


**SPRING 2019 UPDATES**  
**BUREAU OF HUMAN SERVICES LICENSING**

Jacqueline Rowe, MA, BS, NHA  
Director

3/22/2019 1



**BUREAU OF HUMAN SERVICES LICENSING**

**Dept of Human Services Updates**

- **Provider Plan of Correction Training – Late summer?**
- **Medication Administration Training Program**
- **Top 10 PCH and ALR Citations – April or May**
- **Medical Marijuana FAQ – Review process**


3/22/2019 2

## Dept of Human Services Updates


- **Electronic Licensing System – DHS ListServe on March 18, 2019**
- ~ **DHS, PDA, DDAP, and DOH**
- ~ **March 2018 Request for Information: Licensing-Related P & P**
- ~ **Outcome Objectives:**
  - Increase collaboration & communication between agencies
  - More efficient service to providers
  - Streamline business processes (electronic sharing/storage of documents)
  - Improve communication
- ~ **Webinar later this year for the scope and timeline.**

## Top 10 Citations 2017

PERSONAL CARE HOMES – CHP 2600		ASSISTED LIVING RESIDENCES – CHP 2800	
<b>185 (a)</b>	Accountability of Meds/Controlled Substances – procedures; med/equip, storage, access, distribution	<b>185 (a)</b>	Accountability of Medication and Controlled Substances
<b>187 (a)</b>	Med Records – required info for each resident	<b>69</b>	Additional Dementia-Specific Training ... 4 hours within 30 days of hire, at least 2 hours annually thereafter; in addition to other training requirements
<b>187 (d)</b>	Medication Records – follow directions of prescriber	<b>227 (c)</b>	Final Support Plan ... revised within 30 days of annual (or change condition); modified quarterly
<b>85 (a)</b>	Sanitation – conditions shall be maintained	<b>141 (a) (11)</b>	Resident Medical Eval & Health Care ... Complete a TB test within 15 days of admission, if not received within 2 years; chest x-ray if TB was positive
<b>141 (a)</b>	Med Eval & HC – w/in 60 days prior or w/in 30 days after admit	<b>187 (d)</b>	Medication Records ... Following prescriber's orders
<b>18</b>	Applicable Health & Safety Laws – i.e., Flu Posters, Carbon Monoxide Detectors, etc.	<b>183 (d)</b>	Storage/Disposal of Medications & Supplies ... only current medications kept for residents
<b>225 (c)</b>	Initial and annual assessment – annually, significant change, & at the Department's request	<b>65 (i)</b>	Staff Orientation ... Specific training topics for annual direct care staff training
<b>183 (d)</b>	Only current prescription, OTC, sample and CAM kept in the home	<b>187 (a)</b>	Medication Records – Information required to be kept about medications
<b>17</b>	Confidentiality of records - resident	<b>132 (d)</b>	Fire safety – Residents evacuate within timeframe specified by fire safety expert
<b>225 (a)</b>	Initial & Annual Assessment – w/in 15 d of admit	<b>132 (h)</b>	Fire safety – resident evacuation during each fire drill

**BUREAU OF HUMAN SERVICES LICENSING** 

## Regional Findings & Trends



Region	Findings & Trends
<b>CENTRAL</b>	<ul style="list-style-type: none"> <li>Glucometer Documentation – MAR and glucometer don't match</li> <li>Falls &amp; Resident Assessment – Improper treatment, assessment after a fall</li> </ul>
<b>NORTHEAST</b>	<ul style="list-style-type: none"> <li>MARS &amp; DME – Missing or incorrect information</li> <li>Support Plans – Not updated with new issues</li> <li>Failure to Follow Prescriber's Orders</li> </ul>
<b>SOUTHEAST</b>	<ul style="list-style-type: none"> <li>Falls &amp; Resident Assessment</li> <li>Medication Errors</li> </ul>
<b>WESTERN</b>	<ul style="list-style-type: none"> <li>Glucometer</li> <li>Prescriber's Orders</li> <li>Staffing</li> <li>Dignity &amp; Respect</li> </ul>

3/22/2019 5

**BUREAU OF HUMAN SERVICES LICENSING** 

## ALR Reg Revision Status

- 2800 regs effective January 18, 2011
- 2016 workgroup to review the regs and address industry changes
- DHS Executive Summary
- Next Steps: Governor's Office; Attorney General; House, Senate, & Independent Regulatory Review Commission; Pennsylvania Bulletin
- Public Comment
- Implementation

3/22/2019 6



## What can we expect to see with the ALR Reg Revision?

- **Definitions > Basic Cognitive Support Services, Specialized Cognitive Support Services, additional definitions**
- **Reinspection timeline of new ALRs**
- **Application and admission, resident-residence contract, opting-out, informed consent**
- **ALR administrator > remove January 18, 2011 ref date**
- **ALR administrator training; credits for 2-yrs**
- **ALR administrator onsite requirements**

