
 **pennsylvania**
DEPARTMENT OF HUMAN SERVICES

FALL 2018 UPDATES

BUREAU OF HUMAN SERVICES LICENSING


Jacqueline Rowe, MA, BS, NHA
Director

11/13/2018 1

BUREAU OF HUMAN SERVICES LICENSING  **pennsylvania**
DEPARTMENT OF HUMAN SERVICES

Regional Trends

SOUTHEAST Financial Abuse Falsification of Documents	CENTRAL Glucometer Documentation Glucometer Transcription Errors Medical Evaluations/RASP (Late/Incomplete) Medication Errors
NORTHEAST Glucometer Sharing Glucometer Calibration Glucometer Transcription Errors Insulin Administration-Sliding Scale Doses Influenza Poster/Influenza Awareness Act	WESTERN Glucometer Practices Insulin Administration Accessible Resident Records




11/13/2018 2


Top 10 Citations PCHs

2016		2017	
187 (a)	Med Records – required info for each resident	185 (a)	Accountability of Meds/Controlled Substances – procedures; med/equip, storage, access, distribution
187 (d)	Med Records – follow directions of prescriber	187 (a)	Med Records – required info for each resident
141 (a)	Med Eval & HC – w/in 60 days prior or w/in 30 days after admit	187 (d)	Medication Records – follow directions of prescriber
185(a)	Accountability of Meds/Controlled Substances – procedures; med/equip, storage, access, distribution	85(a)	Sanitation – conditions shall be maintained
85(a)	Sanitation – conditions shall be maintained	141(a)	Med Eval & HC – w/in 60 days prior or w/in 30 days after admit
103(f)	Food Service – refrig/freezer temps & thermometers	18	Applicable Health & Safety Laws – i.e., Flu Posters, Carbon Monoxide Detectors, etc.
17	Confidentiality of Records – resident	225 (c)	Initial and annual assessment – annually, significant change, & at the Department’s request
16(c)	Reportable Incidents & Conditions – reporting, w/in 24 hrs	183(d)	Only current prescription, OTC, sample and CAM kept in the home
224(a)	Preadmission Screening – determination w/in 30 days prior to admission; needs can be met	17	Confidentiality of records - resident
225 (c)	Initial & Annual Assessment – annually, significant change, & at the Department’s request	225 (a)	Initial & Annual Assessment – w/in 15 d of admit

Top 10 Citations ALRs


2016		2017	
187 (a)	Medications – required info for each resident meds are administered to	185 (a)	Medications – accountability of meds and controlled substances procedures
183 (d)	Medications – storage/disposal of meds and supplies; only current for current residents kept by residence	69	Staffing – addit dementia-specific trng of ≥ 4 hrs w/in 30 days of hire; 2hrs annually thereafter
187 (d)	Medication – follow prescribed orders	227 (c)	Services – final support plan revised w/in 30 days of annual (or change condition) assessment; modified quarterly
25 (a)	General – resident/residence contract prior to or w/in 24 hrs of admission	141 (a)	Resident health – If TB test not w/in 2 yrs, complete w/in 15 days of admission
132 (d)	Fire safety – residents evacuate w/in timeframe specified by fire safety expert	187 (d)	Medications – follow prescribed orders
231 (c)	Special care units – preadmission screening for residents with Alzheimer’s or dementia	183 (d)	Medications – storage/disposal meds and supplies; only current for current residents kept by residence
162 (c)	Nutrition – meals	65 (i)	Staffing – specific trng topics for annual direct care staff trng
42 (b)	Specific rights – resident abuse	187 (a)	Medications – records info for each resident meds are administered to
141 (a)	Resident health – resident medical evaluation and health care relating to application and admission	132 (d)	Fire safety – residents evacuate w/in timeframe specified by fire safety expert
25 (b)	General – resident/residence contract signatures	132 (h)	Fire safety – resident evacuation during each fire drill


BUREAU OF HUMAN SERVICES LICENSING 

 **ALR Reg Revision Status**

- **Bed Fees – Effective July 1, 2018, adjusted to \$35/bed**
- **Internal Review – Offices of Legal, Policy, Budget**
- **Next Steps: Governor’s Office; Attorney General; House, Senate, & Independent Regulatory Review Commission; Pennsylvania Bulletin**
- **Public Comment**
- **Implementation**

