

Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES

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ARTICLE I. LICENSING/APPROVAL

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CHAPTER 6400. COMMUNITY HOMES FOR INDIVIDUALS WITH MENTAL RETARDATION

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Authority

The provisions of this Chapter 6400 issued under the Public Welfare Code (62 P. S. § 1021); amended under Article X of the Public Welfare Code (62 P. S. §§ 1001—1080), unless otherwise noted.

Source

The provisions of this Chapter 6400 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 2380.2 (relating to applicability); 55 Pa. Code § 3800.3 (relating to exemptions); 55 Pa. Code § 3800.56 (relating to exceptions for staff qualifications); 55 Pa. Code § 4305.11 (relating to exempt services); 55 Pa. Code § 6000.351 (relating to licensing criteria); 55 Pa. Code § 6000.903 (relating to licensing applicability); 55 Pa. Code § 6500.3 (relating to applicability); and 55 Pa. Code § 6500.41 (relating to effective date of staff qualifications).

GENERAL PROVISIONS

§ 6400.1. Introduction.

This chapter is based on the principle of normalization which defines the right of the individual with mental retardation to live a life which is as close as possible in all aspects to the life which any member of the community might choose. For the individual with mental retardation who requires a residential service, the design of the service shall be made with the individual's unique needs in mind so that the service will facilitate the person's ongoing growth and development.

Source

The provisions of this § 6400.1 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131347).

§ 6400.2. Purpose.

The purpose of this chapter is to protect the health, safety and well-being of individuals with mental retardation, through the formulation, implementation and

enforcement of minimum requirements for the operation of community homes for people with mental retardation.

Source

The provisions of this § 6400.2 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131347).

§ 6400.3. Applicability.

(a) This chapter applies to community homes for people with mental retardation, except as provided in subsection (f).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance. A certificate of compliance shall be obtained prior to operation of a community home for people with mental retardation.

(c) This chapter applies to profit, nonprofit, publicly funded and privately funded homes.

(d) Each home serving nine or more individuals shall be inspected by the Department each year and shall have an individual certificate of compliance specific for each building.

(e) Each agency operating one or more homes serving eight or fewer individuals shall have at least a sample of its homes inspected by the Department each year. The certificate of compliance issued to an agency shall specify the location and maximum capacity of each home the agency is permitted to operate.

(f) This chapter does not apply to the following:

(1) Private homes of persons providing care to a relative with mental retardation.

(2) Residential facilities operated by the Department.

(3) Intermediate care facilities for the mentally retarded licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for the mentally retarded).

(4) Foster family care homes licensed by the Office of Children, Youth and Families of the Department that serve only foster care children.

(5) Summer camps.

(6) Facilities serving exclusively personal care home, drug and alcohol, mental health or domiciliary care residents.

(7) Residential homes for three or fewer people with mental retardation who are 18 years of age or older and who need a yearly average of 30 hours or less direct staff contact per week per home.

(8) Child residential facilities which serve exclusively children, which are regulated under Chapter 3800 (relating to child residential and day treatment facilities).

(g) This chapter does not measure or assure compliance with other applicable Federal, State and local statutes, regulations, codes and ordinances. It is the responsibility of the home to comply with other applicable laws, regulations, codes and ordinances.

Authority

The provisions of this § 6400.3 amended under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1080).

Source

The provisions of this § 6400.3 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended June 25, 1999, effective October 26, 1999, 29 Pa.B. 3295. Immediately preceding text appears at serial pages (251407) to (251408).

Cross References

This section cited in 55 Pa. Code § 6400.4 (relating to definitions).

§ 6400.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Agency—A person or legally constituted organization operating one or more community homes for people with mental retardation serving eight or fewer individuals.

Community home for people with mental retardation home—A building or separate dwelling unit in which residential care is provided to one or more individuals with mental retardation, except as provided in § 6400.3(f) (relating to applicability). Each apartment unit within an apartment building is considered a separate home. Each part of a duplex, if there is physical separation between the living areas, is considered a separate home.

Department—The Department of Public Welfare of the Commonwealth.

Fire safety expert—A local fire department, fire protection engineer, State certified fire protection instructor, college instructor in fire science, county or State fire school, volunteer fire person trained by a county or State fire school or an insurance company loss control representative.

IPP—Individual program plan.

Individual—A person with mental retardation who resides, or receives residential respite care, in a home and who is not a relative of the owner of the home.

Mental retardation—Subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following:

- (i) Maturation.
- (ii) Learning.

(iii) Social adjustment.

Normalization—A principle designed to ensure for every person with mental retardation and the person's family the right to live a life as close as possible to that which is typical for the general population.

Relative—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew.

Source

The provisions of this § 6400.4 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131348).

§ 6400.5. [Reserved].**Source**

The provisions of this § 6400.5 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131348) and (133673).

GENERAL REQUIREMENTS**§ 6400.11. Licensure or approval of facilities and agencies.**

The requirements specified in Chapter 20 (relating to licensure or approval of facilities and agencies) shall be met.

