



Personal Care Homes In Pennsylvania: A Guide for Advocates

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February 2007

I. INTRODUCTION

This guide is made possible with the support of the Pennsylvania Legal Services IOLTA Special Projects Grant.

This is a manual designed to help advocates in Northern Pennsylvania understand the laws and regulations that govern the approximately 1780 personal care homes in Pennsylvania, 247 of which are in the North Penn Legal Services service area, and 74 of which are in the 7¹ Counties selected for the project activities of this IOLTA Special Projects Grant. This guide is designed to help individuals understand who should live in personal care homes and how to advocate to insure that services are delivered and rights are honored.

Personal Care Homes (PCHs) are an essential component of Pennsylvania's continuum of long term care facilities. They house and service many of our most vulnerable citizens, including the elderly and persons with mental and physical disabilities. Like a boarding home, they provide a room (sometimes shared) and three meals a day. They differ from boarding homes because they are required by law to provide "safe, humane, comfortable, and supportive residential settings for aged, blind and disabled, and other dependent adults who require assistance beyond the basic necessities of food and shelter but who do not need hospitalization or skilled or intermediate nursing care".²

Pennsylvania does not have a separate assisted living residence license, so any place calling itself an assisted living residence (ALR) must be licensed as a personal care home. Presently, Pennsylvania law prohibits personal care homes from admitting or retaining residents whose care needs would qualify them for nursing facility care.³

II. WHAT IS A PERSONAL CARE HOME?

Personal Care Homes are residences that feed, house and provide personal care services to four or more unrelated individuals.⁴ They are required to "provide safe, humane, comfortable and supportive residential settings for aged, blind and disabled, and other dependent adults who require assistance beyond the basic necessities of food and shelter but who do not need hospitalization or skilled or intermediate nursing care".⁵

Approximately, 20% of personal care home residents are SSI recipients or have incomes equal to SSI recipients, who are low income, elderly and persons with disabilities. The Department of Public Welfare currently pays a supplemental payment of

¹ Luzerne, Wyoming, Bradford, Susquehanna, Tioga, Sullivan and Monroe.

² 55 Pa Code 2620.1

³ 62 P.S. § 1057.3

⁴ 62 P.S. §1001.

⁵ 55 Pa.Code §2620.1.

\$439.30 per month for each SSI participant living in a personal care home. SSI recipients use their SSI check and the state supplement to pay the PCH. They are permitted to retain \$60 per months for all of their personal care needs.

PCHs face a complex resident mix in terms of disability levels and need for protective oversight and services. The majority of residents have some cognitive impairment. Residents are predominantly elderly with significant health problems and functional impairments. They may have urinary incontinence and/or be immobile. They may require oxygen or daily insulin or other injections to maintain their present health status. Residents with alcohol abuse problems and drug abuse problems add to the complex care problems that PCH staff face. The net result is that PCHs are responsible for housing, feeding and providing supportive services for many of Pennsylvania's most vulnerable adults, many of whom are without family to help provide this care.

The vast majority of Pennsylvania's PCHs are for-profit. Overall, personal care homes differ in their average monthly rates, housing options, staffing and included services (versus services triggering additional charges). PCHs can range in size from 4 beds to hundreds of beds. In the 7 North Pennsylvania Counties of Luzerne, Wyoming, Bradford, Susquehanna, Tioga, Sullivan and Monroe, there are 74 personal care homes that range in size from 6 to 177 licensed beds. Some PCHs have four residents sharing a room; others provide lavish private apartments. Rates can range from \$1000 a month to over \$5000 a month. Some PCHs offer room, meals, oversight and limited personal care services, while others provide or arrange for skilled nursing services and therapies.

Even though PCHs are supposed to offer persons needing long-term care services a more residential setting than is found in a nursing facility, they are frequently more institutional than homelike. Unlike one's own home, many PCHs generally do not permit access to the kitchen to fix a snack or a cup of coffee. Likewise, many do not allow residents to bring their own furniture⁶ and often residents are not given the freedom to decide when to eat a meal or what to eat.

A. Regulation of Personal Care Homes In Pennsylvania

As in other states, Pennsylvania began regulating the PCH industry after large numbers of boarding homes began to provide housing, food and long-term care services to vulnerable adults, and after the discovery of seriously deficient conditions in these facilities, especially for poor residents.

