed for any item that has a time line of less than one year. This does not apply to the following:

- Inspecting fire extinguishers (§ 2800.131(f))
- Conducting fire drills (§ 2800.132(a))

The grace period on timelines does NOT apply to INITIAL documentation or to the following regulations:

- § 2800.25(a)
- § 2800.25(h)
- § 2800.51-52
- § 2800.141(a) - Initial medical evaluations
- § 2800.224(a)
- § 2800.225(a) – Initial assessments
- § 2800.227(a) – Initial support plans
- § 2800.231(c) - Initial cognitive screening

Grace periods do not apply to initial documentation requirements for new admissions and new hires.

Regulation: § 2800.130(c) - Smoke Detectors and Fire Alarms

§ 2800.130(c) - If the residence serves nine or more residents, there shall be at least one smoke detector on each floor interconnected and audible throughout the residence or an automatic fire alarm system that is interconnected and audible throughout the residence.

Question: Do wireless fire systems still meet the regulation in terms of being “interconnected”?

ANSWER: Yes, as long as the wireless fire system communicates with the other fire devices in the residence.

As a reminder, smoke detectors and fire alarms must be of a type approved by the Department of Labor and Industry, the appropriate local building authority or local fire safety expert, or listed by Underwriters Laboratories.

Regulation: § 2800.132(a) - Fire Drills

§ 2800.132(a) - An unannounced fire drill shall be held at least once a month.

Question: Is a fire drill considered unannounced if a staff member who sets off the alarm also participates in the drill? Is a drill also considered unannounced if an administrator calls an employee at an unpredictable time and instructs them to set off the fire alarm and evacuate residents?

ANSWER: In both situations the fire drill is considered to be unannounced. For more information about fire drills and evacuation, please see the narrative section in the back of the ALR RCG, specifically the section titled "Scheduling the Drill".

Regulation: § 2800.144(c)(1) – Use of Tobacco

*§ 2800.144(c) - A residence that permits smoking inside or outside of the residence shall develop and implement written fire safety policy and procedures that include the following:
(1) Proper safeguards inside and outside of the residence to prevent fire hazards involved in smoking, including providing fireproof receptacles and ashtrays, direct outside ventilation, no interior ventilation from the smoking room through other parts of the residence, extinguishing procedures, fire resistant furniture both inside and outside the residence and fire extinguishers in the smoking rooms.*

Question: What kind of furniture is acceptable to have in a smoking area that also meets the regulation?

ANSWER: The requirement for fire resistant furniture applies to outside furniture (including table umbrellas) as well as inside furniture. Furniture is considered fire resistant if it is made of solid wood construction, with no cushions or upholstery, or is made of hard plastic or resin-like substances.

Furniture with cushions or upholstery may be used as long as they are equipped with tags confirming that it meets California's standards (by stating on the tag that it has met California's requirements).

Furniture treated with a flame resistant product is not fire resistant, as there is no way of knowing if the flame resistant product was applied correctly to the furniture, or even applied at all. Residences may not use a flame resistant product on furniture in order to meet the regulation.

Until a federal standard is passed, Pennsylvania will defer to California's standards (as California is known for having the most stringent testing standards in regards to fire resistant products). If the furniture passes California's standards (by stating on the tag that it has met California's requirements), then the furniture is acceptable for use in Pennsylvania.