Source

The provisions of this § 6400.11 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133673).

§ 6400.12. Appeals.

(a) Appeals related to the Department's licensure shall be made in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(b) Appeals related to the Department's licensure shall be made by filing a petition within 30 days after service of notice of the action.

(c) Subsection (b) supersedes the appeal period of 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

Source

The provisions of this § 6400.12 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 3, 2008, effective November 3, 2008, 38 Pa.B. 5435. Immediately preceding text appears at serial page (288049).

§ 6400.13. Maximum capacity.

The maximum capacity specified on the certificate of compliance may not be exceeded.

Source

The provisions of this § 6400.13 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133674).

Cross References

This section cited in 55 Pa. Code § 6000.303 (relating to no license factors); and 55 Pa. Code § 6000.304 (relating to provisional license factors).

§ 6400.14. Fire safety occupancy permit.

(a) If the home is located outside Philadelphia, Scranton or Pittsburgh and serves four or more individuals or if the home is located in a multiple family

dwelling, the home shall have a valid fire safety occupancy permit listing the appropriate type of occupancy from the Department of Labor and Industry or the Department of Health. If the home is located in Philadelphia, Scranton or Pittsburgh, the home shall have a valid fire safety occupancy permit from the Department of Health or the Department of Public Safety of the city of Pittsburgh, the Department of Licensing and Inspection of the city of Philadelphia or the Department of Community Development of the city of Scranton, if required by State law or regulation or local codes.

(b) If the fire safety occupancy permit is withdrawn, restricted or revised, the home shall notify the Department orally within 1 working day and in writing within 2 working days.

(c) If a building is structurally renovated or altered after the initial fire safety occupancy permit is issued, the home shall have a new occupancy permit or written approval if required from the Department of Labor and Industry, the Department of Health, the Department of Public Safety of the city of Pittsburgh, the Department of Licensing and Inspection of the city of Philadelphia or the Department of Community Development of the city of Scranton.

Source

The provisions of this § 6400.14 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133674).

§ 6400.15. Self-assessment of homes.

(a) The agency shall complete a self-assessment of each home the agency operates serving eight or fewer individuals, within 3 to 6 months prior to the expiration date of the agency's certificate of compliance, to measure and record compliance with this chapter.

(b) The agency shall use the Department's licensing inspection instrument for the community homes for people with mental retardation regulations to measure and record compliance.

(c) A copy of the agency's self-assessment results and a written summary of corrections made shall be kept by the agency for at least 1 year.

Source

The provisions of this § 6400.15 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended November 16, 1984, effective November 17, 1984, 14 Pa.B. 4161; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133674) to (133675).

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§ 6400.16. Abuse.

Abuse of an individual is prohibited. Abuse is an act or omission of an act that willfully deprives an individual of rights or human dignity or which may cause or causes actual physical injury or emotional harm to an individual, such as striking or kicking an individual; neglect; rape; sexual molestation, sexual exploitation or sexual harrasment of an individual; sexual contact between a staff person and an individual; restraining an individual without following the requirements in this chapter; financial exploitation of an individual; humiliating an individual; or withholding regularly scheduled meals.

Source

The provisions of this § 6400.16 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133675).

Cross References

This section cited in 55 Pa. Code § 6000.403 (relating to nonapplicability).

§ 6400.17. Child abuse.

The home shall immediately report abuse or suspected abuse of an individual 17 years of age or younger to ChildLine (800) 932-0313.

Source

The provisions of this § 6400.17 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133675).

§ 6400.18. Reporting of unusual incidents.

(a) An unusual incident is abuse or suspected abuse of an individual; injury, trauma or illness of an individual requiring inpatient hospitalizaion; suicide attempt by an individual; violation or alleged violation of an individual's rights; an individual who is missing for more than 24 hours or who could be in jeopardy if missing at all; alleged misuse or misuse of individual funds or property; outbreak of a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions); an incident requiring the services of a fire department or law enforcement agency; and any condition that results in closure of the home for more than 1 day.

(b) Written policies and procedures on the prevention, reporting, investigation and management of unusual incidents shall be developed and kept at the home.

(c) The home shall orally notify the county mental retardation program of the county in which the home is located, the funding agency and the appropriate regional office of mental retardation, within 24 hours after abuse or suspected abuse of an individual or an incident requiring the services of a fire department or law enforcement agency occurs.

(d) The home shall initiate an investigation of the unusual incident and complete and send copies of an unusual incident report on a form specified by the Department to the county mental retardation program of the county in which the home is located, the funding agency and the appropriate regional office of mental retardation, within 72 hours after an unusual incident occurs.

(e) The home shall send a copy of the final unusual incident report to the county mental retardation program of the county in which the home is located, the funding agency and the appropriate regional office of mental retardation at the conclusion of the investigation.

(f) A copy of unusual incident reports relating to an individual shall be kept in the individual's record.

(g) A copy of unusual incident reports relating to the home itself, such as those requiring the services of a fire department, shall be kept.