DPW first obtained legislative authority to regulate boarding homes in 1966, however, little was done and no regulations were enacted. Exposés about terrible conditions, deaths by fire, and other issues led Congress to pass the Keys Amendment in 1976, which sought to involve the states in ensuring that SSI income was not being used

⁶ Please note, the regulations governing Personal Care Homes allow residents to bring their own furniture and homes that forbid residents from doing so are violating the regulations.

to subsidize substandard and life-threatening facilities. In 1979, the General Assembly passed Act 105, which authorized DPW to promulgate regulations and establish a system for licensing and regulating personal care boarding homes.

In 1988, the General Assembly passed Act 185. Act 185 tightened fire safety standards at PCHs, provided some improvement in training requirements (but not certification) of PCH operators, etc. The regulations that followed were codified at 55 PA Code 2620 et seq. and were in effect until October 2005.

In the Spring 2005, final revised regulations were promulgated. The majority of these regulations took effect on October 24, 2005. Several of the regulations were not scheduled to take effect immediately and, thus, they have yet to take effect. Additionally, a lawsuit filed by some personal care home providers had postponed the implementation of others sections of the new regulations. However, the lawsuit was dismissed in May 2006 and the suspended regulations have been implemented.

B. Where PCHs Fit in the Range of Facilities Available to Consumers with Long Term Care Needs

Long term care services are available in a variety of settings. From obtaining services in your own home to living in a nursing home, consumers with differing needs can find differing services to support them to live as independently as possible. It is important to distinguish personal care homes from other facilities or community residential settings. Personal care homes fall somewhere between nursing homes and boarding homes.

Personal care homes are not designed for persons with care needs appropriate for a nursing home, in fact the law prohibits these individuals from living in personal care homes. Yet, personal care homes are for individuals who need more regular and consistent support in their activities of daily living than they can get living in a boarding home, that simply provides them a rented room, and maybe a meal.

i. Nursing Facilities

Long term care nursing facilities provide long term care for individuals with the most advanced medical and care needs. Nursing facilities are the least desired alternative for Pennsylvanians needing assistance with activities of daily living, and are the most expensive places to receive long term care. They are licensed by the Department of Health as medical facilities.

ii. Boarding Homes

By contrast, boarding homes generally provide a person with a room and, perhaps, a meal. Pennsylvania does not require boarding homes to be licensed to operate, and they are essentially unregulated. There are no state mandated qualifications required of a person to run a boarding home or to staff it. With no state agency responsible to track boarding homes, it is unclear how many boarding homes are in operation. It is believed that many boarding home residents need personal care services such as assistance with medication, dressing, bathing, and toileting that boarding homes are not permitted or staffed or trained to provide.

iii. Unlicensed Personal Care Homes

1) Legally Unlicensed PCHs

Pennsylvania law requires a personal care license for residences that feed, house and provide personal care services to four or more unrelated individuals.⁷ Therefore, a facility that provides personal care services for up to three unrelated residents may lawfully remain unlicensed and unregulated, despite caring for very vulnerable, dependent people. There is a concerning practice of PCH operators who have lost their PCH license because of conditions that threatened the life and safety of their residents to continue to operate by reducing their census to three or fewer residents.

Currently, DPW lacks the legal authority to inspect, require plans of correction or fine these facilities, no matter how terrible the conditions remain for the reduced number of residents. However, licensure authority should be expanded. At a minimum, licensing inspectors must take seriously their ability and responsibility to make appropriate referrals to Protective Services.

2) Illegally Unlicensed PCHs

There are a growing number of boarding homes and other facilities, housing four or more individuals who require assistance with activities of daily living (eating, bathing, transferring, toileting, providing assistance with medication, and other activities) but which are not licensed as PCHs and may or may not provide the services residents need. As a result, medically fragile people are placed in these illegal homes, instead of licensed personal care facilities with obligations to provide personal care services. There have been several cited abuses of fragile consumers living in these unlicensed facilities.

DPW has the authority to take legal action against illegally unlicensed facilities that are housing and providing personal care services to individuals who need them.

iv. Domiciliary Care Homes

⁷ 62 P.S. §1001

Domiciliary Care or "Dom Care" homes are another place where Pennsylvanian's can receive long term care services. These facilities are similar to personal care homes in the kinds of services that they can provide. However, they are smaller (can only hold a maximum of three residents) and the facility must be the provider's home. Residents receive room and board as well as help with self care activities. Dom Care homes are intended to provide a more home-like environment for many people who cannot live independently.

III. PERSONAL CARE HOME REGULATIONS

Personal Care Homes are governed by state law (62 P.S. 1001, et. seq.) and regulations (Chapter 55 Subchapter 2600 and Chapter 20 of the Pennsylvania Code). In addition, applicable Federal, State and local statutes, ordinances and regulations, especially those that pertain to fire and panic, public health, civil rights and protective services apply.

