

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

**Q/A - Regulatory Clarifications – November 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:      § 2800.16(a)(6) – Reportable Incidents and Conditions**

*§ 2800.16(a) - A reportable incident or condition includes the following:*

*(6) Misuse of a resident's funds by the residence's staff persons or legal entity.*

**Question:** On page 243 of the ALR Regulatory Compliance Guide (RCG; dated March 1, 2015), what must a residence report and what does the residence not need to report regarding misuse of a resident's funds by the residence's staff persons or legal entity?

**ANSWER:** The residence must report any known or reasonable suspicion of misuse of funds by any person employed by the residence or by the legal entity. In addition, residences must report misuse of funds by a volunteer, family member, or a private caregiver. "Misuse of funds" also includes theft.

Page 243 of the ALR RCG currently states:

Residences MUST Report	Residences DO NOT Need to Report	Other information
Known or reasonable suspicion of misuse of funds by any person employed by the residence or by the legal entity.	<ul style="list-style-type: none"> <li>- Suspected misuse of funds by any person employed by the residence or by the legal entity.</li> <li>- Misuse of funds by a volunteer, family member, or a private caregiver.</li> </ul>	It is recommended but not required that suspected misuse of funds by any person employed by the residence or by the legal entity, or misuse of funds by a volunteer, family member, or a private caregiver be reported. If the police are investigating misuse of funds by anyone, the incident must be reported as described at § 2800.16(a)(11), below.

Page 243 of the ALR RCG will be amended to state:

Residences MUST Report	Residences DO NOT Need to Report	Other information
Known or reasonable suspicion of misuse of funds by any person employed by the residence or by the legal entity.  Misuse of funds by a volunteer, family member, or a private caregiver.  Misuse of funds also includes theft.	NA	NA