(h) The individual's family or guardian shall be immediately notified in the event of an unusual incident relating to the individual, if appropriate.

Source

The provisions of this § 6400.18 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133675) to (133676).

Cross References

This section cited in 55 Pa. Code § 6000.303 (relating to no license factors); 55 Pa. Code § 6400.273 (relating to exceptions); and 55 Pa. Code § 6000.903 (relating to licensing applicability).

§ 6400.19. Reporting of deaths.

(a) The home shall complete and send copies of a death report on a form specified by the Department to the county mental retardation program of the county in which the home is located, the funding agency and the regional office of mental retardation, within 24 hours after a death of an individual occurs.

(b) The home shall investigate and orally notify the county mental retardation program of the county in which the home is located, the funding agency and the appropriate regional office of mental retardation within 24 hours after an unusual or unexpected death occurs.

(c) A copy of death reports shall be kept in the individual's record.

(d) The individual's family or guardian shall be immediately notified in the event of a death of an individual.

Source

The provisions of this § 6400.19 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133676).

§ 6400.20. Record of incidents.

The home shall maintain a record of individual illnesses, seizures, acute emotional traumas and accidents requiring medical attention but not inpatient hospitalization, that occur at the home.

Source

The provisions of this § 6400.20 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133676).

§ 6400.21. Criminal history record check.

(a) An application for a Pennsylvania criminal history record check shall be submitted to the State Police for prospective employes of the home who will have direct contact with individuals, including part-time and temporary staff persons who will have direct contact with individuals, within 5 working days after the person's date of hire.

(b) If a prospective employe who will have direct contact with individuals resides outside this Commonwealth, an application for a Federal Bureau of Investigation (FBI) criminal history record check shall be submitted to the FBI in addition to the Pennsylvania criminal history record check, within 5 working days after the person's date of hire.

(c) The Pennsylvania and FBI criminal history record checks shall have been completed no more than 1 year prior to the person's date of hire.

(d) A copy of the final reports received from the State Police and the FBI, if applicable, shall be kept.

(e) If the home serves primarily individuals who are 17 years of age or younger, 23 Pa.C.S. §§ 6301—6384 (relating to the Child Protective Services Law) applies.

Source

The provisions of this § 6400.21 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133676).

§ 6400.22. Individual funds and property.

(a) There shall be a written policy that establishes procedures for the protection and adequate accounting of individual funds and property and for counseling the individual concerning the use of funds and property.

(b) The home's policy may not prohibit the individual's right to manage the individual's own finances.

(c) Individual funds and property shall be used for the individual's benefit.

(d) The home shall keep an up-to-date financial and property record for each individual that includes the following:

- (1) Personal possessions and funds received by or deposited with the home.
- (2) Disbursements made to or for the individual.
- (e) If the home assumes the responsibility of maintaining an individual's financial resources, the following shall be maintained for each individual:
 - (1) A separate record of financial resources, including the dates and amounts of deposits and withdrawals.
 - (2) For a withdrawal when the individual is given the money directly, the record shall indicate that funds were given directly to the individual.
 - (3) Documentation, by actual receipt or expense record, of each single purchase exceeding \$15 made on behalf of the individual carried out by or in conjunction with a staff person.
- (f) There may be no commingling of the individual's personal funds with the home or staff person's funds.
- (g) There may be no borrowing of the individual's personal funds by staff persons or by the home.

Source

The provisions of this § 6400.22 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.23. Grievance procedures.

The home shall have written grievance procedures for individuals, individual's families, advocates and staff persons, that assure investigation and resolution of complaints.

Source

The provisions of this § 6400.23 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

INDIVIDUAL RIGHTS

§ 6400.31. Informing and encouraging exercise of rights.

- (a) Each individual, or the individual's parent, guardian or advocate, if appropriate, shall be informed of the individual's rights upon admission and annually thereafter.
- (b) Statements signed and dated by the individual, or the individual's parent, guardian or advocate, if appropriate, acknowledging receipt of the information on rights upon admission and annually thereafter, shall be kept.
- (c) Each individual shall be encouraged to exercise his rights.

Source

The provisions of this § 6400.31 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131353).

§ 6400.32. Rights.

An individual may not be deprived of rights.

Source

The provisions of this § 6400.32 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131353) to (131354).

§ 6400.33. Rights of the individual.

- (a) An individual may not be neglected, abused, mistreated or subjected to corporal punishment.
- (b) An individual may not be required to participate in research projects.
- (c) An individual has the right to manage personal financial affairs.
- (d) An individual has the right to participate in program planning that affects the individual.
- (e) An individual has the right to privacy in bedrooms, bathrooms and during personal care.
- (f) An individual has the right to receive, purchase, have and use personal property.
- (g) An individual has the right to receive scheduled and unscheduled visitors, communicate, associate and meet privately with family and persons of the individual's own choice.
- (h) An individual has the right to reasonable access to a telephone and the opportunity to receive and make private calls, with assistance when necessary.
- (i) An individual has the right to unrestricted mailing privileges.
- (j) An individual who is of voting age shall be informed of the right to vote and shall be assisted to register and vote in elections.
- (k) An individual has the right to practice the religion or faith of the individual's choice.
- (l) An individual has the right to be free from excessive medication.
- (m) An individual may not be required to work at the home, except for the upkeep of the individual's personal living areas and the upkeep of common living areas and grounds.