Under Chapter 55 of the Pennsylvania Code, Personal Care Homes are required to "provide safe, humane, comfortable and supportive residential settings for adults who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision with activities of daily living, instrumental activities of daily living, or both."⁸ Residents of personal care homes should receive the encouragement and assistance they need to develop and maintain maximum independence and self-determination with the goal of preventing unnecessary institutionalization.⁹

The regulations set forth what services Personal Care Homes **must** provide, and which services they **may** provide. They establish requirements for operating a PCH including the requirements for becoming a licensed PCH, the training and other requirements for being the administrator of a PCH, the requirements for being on staff at a PCH, and the obligations the PCH must fulfill in record keeping and for maintaining licensure. The regulations establish building, maintenance, and housekeeping requirements that PCHs must meet, including fire safety and other legal requirements. The regulations also set out how the licensing process works, penalties the Department may assess and licensing actions the Department may take against violators, and how a PCH may appeal these actions taken by the Department.

It is important to note, however, that DPW can waive many of these requirements in the licensing rules as long as it determines the health, safety, or welfare of the residents, or the quality of services provided, will not be affected.

The regulations for personal care homes can be found at <http://www.pacode.com/secure/data/055/chapter2600/chap2600toc.html> Additionally, the regional licensing office should be able to provide you with a paperback booklet copy of the regulations that apply. To contact the regional licensing office, call 570/963-3209, 800/833-5095.

⁸ 55 Pa.
⁹ Id.

Here is an overview of the critical licensure requirements in effect for personal care homes as of December 2006:

A. Applicability of Regulations and How a Home Becomes Licensed

A personal care home provides safe, humane, comfortable and supportive residential settings for adults who do not require the services **in or of a licensed long-term care facility**, but who do require assistance or supervision with activities of daily living such as dressing, bathing, diet, and financial management, among others, as well as assistance or supervision with instrumental activities of daily living such as laundry, shopping, and managing finances.¹⁰ This is the language that, mirroring the statute, prohibits nursing home clinically eligible individuals from residing in personal care homes. The regulations do not apply to commercial boarding homes or to facilities operated by a religious organization **exclusively** for the care of clergy or other individuals in a religious profession. And, personal care homes are only allowed to admit and serve up to the maximum permissible capacity determined by the department and written on the homes license.

Under the regulations, a home must first demonstrate compliance with the regulatory requirements prior to being granted a license to operate as a personal care home. Likewise, the home must be in compliance with all applicable federal, state, and local laws.

Personal Care Homes are to be inspected by the Department of Public Welfare annually, with unannounced annual inspections beginning later in 2006, to determine compliance with regulations and other applicable laws.

Despite the general rule that the regulations are applicable to all homes, note that a home may obtain a waiver of a certain requirement contained in the regulations – upon application to the Department of Public Welfare.¹¹ A waiver of a regulatory requirement may be granted under the following circumstances:

- 1) if there is no jeopardy to the residents,
- 2) there is an alternative for providing an equivalent level of health, safety, and well-being protection of the residents, and
- 3) residents will benefit from the waiver of the requirement

¹⁰ 55 Pa Code §2600.4

¹¹ 55 Pa Code 2600.19

Waivers may not change residents' rights.¹² If a waiver is requested, the home must provide any affected residents with a copy of the waiver request and must notify them when the request is granted or denied.¹³ The request and decision must also be posted in a conspicuous place in the home.¹⁴ Please note that any waivers granted prior to October 24, 2005 will not be in effect as of the regulation implementation date October 24, 2006. Homes must request a new waiver.

B. Services available to Resident

A personal care home must provide their residents with needed personal care services. Under the new regulatory scheme, a personal care home must assess an individual's needs for assistance with activities of daily living and instrumental activities of daily living. These are terms of art that are commonly used across the long-term care spectrum and were, for the first time, incorporated into personal care home regulations in the newest iteration of the regulations that became effective in October 2005.