3/22/2019

7



## More ALR Reg Revisions ...

- **Direct care staff CPR requirements**
- **SCU bathtub/shower clarification**
- **Medical evaluation and reference to TB test**
- **Companion services and transportation**
- **Initial assessment**
- **Mobility needs list**
- **Licensed Physician Assistant > medical professional**
- **Resident records > paper or electronic forms**

3/22/2019

8




## Medical Marijuana FAQ

- Storing/administering
- Participant MM use on the provider’s premise
- Employee MM use on the provider’s premise
- Provider doesn’t want to store/administer – Consider benefits
- Staff required to be designated caregiver
- Sharing MM


### BHSL WEBSITE POSTED Q & A SUMMARY

YEAR	MONTH	CITATION 2600	CITATION 2800	TOPIC	QUESTION
2019	MAR	N/A	N/A	General Clarification	Required resident documents for transitioning from PCH to ALR
	JAN	28(e)	28(e)	Service provisions	Excluding residents needing assistance with eating
		132(d) & (h)	132(d) & (h)	Refunds	Charging for the room until property is removed.
			141(a)(11)	Fire drills	Evacuating from unaffected area to designated place
			224(e)	Resident medical evaluation, HC	TB every two years
2018	NOV	85	85	Sanitation	Use of house glucometer
	JUL	231	231	Admission - cognitive screening	Completed by CRNP
	OCT	186(c)	186(c)	Prescription meds	Tackle box as emergency medication system
2017	APR	87	87	Lighting	Use of delayed locking device, areas other than SDCU/SCU
		18	18	Health, safety laws	CO detector location; fossil fuel-burning device examples; audible detectors
	63(d)	63(d)	1st aide, CPR, training	POLST form; which supersedes, POLST or DNR?	
	184(a)	184(a)	Labeling meds	Insulin pen storage	
		223(a), (b)	223(a), (b)	Excludable conditions; exceptions	Submitting the Req to Admit Res w/Excludable Condition (RAREC) form
2016	DEC	18	18	Health, safety laws	Influenza Awareness Act parameters
	NOV	16(a)(6)	16(a)(6)	Reportable incidents, conditions	Reporting misuse of a resident's funds
	OCT	18	18	Health, safety laws	Care Facility CO Alarms Standards Act parameters
		57(a)	57(a)	Direct care staffing	Direct care staff per building, multiple buildings under 1 license
	APR	N/A	N/A	General	Required documents, resident moves from 1 PCH to another on same campus
		N/A	N/A	General	Grace periods
		130(d)	130(c)	Smoke detectors, fire alarms	Wireless fire systems and interconnectivity
FEB	132(a)	132(a)	Fire drills	Unannounced fire drill considerations	
	144(c)(1)	144(c)(1)	Tobacco	Acceptable furniture for smoking area	
JAN	91	91	Emergency telephone numbers	Requirement of boiler certificate from Dept of L&I	
					Posting of 911 for poison control center

BUREAU OF HUMAN SERVICES LICENSING



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES




## Q & A Overview


- **PCH to ALR – Transitioning documentation**  
 ~ *If the terms have changed = new contract*  
 ~ *If the same = add an addendum regarding previous terms*
- **ALR Excluding Services – Assistance with dining**  
 ~ *ALR must provide ADL and IADL assistance, including dining*  
 ~ *Cannot exclude an applicant on this basis*  
 ~ *Cannot discharge a resident on this basis*

3/22/2019
11

BUREAU OF HUMAN SERVICES LICENSING



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES



## Q & A Overview

- **TB Testing – Required every 2 years**  
 ~ *Annual medical exam must indicate TB with negative results or CXR*

**Geriatrics Care Online ([geriatricscareonline.org](http://geriatricscareonline.org))**

- ~ 1.7 billion people infected worldwide >16 million in the US
- ~ Adults 65 and older account for ¼ active TB cases in US, most are in community-dwellings with other older adults
- ~ Exposure in early 1900's, estimated 80% infected by age 30
- ~ Increase risk in latent TB to become active

3/22/2019
12



## Q & A Overview

- **Refunds – Under and over age 60**
  - ~ < 60 = *can charge until room is cleared of personal items*
  - ~ > 60 = *must refund difference b/t cost of care and amount paid; can be a violation, unless refund is full, when P&P does not separate*
  - ~ *Elder Care Payment Restitution Act (35 P.S. § § 10226.101--.107)*  
[*Not complying with the Act can lead to criminal penalties.*]
- **Provisional License Action –**
  - ~ *Evaluating the process through LEAN A3 Problem-Solving*
  - ~ *Timeline, delays, seek efficiencies*

3/22/2019

13



## Q & A Overview

- **Resident Refusal of Medications –**
  - ~ Yes, they can.
- **Caregiver Task Sheets as part of the resident's medical record –**
  - ~ If they are documents used in the course of operations, they must be made available to the department upon request.

3/22/2019

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](mailto:jacrowe@pa.gov)