Source

The provisions of this § 6400.33 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131354).

§ 6400.34. Civil rights.

(a) An individual may not be discriminated against because of race, color, religious creed, disability, handicap, ancestry, national origin, age or sex.

(b) The home shall develop and implement civil rights policies and procedures. Civil rights policies and procedures shall include the following:

- (1) Nondiscrimination in the provision of services, admissions, placement, use of the home, referrals and communication with non-English speaking and nonverbal individuals.
- (2) Physical accessibility and accommodations for individuals with physical disabilities.
- (3) The opportunity to lodge civil rights complaints.
- (4) Informing individuals of their right to register civil rights complaints.

Source

The provisions of this § 6400.34 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

STAFF**§ 6400.41. Effective date of staff qualifications.**

(a) Sections 6400.43(c) and 6400.44(c) (relating to chief executive officer; and program specialist) apply to chief executive officers and program specialists hired or promoted after November 8, 1991.

(b) Sections 6400.43(c) and 6400.44(c) as published as Chapter 9054 at 12 Pa.B. 384 (January 23, 1982) and which appeared in this title of the *Pennsylvania Code* at serial pages (133677) to (133678) apply to chief executive officers and program specialists hired or promoted prior to November 8, 1991.

Source

The provisions of this § 6400.41 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended July 1, 1983, effective July 2, 1983, 13 Pa.B. 2064; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131354).

§ 6400.42. Minimum age.

A staff person counted in the staff-individual ratio shall be 18 years of age or older.

Source

The provisions of this § 6400.42 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131354).

§ 6400.43. Chief executive officer.

(a) There shall be one chief executive officer responsible for the home or agency.

(b) The chief executive officer shall be responsible for the administration and general management of the home, including the following:

- (1) Implementation of policies and procedures.
- (2) Admission and discharge of individuals.
- (3) Safety and protection of individuals.
- (4) Compliance with this chapter.

(c) A chief executive officer shall have one of the following groups of qualifications:

- (1) A master's degree or above from an accredited college or university and 2 years work experience in administration or the human services field.
- (2) A bachelor's degree from an accredited college or university and 4 years work experience in administration or the human services field.

Source

The provisions of this § 6400.43 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133677).

Notes of Decisions*Qualifications*

The Department of Public Welfare did not abuse its discretion in adopting a hearing examiner's recommendation to deny a residential health care facility for children with pulmonary impairments' request for a waiver of the requirement that its chief executive officer have a college degree so that its founder and administrator could become chief executive officer even though she did not hold a college degree, where the Department chose not to compromise its clearly-written and reasonable requirement that the chief executive officer have a college degree, and where it is imperative that health care facilities maintain high standards in order to give the best care to their patients, especially when the patients are medically fragile children. *Second Breath v. Department of Public Welfare*, 731 A.2d 674 (Pa. Cmwlth. 1999).

Cross References

This section cited in 55 Pa. Code § 6400.41 (relating to effective date of staff qualifications); and 55 Pa. Code § 6500.41 (relating to effective date of staff qualifications).

§ 6400.44. Program specialist.

(a) A minimum of one program specialist shall be assigned for every 30 individuals. A program specialist shall be responsible for a maximum of 30 people, including people served in other types of services.

(b) A program specialist shall be responsible for the program at the home, including the following:

- (1) The individual's daily activities.
- (2) Coordination or completion of assessments.
- (3) Coordination or development and review of individual program plans.
- (4) Coordination of training and development for individuals.
- (5) Development of planned program activities.
- (6) Participation in interdisciplinary team meetings.

- (7) Ensurance of the implementation of individual program plans and program activities.
- (c) A program specialist shall have one of the following groups of qualifications:
- (1) A master's degree or above from an accredited college or university and 1 year work experience working directly with persons with mental retardation.
 - (2) A bachelor's degree from an accredited college or university and 2 years work experience working directly with persons with mental retardation.
 - (3) An associate's degree or 60 credit hours from an accredited college or university and 4 years work experience working directly with persons with mental retardation.

Source

The provisions of this § 6400.44 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133677) to (133678).

Cross References

This section cited in 55 Pa. Code § 6400.41 (relating to effective date of staff qualifications); and 55 Pa. Code § 6500.41 (relating to effective date of staff qualifications).

§ 6400.45. Staffing.

- (a) A minimum of one staff person for every eight individuals shall be awake and physically present at the home when individuals are awake at the home.
- (b) A minimum of one staff person for every 16 individuals shall be physically present at the home when individuals are sleeping at the home.
- (c) An individual may be left unsupervised for specific periods of time if the absence of direct supervision is consistent with the individual's assessment and is part of the IPP aimed at achieving a higher level of independence.
- (d) An individual may not be left unsupervised solely for the convenience of the home or the staff.