Under the 55 PA Code 2600 regulations, a personal care home is:

A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.¹⁵

Therefore, a personal care home must assess a resident's need for assistance in activities of daily living and instrumental activities of daily living. Activities of daily living are defined in the regulations and include "eating, drinking, ambulating, transferring in and out of a bed or chair, toileting, bladder and bowel management, personal hygiene, securing health care, managing health care, self-administering medication and proper turning and positioning in a bed or chair."¹⁶ Instrumental activities of daily living are also defined in the regulations and include the following activities when done on behalf of a personal care home resident: laundry, shopping, securing and using transportation, managing finances, using a telephone, making and keeping appointments, caring for personal possessions, writing correspondence, engaging in social and leisure activities, using a prosthetic device, and obtaining and keeping clean, seasonal clothing.¹⁷

¹² 55 Pa Code § 2600.19(b)

¹³ 55 Pa Code § 2600.19(c)

¹⁴ 55 Pa Code § 2600.19(e)

¹⁵ 55 Pa Code § 2600.4

¹⁶ 55 Pa Code § 2600.4

¹⁷ Id.

C. Admission, Assessment of Needs, Support Plan, and Medical Evaluation –

Prior to admission, the personal care home must complete a preadmission screening of a potential resident.¹⁸ This screening determines whether the resident could, appropriately, move into the personal care home. This must be completed on a form provided by the Department. The resident must also have a medical evaluation completed either 60 days prior or 30 days after admission.¹⁹ These must be repeated annually or upon a change of condition.²⁰ An individualized needs assessment must be completed within 15 days of admission to the personal care home²¹ and an individualized support plan, indicating how needs will be met, must be developed and implemented within 30 days after admission.²² The Assessment and Support plan must be repeated annually or upon a change in condition. Both of these forms must be completed on forms provided by the Department, available at <http://www.dpw.state.pa.us/Disable/PersonalCareAssistedLiving/003673202.htm>.

Form	When and Why	What Form	Repeat Form
Pre-Admission Screening	Prior to Admission – to determine appropriateness of admission	DPW’s form	
Medical Evaluation	60 days prior or 30 days after admission – to confirm appropriateness and articulate medical needs and conditions.	DPW’s form- MA-51	Annually or Upon a Change in Condition
Needs Assessment	Within 15 days of Admission – to determine care and support needs.	DPW’s Form	Annually or Upon a Change in Condition
Support Plan	Within 30 days of Admission – to articulate how care and support needs will be met.	DPW’s Form	Annually or Upon a Change in Condition

D. Written Agreement

The individual and the home must complete a resident-home contract prior to admission or within 24 hours after admission.²³ The following must be contained in the contract:²⁴

- That the resident will keep at least the current minimum needs allowance

¹⁸ 55 Pa Code § 2600.22(1) and § 2600.224

¹⁹ 55 Pa Code § 2600.22(2) and § 2600.141(a)

²⁰ 55 Pa Code § 2600.141(b)

²¹ 55 Pa Code § 2600.22(3) and § 2600.225

²² 55 Pa Code § 2600.22(4) and § 2600.227

²³ 55 Pa Code § 2600.25(a)

²⁴ 55 Pa Code § 2600.25(c)

- A fee schedule with the actual allowable resident charges for services
- An explanation of the annual assessment, medical evaluation and support plan requirements
- The party responsible for payment
- Method of payment for long distance telephone calls
- Conditions under which refunds will be made
- Financial arrangements if assistance with financial management is needed
- Home's rules relating to home services
- Conditions under which the contract may be terminated
- Statement that the resident is entitled to at least 30 days notice before the home changes the agreement
- A list of the services to be provided to the resident, based on the support plan, a list of the actual rates that will be charged, how payment shall be made and by whom
- Charges to the resident for holding a bed if the resident is hospitalized or is otherwise absent from the home for an extended period
- Written information about residents' rights and complaint procedures

Either the resident or the resident's designated person has the right to rescind the contract up to 72 hours after the initial signing and only pay for services received.²⁵ Services agreed to in the contract must be available to the resident every day of the year.²⁶ Finally, a home may not require or permit the resident to assign assets to the home in exchange for a life care contract/ guarantee, unless the home has received a Certificate of Authority from the Insurance Department.²⁷

In addition, the home may not take more than half of any rebate received by the resident under the Senior Citizen Rebate and Assistance Act.²⁸

E. Discharge Rights

Personal Care Homes must generally provide residents with a notice at least 30 days before discharging or transferring the resident, even if the home is planning on closing.²⁹ There are some circumstances when this is not required, such as when delaying would jeopardize the health, safety, or well-being of the resident or of others in the home and this has been certified by the Department of Public Welfare.³⁰

²⁵ 55 Pa Code § 2600.25(e)

²⁶ 55 Pa Code § 2600.25(h)

²⁷ 55 Pa Code § 2600.25(f)

²⁸ 55 PA Code. § 2600.25(d)

²⁹ 55 Pa Code § 2600.228(b)