11/13/2018 5

BUREAU OF HUMAN SERVICES LICENSING 

 **Enforcement Action Overview**

1

Class

- Substantial probability - death, serious mental or physical harm
- Written notification within 24 hrs
- Written/verbal notification when uncorrected for 5 days
- BHSL notifies Ombudsman
- Ban on admissions
- Fines - \$20/PRPD if not corrected

2

Class

- Substantial adverse effect health, safety, well-being
- Written/verbal notification day 6 when uncorrected 5 days; BHSL notifies Ombudsman; ban on admissions
- Fine suspended for 5 days of violation > allows for correction; if not corrected, retroactive
- \$5-20 PRRD


3

Class


- Adverse effect on health, safety, well-being
- Correct within 15 days or fines of \$3 PRRD

11/13/2018 6

BUREAU OF HUMAN SERVICES LICENSING



pennsylvania
DEPARTMENT OF HUMAN SERVICES



Enforcement Action Overview

- **Guiding Principles –**
 - Compels compliance, not a form of punishment
 - Apply fines fairly
 - Seriousness of violation; steps taken to correct; patterns of related nature
- **Ban on Admissions –**
 - Revocation or nonrenewal of a license
 - Repeat Class II violation within past 2 years
 - Remains in effect until BHSL determines compliance
- **Where does the money go?**
 - Special restricted receipt account
 - Defrays costs of relocating residents
 - Enforcement action

11/13/2018

7

BUREAU OF HUMAN SERVICES LICENSING



pennsylvania
DEPARTMENT OF HUMAN SERVICES



Major Neurocognitive Disorder

- Used by health care professionals
- ALR DME (ADME) .144(a)

Adult Residential Licensing - Documentation of Medical Evaluation (ADME)

Resident and Evaluation Information		
Resident Name:	Date of In-Person Evaluation:	Type of Evaluation:
Date of Birth:	Date ADME Completed:	<input type="checkbox"/> INITIAL <input type="checkbox"/> ANNUAL <input type="checkbox"/> STATUS CHANGE
Diagnosis	In Case of a Medical Emergency Related to this Diagnosis, the Residence Should...	
1.		
2.		
3.		
Special Care Needs (for Secure Care Admissions only - ADME Supplement Required)		
Dementia Does resident require dementia - related care in a secured area? <input type="checkbox"/> YES <input type="checkbox"/> NO	Head Injury or Trauma Does resident require care in a secured area as a result of head injury or trauma? <input type="checkbox"/> YES <input type="checkbox"/> NO	

11/13/2018

8



Volunteers & Training

- 54(c) performing ADLs – must meet education/training
- 65(a) orientation in general fire safety and emergency preparedness – on/before first work day
- 65(b) resident rights, medical plan, mandatory abuse reporting (OAPSA), incident reporting – within 40 hrs work
- 65(g) annual fire safety, emergency preparedness, resident rights, OAPSA, falls, population groups – last day, annual
- All other training > food prep, transportation < **ACT = TRAIN**
- Criminal background check > No, per OAPSA



- **Current C.N.A. and Direct Care Worker training**
 - 65(d) indicates exempt from requirements of training course and competency test
 - 65(e) indicates required to complete all annual training
- **Education requirements for Amish parochial school DCW**
 - Correspondence courses, government-sponsored workshops (pass GED exam for college or technical programs)
 - RCG “Educational Requirements”
 - DCW must have at least a GED – waiver, conditional hire 6 months
 - Non-US Secondary School – waiver required



- **House Bills & Senate Bills** – PHCA is tracking the status and the impact of House & Senate Bills for the industry.
- **Delays in receiving the Licensing Inspection Summary**
- **E-Cigarettes – Policy?**
 - Clean Indoor Air Act does not address
 - Electronic cigarettes is currently considered a form of smoking
 - Regulations .144, Q & A July 2015
- **TB (within 2 years)**
- **Medical Marijuana** – Guidelines on P & P