Source

The provisions of this § 6400.45 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133678).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors); 55 Pa. Code § 6400.232 (relating to awake staff persons); and 55 Pa. Code § 6400.273 (relating to exceptions).

§ 6400.46. Staff training.

- (a) The home shall provide orientation for staff persons relevant to their responsibilities, the daily operation of the home and policies and procedures of the home before working with individuals or in their appointed positions.
- (b) The home shall have a training syllabus describing the orientation specified in subsection (a).
- (c) The chief executive officer shall have at least 24 hours of training relevant to human services or administration annually.

(d) Program specialists and direct service workers who are employed for more than 40 hours per month shall have at least 24 hours of training relevant to human services annually.

(e) Program specialists and direct service workers shall have training in the areas of mental retardation, the principles of normalization, rights and program planning and implementation, within 30 calendar days after the day of initial employment or within 12 months prior to initial employment.

(f) Program specialists and direct service workers shall be trained before working with individuals in general fire safety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the building or within the fire safe area in the event of an actual fire, smoking safety procedures if individuals or staff persons smoke at the home, the use of fire extinguishers, smoke detectors and fire alarms, and notification of the local fire department as soon as possible after a fire is discovered.

(g) Program specialists and direct service workers shall be trained annually by a fire safety expert in the training areas specified in subsection (f).

(h) Program specialists and direct service workers and at least one person in a vehicle while individuals are being transported by the home, shall be trained before working with individuals in first aid techniques.

(i) Program specialists, direct service workers and drivers of and aides in vehicles shall be trained within 6 months after the day of initial employment and annually thereafter, by an individual certified as a trainer by a hospital or other recognized health care organization, in first aid, Heimlich techniques and cardiopulmonary resuscitation.

(j) Records of orientation and training, including the training source, content, dates, length of training, copies of certificates received and staff persons attending, shall be kept.

Source

The provisions of this § 6400.46 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133678).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

§ 6400.47. [Reserved].

Source

The provisions of this § 6400.47 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133678) to (133679).

§ 6400.48. [Reserved].**Source**

The provisions of this § 6400.48 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133679).

§ 6400.49. [Reserved].**Source**

The provisions of this § 6400.49 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133679).

PHYSICAL SITE**§ 6400.61. Special accommodations.**

(a) A home serving individuals with a physical disability, blindness, a visual impairment, deafness or a hearing impairment shall have accommodations to ensure the safety and reasonable accessibility for entrance to, movement within and exit from the home based upon each individual's needs.

(b) A home serving individuals with a physical disability, blindness, a visual impairment, deafness or a hearing impairment shall have adaptive equipment necessary for the individuals to move about and function at the home.

Source

The provisions of this § 6400.61 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133679).

§ 6400.62. Poisons.

(a) Poisonous materials shall be kept locked or made inaccessible to individuals.

(b) Poisonous materials may be kept unlocked if all individuals living in the home are able to safely use or avoid poisonous materials. Documentation of each individual's ability to safely use or avoid poisonous materials shall be in each individual's assessment.

(c) Poisonous materials shall be stored in their original, labeled containers.

(d) Poisonous materials shall be kept separate from food, food preparation surfaces and dining surfaces.

Source

The provisions of this § 6400.62 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133679) to (133680).

Cross References

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

§ 6400.63. Heat sources.

(a) Heat sources, such as hot water pipes, fixed space heaters, hot water heaters, radiators, wood and coal-burning stoves and fireplaces, exceeding 120°F that are accessible to individuals, shall be equipped with protective guards or insulation to prevent individuals from coming in contact with the heat source.

(b) Heat sources do not require guards or insulation if all individuals living in the home understand the danger of heat sources and have the ability to sense and move away from the heat source quickly. Documentation of each individual's understanding and ability shall be in each individual's assessment.

Source

The provisions of this § 6400.63 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

Cross References

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

§ 6400.64. Sanitation.

(a) Clean and sanitary conditions shall be maintained in the home.

(b) There may not be evidence of infestation of insects or rodents in the home.

(c) Trash shall be removed from the premises at least once per week.

(d) Trash in the bathroom, dining and kitchen areas shall be kept in cleanable receptacles that prevent the penetration of insects and rodents.

(e) Trash receptacles over 18 inches high shall have lids.

(f) Trash outside the home shall be kept in closed receptacles that prevent the penetration of insects and rodents.

Source

The provisions of this § 6400.64 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

§ 6400.65. Ventilation.

Living areas, recreation areas, dining areas, individual bedrooms, kitchens and bathrooms shall be ventilated by at least one operable window or by mechanical ventilation.

Source

The provisions of this § 6400.65 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

§ 6400.66. Lighting.

Rooms, hallways, interior stairways, outside steps, outside doorways, porches, ramps and fire escapes shall be lighted to assure safety and to avoid accidents.

Source

The provisions of this § 6400.66 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

§ 6400.67. Surfaces.