³⁰ 55 Pa Code § 2600.228(b)

The 30-day notice requirement must be included in the resident's contract with the home.³¹ A home can only discharge or transfer a resident under certain circumstances:³²

- The resident is a danger to him or herself or to others
- The home closes
- The resident's functional level has changed or declined so that the resident's need cannot be met in the home.
- Meeting the resident's needs would require a fundamental alteration in the home's program or building site
- The resident has failed to pay and the home has attempted to collect payment
- If the resident has repeatedly violated home rules and the violations have been documented

When the home initiates the transfer or discharge, and the residents moves out before the end of the 30 days, the home must refund the resident any rent paid for time after the resident moved out of the home.³³ Additionally, the home must provide assistance to the resident in relocating, if the residents requests the assistance.³⁴

Residents may be required to give 30 days notice before leaving a home or they may owe the home rent and the cost of personal care services for the 30 day period.³⁵ Though if a home does not require written notice, then the home must refund the resident the remainder of any charges paid after the resident leaves the home.³⁶

Within 2 days of transfer or discharge, the resident's personal needs allowance must be refunded.³⁷ Within 30 days of the resident leaving the home, the home must send the resident an itemized written account of the resident's funds and refunds must be made within 30 days.³⁸ If the resident has been transferred to a higher level of care, the home must return any funds being managed or held by the home to the resident within 2 days of the resident's room being cleared of the resident's personal property.³⁹

F. Resident's rights

The following is a list of the specific rights held by all residents of personal care homes.⁴⁰

³¹ 55 Pa Code § 2600.228(b)

³² 55 Pa Code § 2600.228(h)

³³ 55 Pa Code § 2600.28(a)

³⁴ 55 Pa Code § 2600.228(a)

³⁵ 55 Pa Code § 2600.28(b)

³⁶ 55 Pa Code § 2600.28(d)

³⁷ 55 Pa Code § 2600.28(a)

³⁸ 55 Pa Code § 2600.28(f)

³⁹ 55 Pa Code § 2600.28(g)

⁴⁰ 55 Pa Code § 2600.42

- a. A **resident** may not be discriminated against on the basis of race, color, religious creed, disability, handicap, ancestry, sexual orientation, national origin, age or sex.⁴¹
- b. A resident may not be neglected, intimidated, physically or verbally abused, mistreated, subjected to corporal punishment or disciplined in any way.
- c. A resident shall be treated with dignity and respect.
- d. A resident shall be informed of the rules of the home and given 30 days' written notice prior to the effective date of a new home rule.
- e. A resident shall have access to a telephone in the home to make calls in privacy. Non-toll calls shall be without charge to the resident.
- f. A resident has the right to receive and send mail.
 1. Outgoing mail may not be opened or read by staff persons unless the resident requests.
 2. Incoming mail may not be opened or read by staff persons unless upon the request of the resident or the resident's designated person.
- g. A resident has the right to communicate privately with and access to the local ombudsman.
- h. A resident has the right to practice the religion or faith of the resident's choice, or not to practice any religion or faith.
- i. A resident shall receive assistance in accessing health services.
- j. A resident shall receive assistance in obtaining and keeping clean, seasonal clothing. A resident's clothing may not be shared with other residents.
- k. A resident and the resident's designated person, and other individuals upon the resident's written approval, shall have the right to access, review and request corrections to the resident's record.
- l. A resident has the right to furnish his room and purchase, receive, use and retain personal clothing and possessions.
- m. A resident has the right to leave and return to the home at times consistent with the home rules and the resident's support plan.

⁴¹ No "protection" against discrimination for applicants or staff persons written in the regulations.

- n. A resident has the right to relocate and to request and receive assistance, from the home, in relocating to another facility. The assistance shall include helping the resident get information about living arrangements, making telephone calls and transferring records.
- o. A resident has the right to freely associate, organize and communicate with others privately.
- p. A resident shall be free from restraints.
- q. A resident shall be compensated in accordance with State and Federal labor laws for labor performed on behalf of the home. Residents may voluntarily and without coercion perform tasks related directly to the resident's personal space or common areas of the home.
- r. A resident has the right to receive visitors for a minimum of 12 hours daily, 7 days per week.
- s. A resident has the right to privacy of self and possessions. Privacy shall be provided to the resident during bathing, dressing, changing and medical procedures.
- t. A resident has the right to file complaints with any individual or agency and recommend changes in policies, home rules and services of the home without intimidation, retaliation or threat of discharge.
- u. A resident has the right to remain in the home, as long as it is operating with a license, except as specified in § 2600.228 (relating to notification of termination).
- v. A resident has the right to receive services contracted for in the resident-home contract.
- w. A resident has the right to use both the home's procedures and external procedures, if any, to appeal involuntary discharge.
- x. A resident has the right to a system to safeguard a resident's money and property.
- y. A resident has the right to choose his own health care providers without limitation by the home. This includes the right to select the resident's own pharmacist provided that the pharmacy agrees to supply medications in a way that is compatible with the home's system for handling and assisting with the self-administration of resident medications.