Egress Door Interpretation

- **RCG p. 200 – Delayed Locking Devices, permitted if:**
 - Written approval from L&I, DOH, or local building authority permitting use of the system.
 - Statement from manufacturer or lock service company specific to the home that the door locking system will release when activated by the fire alarm system, etc.
- **Consulted with DOH, Fire & Panic, UCC, legal**
- **Local jurisdiction permits use of delayed egress**
- **Q & A October 2017 addresses lighting, signage**

BUREAU OF HUMAN SERVICES LICENSING



BHSL WEBSITE POSTED Q & A SUMMARY									
2600	2800	TOPIC	QUESTION	PUBLICATION	2600	2800	TOPIC	QUESTION	PUBLICATION
156(c)	156(c)	Abuse reporting	Written plan for allegation of abuse	Aug-15	132(a)	132(a)	Fire drills	Unannounced fire drill considerations	Apr-16
160(a)(6)	160(a)(6)	Reportable incid, conditions	Reporting misuse of a resident's funds	Nov-16	132(d)		Fire drills	Multiple fire drills, exceeding evacuation time	Sep-14
16(c)	16(c)	Reportable incid, conditions	Reporting resident-to-resident abuse, no injury	Apr-15	141(a)	141(a)	Res med eval & HC	Using older versions of Department forms	Aug-15
16(d)	16(d)	Reportable incid, conditions	Using older versions of Department forms	Aug-15	144	144	Tobacco	e-cigarettes, Clean Indoor Air Act	Jul-15
18	18	Health, safety laws	CO detector location; fossil fuel-burning devices; audible detectors	Apr-17	144(c)(1)	144(c)(1)	Tobacco	Acceptable furniture for smoking area	Apr-16
18	18	Health, safety laws	Influenza Awareness Act parameters	Dec-16	171(b)(7)		Transportation	Staff escorting residents to medical appointments	Oct-14
18	18	Health, safety laws	Care Facility by CO Alarms Standards Act parameters	Oct-16	183(a)	183(a)	Storage, disp, meds/med sup	Processing new med order for current prescription	Dec-14
18	18	Health, safety laws	Requirement of boiler certificate from Dept of L&I	Feb-16	183(f)	183(f)	Storage, disp, meds/med sup	Discontinuing meds from single cassette, not blister pack	Dec-15
18	18	Health, safety laws	e-cigarettes, Clean Indoor Air Act	Jul-16	183(f)	183(f)	Storage, disp, meds/med sup	Disposal of pharmaceutical controlled substances	Oct-14
21	21	Offsite services	RASP to accompany staff on outings, activities away from home	Apr-15	184(a)	184(a)	Labeling meds	Insulin pen storage	Apr-17
25		Resident/home contract	Closing a home when operator goes on vacation	Nov-14	184(a)	184(a)	Labeling meds	Processing new med order for current prescription	Dec-14
25(a)	25(a)	PNM	3rd party signing as a signor	May-15	186(c)	186(c)	Prescription meds	Trickle box as emergency medication system	Oct-17
25(a)	25(a)	PNM	POA signing resident/home contract for the resident	May-15	186(c)	186(c)	Prescription meds	Processing new med order for current prescription	Dec-16
25(b)	25(b)	Rent rebates	POA signing resident/home contract for the resident	Mar-15	190(a)	190(a)	Med admin training	Direct care staff unable to complete MAR review	Jul-15
25(b)	25(b)	Rent rebates	3rd party signing as a signor	May-15	190(a)	190(a)	Med admin training	Train-in-the-trainers and current employment, qualified trainer	Jan-15
27(a)		SSI recipients	Processing new med order for current prescription	Oct-14	190(b)		Med admin training	Staff not completing med admin course, blood glucose testing	Sep-14
27(d)		SSI recipients	Charging SSI recipients for damage beyond normal wear, tear	Oct-14	202	202	Prohibitions	Geriatric chairs as restraints	Aug-15
51	51	Staff hiring, retention	Prohibitive offenses committed as a juvenile	May-15	202	202	Prohibitions	Use of gel meds without resident knowledge	Jul-15
52	52	Staff hiring, retention	Prohibitive offenses committed as a juvenile	May-15	223(a)		Service description	Providing professional HC or health maintenance services	Oct-14
57(a)	57(a)	Direct care staffing	Direct care staff per bldg, multiple bldgs under 1 license	Oct-16	223(a), (b)		Excludable conditions, except	Submitting Req to Admit Res w/Excludable Condition (RAREC) form	Apr-17
57(a)	57(a)	Direct care staffing	Direct care staff per bldg, multiple bldgs under 1 license	Jan-15	224(a)	224(a)	Preadmission screening	Using older versions of Department forms	Aug-15
58		Awake staff	Overnight asleep staff counted in fire drill participation	Jun-15	227(d)	227(d)	Support plan	Updating RASP for change in med dose	Aug-15
63(d)	63(d)	1st aide, CPR, trng	POLST form which supersedes, POLST or DNR?	Apr-17	227(d)		Support plan	Providing specialized cognitive support services	Oct-14
65(d)-(g)	65(d)-(g)	DCW trng & orientation	Training topic applicability to IPNs	Apr-15	227(h)	227(h)	Support plan	Number of witnesses for resident refusing to sign support plan	May-15
65(d)	64(c)	DCW trng & orientation	DCW trng, competency test at credit for annual trng	May-15	227(h)		Support plan	Witness for resident refusal/inability to sign support plan	Mar-15
65(d)	65(d)	Staff orientation, DCW trng	Requirement licensed staff to complete trng	Nov-14	231	231	Admission-cognitive screen	Completed by CNP	Jul-16
87	87	Lighting	Delayed locking device areas other than IDCU/SCU	Oct-17	232(a)	232(a)	Doors, locks, alarms	IDCU/SCU outdoor exercise space and enclosure	Dec-14
91	91	Emergency phone numbers	Posting of 911 for poison control center	Jan-16	253	253	Record retention, disposal	Record retention of former employees	Feb-15
107(b)(7)	107(b)	Emergency preparedness	Evacuation plan located w/in 10 miles, nuclear power plant	Oct-14	253	253	Record retention, disposal	Record retention of residents	Jan-15
107(c)	107(c)	Emergency preparedness	Use of public water hot water tank as emergency water supply	May-15	N/A	N/A	General	Required documents, res move 1 PCH to another, same campus	Apr-16
107(c)		Emergency preparedness	Amount of water stored per person per day	Sep-14	N/A	N/A	General	Grace periods	Apr-16
127(a)	127(a)	Space heaters	Hard-wiring PTAC units	Oct-15	N/A	N/A	General	Use of anticoagulation testing device on multiple residents	Apr-15
130(d)	130(c)	Smoke detectors, fire alarms	Wireless fire systems and interconnectivity	Apr-16					