- (a) Floors, walls, ceilings and other surfaces shall be in good repair.
- (b) Floors, walls, ceilings and other surfaces shall be free of hazards.
- (c) If the home serves an individual 4 years of age or younger or an individual who ingests paint or paint substances, the home shall test all layers of paint at the home for lead content. If the testing shows lead content exceeding .06%, paint shall be completely stripped and recovered with lead free paint or securely encased with other lead free material. Documentation of the lead paint testing and results shall be kept.

Source

The provisions of this § 6400.67 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133680) to (133681).

§ 6400.68. Running water.

- (a) A home shall have hot and cold running water under pressure.
- (b) Hot water temperatures in bathtubs and showers may not exceed 120°F.
- (c) A home that is not connected to a public water system shall have a coliform water test by a Department of Environmental Resources' certified laboratory stating that the water is safe for drinking purposes at least every 3 months. Written certification of the water test shall be kept.

Source

The provisions of this § 6400.68 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

Cross References

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

§ 6400.69. Indoor temperature.

- (a) The indoor temperature may not be less than 65°F during nonsleeping hours while individuals are present in the home.
- (b) The indoor temperature may not be less than 58°F during sleeping hours.
- (c) When the indoor temperature exceeds 85°F, mechanical ventilation, such as fans shall be used.

Source

The provisions of this § 6400.69 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

§ 6400.70. Telephone.

A home shall have an operable, noncoin-operated telephone with an outside line that is easily accessible to individuals and staff persons.

Source

The provisions of this § 6400.70 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

§ 6400.71. Emergency telephone numbers.

Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center shall be on or by each telephone in the home with an outside line.

Source

The provisions of this § 6400.71 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

§ 6400.72. Screens, windows and doors.

- (a) Windows, including windows in doors, shall be securely screened when windows or doors are open.
- (b) Screens, windows and doors shall be in good repair.
- (c) Outside doors shall have operable locks.

Source

The provisions of this § 6400.72 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133681) to (133682).

§ 6400.73. Handrails and railings.

- (a) Each ramp, and interior stairway and outside steps exceeding two steps shall have a well-secured handrail.

(b) Each porch that has over an 18-inch drop shall have a well-secured railing.

Source

The provisions of this § 6400.73 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

§ 6400.74. Nonskid surfaces.

Interior stairs and outside steps shall have a nonskid surface.

Source

The provisions of this § 6400.74 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

§ 6400.75. Landings.

(a) A landing shall be provided beyond each interior and exterior door that opens directly into a stairway.

(b) A landing shall be at least as wide as the stairs leading to the landing.

Source

The provisions of this § 6400.75 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

§ 6400.76. Furniture and equipment.

(a) Furniture and equipment shall be nonhazardous, clean and sturdy.

(b) Furniture and equipment shall be appropriate for the age and size of the individuals.

(c) Furniture shall be comfortable and home-like.

(d) In homes serving eight or fewer individuals, there shall be a sufficient amount of living and family room furniture to seat all individuals at the same time.

(e) In homes serving eight or fewer individuals, there shall be dining tables with seating for all individuals at the same time.

Source

The provisions of this § 6400.76 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

Cross References

This section cited in 55 Pa. Code § 6000.331 (relating to repeated noncompliance areas).

§ 6400.77. First aid kit.

- (a) A home shall have a first aid kit.
- (b) A first aid kit shall contain antiseptic, an assortment of adhesive bandages, sterile gauze pads, a thermometer, tweezers, tape, scissors and syrup of Ipecac, if an individual 4 years of age or younger, or an individual likely to ingest poisons, is served.
- (c) A first aid manual shall be kept with the first aid kit.

Source

The provisions of this § 6400.77 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

§ 6400.78. Indoor living space.

- (a) A home shall have living and dining areas that are separate from bedrooms.
- (b) A home shall have at least 30 square feet per individual and at least 90 square feet per home of common use indoor living space measured wall to wall, excluding bedrooms, hallways, kitchens, lavatories and offices. This requirement does not apply to homes licensed in accordance with this chapter prior to November 8, 1991.

Source

The provisions of this § 6400.78 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.79. Elevators.

If an elevator is present in the home, there shall be a valid certificate of operation from the Department of Labor and Industry.

Source

The provisions of this § 6400.79 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

§ 6400.80. Exterior conditions.

- (a) Outside walkways shall be free from ice, snow, obstructions and other hazards.
- (b) The outside of the building and the yard or grounds shall be well maintained, in good repair and free from unsafe conditions.

Source

The provisions of this § 6400.80 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

§ 6400.81. Individual bedrooms.

(a) An individual's bedroom may not be located in basements. Any level from which there is a standard door leading from that level directly outside to grade level is not considered a basement.

(b) Apartment units that are located partially below ground level with windows that are at least as large as other windows in the building are permitted.

(c) An individual sharing a bedroom shall have a minimum of 60 square feet of bedroom space, measured wall to wall, including space occupied by furniture. Each individual occupying a single bedroom shall have a minimum of 80 square feet of bedroom space, measured wall to wall, including space occupied by furniture.