Residents or others can make complaints about any violations of their rights through the Personal Care Home Complaint hotline, 1-800-254-5164, directly to the Personal Care Home Regional Office, or to various other agencies. See “section IV.” below for more information on making complaints.

At admission, residents must be informed of their rights and of the right to make complaints, without fear of retaliation, intimidation, or harassment. Residents must be informed of their rights in an easily understood manner and the list of rights must be posted in a conspicuous and public place in the home. In addition, the resident must be given a copy of his or her rights and complaint procedures at admission. A signed statement acknowledging that he or she received this copy should be kept in the resident’s records.

G. Financial Management for residents

In general, a resident can manage his or her own finances.⁴² However, homes may offer assistance to residents in managing their finances or can hold funds for residents. When a home offers assistance with financial management, the home must follow several rules. The home must keep detailed records for the resident regarding his or her records, and the records must be available to the resident to review.⁴³ Additionally, the resident must be able to receive his or her money within 24 hours of requesting it and the home must obtain a receipt whenever it disburses funds for the resident.⁴⁴ The funds may only be used for the resident’s benefit and should not be co-mingled with home funds.⁴⁵

H. Additional Rights for SSI residents

Residents of personal care homes who are recipients of SSI have additional rights. Those residents may not charge the resident an amount beyond the resident’s current monthly income reduced by the personal needs allowance.⁴⁶ Additionally, homes must provide SSI residents with necessary personal hygiene items, laundry service for personal laundry, linens and towels and personal care services.⁴⁷ The home may not charge the resident for those services beyond the general charges. Finally, the home may not accept third party payments on behalf of an SSI resident for food clothing or shelter.⁴⁸

⁴² 55 Pa Code § 2600.20(a)

⁴³ 55 Pa Code § 2600.20(a)

⁴⁴ 55 Pa Code § 2600.20(a)

⁴⁵ 55 Pa Code § 2600.20(a)

⁴⁶ 55 Pa Code § 2600.27(a)

⁴⁷ 55 Pa Code § 2600.27(d)

⁴⁸ 55 Pa Code § 2600.27(e)

I. Staff qualification/ training

The new regulations change some of the qualifications and increase the amount of training for direct care staff and administrators.

New administrators hired after October 24, 2006, must complete a 100 hour training course, approved by the Department, and have passed a competency test prior to beginning work.⁴⁹ Additionally, the administrator must complete another 24 hours of training annually on matters related to their job duties.⁵⁰ Administrators must have either a registered nurse license, an associate's degree or 60 college credit hours, a licensed practical nurse license with one year of work experience in a related field or a license as a nursing home administrator.⁵¹

Direct staff members hired after April 24, 2006, must complete an orientation that covers emergency and fire procedures prior to beginning work or during their first work day.⁵² During the first 40 hours of work, new staff must receive training that covers resident rights and various reporting requirements. Before providing direct care, new staff members must receive training that covers such topics as ADLs, universal precautions, care and needs of residents, personal hygiene, etc. Staff must also pass a competency test on the training topics.⁵³ Beginning in April 2006, direct care staff members must complete an additional 12 hours of training each year that covers topics such as medication self administration, infection control, and safe management techniques, among others.⁵⁴ Staff, volunteers, and substitute personnel must also receive annual training on fire safety, emergency preparedness, resident rights, the Older Adult Protective Services Act, falls and accident prevention, and any new populations being served by the personal care home.⁵⁵

Direct staff members hired after November 10, 2005, must be at least 18 years old, have a high school diploma, GED or be a nurse's aide.⁵⁶ Administrators and staff must be free of medical addiction including drug or alcohol addictions that would limit them from performing their duties safely.⁵⁷

J. Physical site

⁴⁹ 55 Pa Code § 2600.64(a)

⁵⁰ 55 Pa Code § 2600.64(c)

⁵¹ 55 Pa Code § 2600.53(a).

⁵² 55 Pa Code § 2600.65(a)

⁵³ 55 Pa Code § 2600.65(d)

⁵⁴ 55 Pa Code § 2600.65(e) This section was enjoined until April 2006.