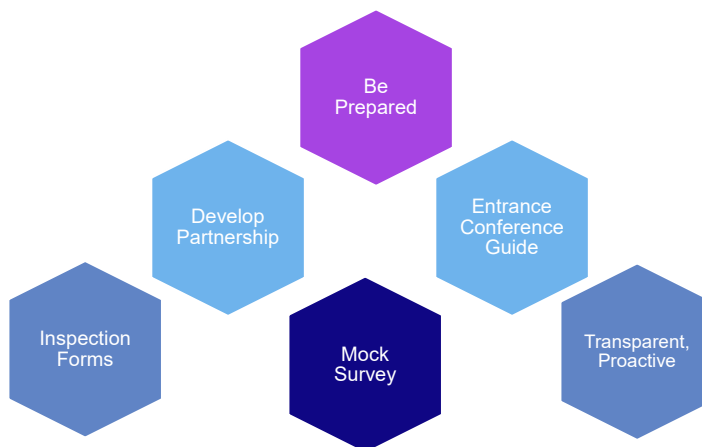
11/13/2018

13

BUREAU OF HUMAN SERVICES LICENSING



Best Practices – Smoother Inspection



11/13/2018

14

Best Practices - Communication

- Understand Licensing Rep's role
 - Preliminary Violations – provide as much info as possible
 - Positive Outreach & Technical Assistance
 - Call Immediately > Regional Director, Director of Operations
-
- BHSL Operator Support Hotline – 866.503.3926
 - BHSL Complaint Hotline – 877.401.8835
 - Website <http://www.dhs.pa.gov/provider/longtermcareservices/>
 - ListServe <http://listserv.dpw.state.pa.us/Scripts/wa.exe?A0=DPW-LICENSED-PROVIDERS-PCH>

Jacci Rowe > jacrowe@pa.gov