(d) An individual who uses a wheelchair shall have a minimum of 100 square feet of bedroom space unless there is written documentation by a licensed physical or occupational therapist that the individual has the ability to move about the bedroom within 80 square feet for single bedrooms or 60 square feet for shared bedrooms. This subsection does not apply to bedrooms occupied by an individual who uses a wheelchair in homes licensed in accordance with this chapter prior to November 8, 1991.

(e) No more than two individuals may sleep in one bedroom. This subsection does not apply to bedrooms occupied by more than two individuals in homes licensed in accordance with this chapter prior to November 8, 1991.

(f) Each bedroom shall have direct access to a corridor, living area, dining area or outdoors.

(g) A bedroom may not be used by other individuals or staff persons as a regular or frequent passageway to another part of the home or to the outdoors.

(h) Each bedroom shall have at least one exterior window that permits a view of the outside.

(i) Bedroom windows shall have drapes, curtains, shades, blinds or shutters.

(j) A bedroom shall have doors at all entrances for privacy.

(k) In bedrooms, each individual shall have the following:

(1) A bed of size appropriate to the needs of the individual. Cots and portable beds are not permitted. Bunkbeds are not permitted for individuals 18 years of age or older.

(2) A clean, comfortable mattress and solid foundation.

(3) Bedding, including pillow, linens and blankets appropriate for the season.

(4) A chest of drawers.

- (5) Closet or wardrobe space with clothing racks and shelves accessible to the individual.
- (6) A mirror.
- (l) Beds and cribs, with solid sides over 12 inches high or with closed domes or tops, are not permitted.
- (m) An individual 10 years of age or older may not be required to share a bedroom with a person of the opposite sex.

Source

The provisions of this § 6400.81 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.82. Bathrooms.

- (a) There shall be at least one toilet for every four individuals for homes opened on or after March 15, 1982. There shall be at least one toilet for every six individuals for homes opened on or before March 14, 1982.
- (b) There shall be at least one bathtub or shower for every four individuals for homes opened on or after March 15, 1982. There shall be at least one bathtub or shower for every six individuals for homes opened on or before March 14, 1982.
- (c) For homes serving one or more individuals who have physical disabilities, at least one sink, one toilet and one tub or shower shall be adapted so that individuals who have physical disabilities have easy access and use.
- (d) Privacy shall be provided for toilets, showers and bathtubs by partitions or doors. Curtains are acceptable dividers if the bathroom is used only by one sex or only by individuals 9 years of age or younger.
- (e) Bathtubs and showers shall have a nonslip surface or mat.
- (f) Each bathroom and toilet area that is used shall have a sink, wall mirror, soap, toilet paper, individual clean paper or cloth towels and trash receptacle.
- (g) An individual washcloth, bath towel and toothbrush shall be provided for each individual.

Source

The provisions of this § 6400.82 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

§ 6400.83. Kitchens.

- (a) A home shall have a kitchen area with a refrigerator, sink, cooking equipment and cabinets for storage.
- (b) Special provisions shall be made and adaptive equipment shall be provided, when necessary, to assist individuals in eating at the table.
- (c) Utensils used for eating, drinking and preparation of food or drink shall be washed and rinsed after each use.

Source

The provisions of this § 6400.83 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended April 25, 1986, effective July 1, 1987, as the provisions apply to community residential facilities that were licensed as semi-independent living under this chapter prior to April 26, 1986, 16 Pa.B. 1487; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133683) to (133684).

§ 6400.84. Laundry.

- (a) Bed linens, towels, washcloths and individual clothing shall be laundered at least weekly.
- (b) Clean laundry shall be stored in an area separate from soiled laundry.

Source

The provisions of this § 6400.84 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133684).

§ 6400.85. Swimming pools.

- (a) An in-ground swimming pool shall be fenced with a gate that is locked when the pool is not in use.
- (b) An aboveground swimming pool that is under 4 feet in height shall be made inaccessible to individuals when the pool is not in use.

Source

The provisions of this § 6400.85 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended April 25, 1986, effective April 26, 1986, with the exceptions of a family living facility approved by the Department as a family living facility prior to July 6, 1985 is exempt from the provisions of § 6400.85(b) and (e), 16 Pa.B. 1487. Immediately preceding text appears at serial pages (133684) to (133685).

Cross References

This section cited in 55 Pa. Code § 6000.342 (relating to indoor floor space).

§ 6400.86. Firearms.

Firearms and ammunition are not permitted in the home or on the property of the home.

Source

The provisions of this § 6400.86 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133685).

§ 6400.87. [Reserved].**Source**

The provisions of this § 6400.87 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133685) to (133686).

FIRE SAFETY**§ 6400.101. Unobstructed egress.**

Stairways, halls, doorways, passageways and exits from rooms and from the building shall be unobstructed.

Source

The provisions of this § 6400.101 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133686).

§ 6400.102. Exits.

If four or more individuals sleep above the ground floor, there shall be a minimum of two interior or exterior exits from each floor. If a fire escape is used as an exit it shall be permanently installed.