⁵⁵ 55 Pa Code § 2600.65(g)

⁵⁶ 55 Pa Code § 2600.54(a).

⁵⁷ 55 Pa Code § 2600.54(a)(3)

Beginning at section 2600.81, the regulations cover physical site requirements for personal care home. This includes regulations relating to sanitation, ventilation, heat, and water. Some of the regulations requirements are described below.

1. Temperature (section 2600.83)
Section 2600.83 says that the indoor temperature of areas used by residents must be at least 70 degrees. Additionally, if the home is not air conditioned, fans must be made available to residents when the outside temperature reaches 80 degrees.
2. Sanitation (2600.85)
Trash must be removed from the home at least once a week and must be kept in covered receptacles, both in the bedrooms and outside. Evidence of infestation by insects or rodents is forbidden.
3. Ventilation (2600.86)
Areas used by residents must be ventilated by either an operable window, an air conditioner, a fan or a mechanical ventilation system. Bathrooms without an operable window must have an exhaust fan.
4. Water (2600.89)
The home must have hot and cold water, under pressure, in all bathrooms, kitchens and laundries in the home. Additionally, hot water accessible to the residents must not exceed 120 degrees.
5. Windows and screens (2600.92)
Windows must be in good repair and securely screened.

In addition to the physical site, the regulations also have certain requirements regarding the spaces in the home for residents. There must be at least one furnished living room or lounge area big enough to house all residents at the same time, with ample lighting, chairs and tables.⁵⁸ There must also be access to outdoor recreation space.⁵⁹

Resident bedrooms must have at least 80 square feet of space for single bedrooms and 60 square feet per resident for shared bedrooms. Rooms may not be shared by more than 4 residents and each bedroom must have a window with direct exposure to natural light. Residents should have access to their bedrooms all the time. Further, residents should have access to a bathroom with a toilet without having to go through another resident's room.⁶⁰ As noted above, SSI residents must have bed linens provided to them.

⁵⁸ 55 Pa Code § 2600.98

⁵⁹ 55 Pa Code § 2600.99

⁶⁰ 55 Pa Code § 2600.101

Additionally, bed linens for all residents must be changed at least once a week and more when necessary.⁶¹

There is a minimum number of toilets, sinks and bathing facilities required for each personal care home, depending on its size.⁶² Residents must also have privacy for the tubs, showers and toilets.⁶³ Further, all residents must have their own towel, washcloth and soap and all toilets must have toilet paper.⁶⁴

Personal care homes must have a dining area that can hold all of the residents in the home and are required to provide breakfast, lunch and dinner.⁶⁵ If the resident is sick, then the home must provide meals in the resident's room.⁶⁶ The home must have access to a kitchen.⁶⁷

Meals must be nutritional and the homes must post menus a week in advance.⁶⁸ Alternatives must also be offered.⁶⁹

IV. HOW TO REPORT CONCERNS AND COMPLAINTS

Under the regulations, complaints can be made to a home, to the Department of Public Welfare's Personal Care Home Regional Office, the local ombudsman's or protective services unit in the area agency on aging, Pennsylvania Protection and Advocacy at 1-800-692-7443 or law enforcement agency.⁷⁰ Additionally, the home must post the phone numbers for those entities in large print in a conspicuous, public place.⁷¹ Anyone can make a complaint to a home regarding resident rights, quality of care or other matters and the home must respond to both oral and written complaints.⁷² If someone other than a resident makes a complaint, the resident who is affected by the complaint should receive a copy of any decision or status reports issued by the home, unless providing the resident with that information is contraindicated by the resident's support plan.⁷³

⁶¹ 55 Pa Code § 105(d)

⁶² 55 Pa Code § 2600.102(a) - (c)

⁶³ 55 Pa Code § 2600.102(e)

⁶⁴ 55 Pa Code § 2600.102(h)

⁶⁵ 55 Pa Code § 2600.104(a) and § 2600.104(e)

⁶⁶ 55 Pa Code § 2600.104(e)(1)

⁶⁷ 55 Pa. Code § 2600.103(a)

⁶⁸ 55 Pa Code § 2600.161(a) and § 2600.162(c)

⁶⁹ 55 Pa Code § 2600.161(b)

⁷⁰ 55 Pa Code § 2600.44(a)

⁷¹ 55 Pa Code § 2600.44(g)

⁷² 55 Pa Code § 2600.44(b)

⁷³ 55 Pa Code § 2600.44(e)

If a written complaint is made to a home, a status report must be made to the complainant within 2 days of the complaint being made, to indicate how the home is investigating and addressing the complaint.⁷⁴ Within 7 days of submission of a written complaint, the home must give the affected resident a decision with the home's findings as well as steps taken to resolve the complaint.⁷⁵

Complaints can also be made to the personal care home regional office or through the personal care home complaint hotline- 1-800-254-5164. Complaints made to the Department of Public Welfare do not have time limits for completion. However, the Department has said that it will return phone calls made to its complaint line by the next business day and it will make site visits in the course of investigation when necessary.

For Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming complaints should be made to the **Northeast Field Office**:

Duane Valence, Licensing Administrator
330 Scranton State Office Building,
100 Lackawanna Avenue,
Scranton, PA, 18503-1923
Telephone: 570/963-3209, 800/833-5095
Fax: 570/963-3018

For Clinton and Snyder counties, complaints should be made to the **Central Field Office**:

Gerald Goessel, Licensing Administrator
1401 North 7th Street, 4th Floor,
Bertolino Bldg. P.O. Box 2675,
Harrisburg, PA 17105-2675
Telephone: 717/772-4673, 800/882-1885
Fax: 717/783-3956

For Leigh County, complaints should be made to the **Norristown field office**:

Nancy Wilson, Licensing Administrator
Room 161, Building 2,
Norristown State Hospital,
Norristown, PA 19401
Telephone: 610/270-1137, 866/711-4115
Fax: 610/270-1147

⁷⁴ Id.

⁷⁵ 55 Pa Code § 2600.44(f)

When making complaints about a personal care home to the Department of Public Welfare's Personal Care Home Regional Office, it is best if the complaint is done in writing and cites the regulations that are being violated. The complaint should also indicate what should be done about the violation. Advocates should follow-up on the complaint with the licensing office.

A. WHERE TO GET HELP

Residents and advocates who need help with personal care home problems can call a number of difference agencies to get assistance.

Ombudsman

The local Ombudsman have authority under the regulations to enter a home and investigate complaints.⁷⁶ They can also advocate on behalf of the resident. Ombudsman services can be confidential, if requested. The local Ombudsman contact information for the counties covered by the IOLTA grant for this manual is:

Bradford, Tioga, Sullivan, Susquehanna

Ombudsmen: (570) 265-6121

Protective Services: (800) 982-4346

Carbon

Ombudsmen: (570) 325-2726

Protective Services: (800) 441-1315

Columbia/ Montour

Ombudsmen: (570) 784-9272

Protective Services: (570) 784-9272

Lackawanna

Ombudsmen: (570) 344-7190

Protective Services: (570) 963- 6740

Lehigh

Ombudsmen: (610) 782-3034

Protective Services: (610) 782-3200 or (610) 782-3034

Luzerne/ Wyoming

⁷⁶ 55 Pa Code § 2600.5(a)(3)

Ombudsmen: (570) 824-4303
Protective Services: 1-800-252-1512

Lycoming/ Clinton

Ombudsmen: (570) 748-8665
Protective Services: (800) 332-8555

Monroe

Ombudsmen: (570) 420-3735
Protective Services: (570) 420-3735

Northampton-

Ombudsmen: (610) 559-3245
Protective Services: (610) 252-9060

Northumberland

Ombudsmen: (570) 475-2371
Protective Services: (570) 495-2390 or (800) 222-9016

Pike

Ombudsmen: (570) 775-5550
Protective Services: (800) 233-8911

Union/ Snyder

Ombudsmen: (570) 524-2100
Protective Services: (570) 374-5558

Wayne

Ombudsmen: (570) 253-4262
Protective Services: (800) 648-9620

Pennsylvania Protection and Advocacy

Pennsylvania Protection and Advocacy is mandated to work on behalf of individuals with disabilities. PP&A advocates also have the right to access a personal care home under the regulations⁷⁷ and can conduct investigations and advocate on behalf of residents. The contact information for Pennsylvania Protection and Advocacy is 1-800-692-7443 (Voice) and 1-877-375-7139 (TDD).

Legal Services

⁷⁷ 55 Pa Code § 2600.5(a)(4)

North Penn Legal Services is the local legal services provider in the area covered by this manual. They can provide free assistance in filing complaints and resolving resident problems. They can be reached at 1-877-9-LEGAL-0.

The Pennsylvania Health Law Project free legal services and advocacy to assist residents file complaints and access necessary healthcare services. PHLP can be reached at 1-800-274-3258 or 1/866-236-6310 TTY.