Source

The provisions of this § 6400.102 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133686).

§ 6400.103. Evacuation procedures.

There shall be written emergency evacuation procedures that include individual and staff responsibilities, means of transportation and an emergency shelter location.

Source

The provisions of this § 6400.103 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133686) to (133687).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors); and 55 Pa. Code § 6400.236 (relating to evacuation procedures).

§ 6400.104. Notification to local fire department.

The home shall notify the local fire department in writing of the address of the home and the exact location of the bedrooms of individuals who need assistance evacuating in the event of an actual fire. The notification shall be kept current.

Source

The provisions of this § 6400.104 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133687).

§ 6400.105. Flammable and combustible materials.

Flammable and combustible supplies and equipment shall be utilized safely and stored away from heat sources.

Source

The provisions of this § 6400.105 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133687).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

§ 6400.106. Furnaces.

Furnaces shall be inspected and cleaned at least annually by a professional furnace cleaning company. Written documentation of the inspection and cleaning shall be kept.

Source

The provisions of this § 6400.106 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133688).

§ 6400.107. Portable space heaters.

Portable space heaters, defined as heaters that are not permanently mounted or installed, are not permitted in any room including staff rooms.

Source

The provisions of this § 6400.107 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133688).

§ 6400.108. Wood and coal burning stoves.

(a) The use of wood and coal burning stoves is permitted only if the stove is inspected and approved for safe installation by a fire safety expert. Written documentation of the inspection and approval shall be kept.

(b) Wood and coal burning stoves, including chimneys and flues, shall be cleaned at least every year if used more frequently than once per week during the winter season. Written documentation of the cleaning shall be kept.

Source

The provisions of this § 6400.108 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.109. Fireplaces.

(a) A fireplace shall be securely screened or equipped with protective guards while in use.

(b) A fireplace chimney and flue shall be cleaned at least once a year if used more frequently than once per week during the winter season. Written documentation of the cleaning shall be kept.

Source

The provisions of this § 6400.109 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.110. Smoke detectors and fire alarms.

(a) A home shall have a minimum of one operable automatic smoke detector on each floor, including the basement and attic.

(b) There shall be an operable automatic smoke detector located within 15 feet of each individual and staff bedroom door.

(c) The smoke detectors specified in subsections (a) and (b) shall be located in common areas or hallways.

(d) Smoke detectors and fire alarms shall be of a type approved by the Department of Labor and Industry or listed by Underwriters Laboratories.

(e) If the home serves four or more individuals or if the home has three or more stories including the basement and attic, there shall be at least one smoke detector on each floor interconnected and audible throughout the home or an automatic fire alarm system that is audible throughout the home. The requirement for homes with three or more stories does not apply to homes licensed in accordance with this chapter prior to November 8, 1991.

(f) If one or more individuals or staff persons are not able to hear the smoke detector or fire alarm system, all smoke detectors and fire alarms shall be equipped so that each person with a hearing impairment will be alerted in the event of a fire.

(g) If a smoke detector or fire alarm is inoperative, notification for repair shall be made within 24 hours and repairs completed within 48 hours of the time the detector or alarm was found to be inoperative.

(h) There shall be a written procedure for fire safety monitoring in the event the smoke detector or fire alarm is inoperative.

Source

The provisions of this § 6400.110 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.111. Fire extinguishers.

- (a) There shall be at least one operable fire extinguisher with a minimum 2-A rating for each floor, including the basement and attic.
- (b) If the indoor floor area on a floor including the basement or attic is more than 3,000 square feet, there shall be an additional fire extinguisher with a minimum 2-A rating for each additional 3,000 square feet of indoor floor space.
- (c) A fire extinguisher with a minimum 2A-10BC rating shall be located in each kitchen. The kitchen extinguisher meets the requirements for one floor as required in subsection (a).
- (d) A fire extinguisher shall be listed by Underwriters Laboratories or approved by Factory Mutual Systems.
- (e) A fire extinguisher shall be accessible to staff persons and individuals.
- (f) A fire extinguisher shall be inspected and approved annually by a fire safety expert. The date of the inspection shall be on the extinguisher.

Source

The provisions of this § 6400.111 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.112. Fire drills.

- (a) An unannounced fire drill shall be held at least once a month.
- (b) Fire drills shall be held during normal staffing conditions and not when additional staff persons are present.
- (c) A written fire drill record shall be kept of the date, time, the amount of time it took for evacuation, the exit route used, problems encountered and whether the fire alarm or smoke detector was operative.
- (d) Individuals shall be able to evacuate the entire building, or to a fire safe area designated in writing within the past year by a fire safety expert, within 2 1/2 minutes or within the period of time specified in writing within the past year by a fire safety expert. The fire safety expert may not be an employe of the home or agency. Staff assistance shall be provided to an individual only if staff persons are always present at the home while the individual is at the home.
- (e) A fire drill shall be held during sleeping hours at least every 6 months.
- (f) Alternate exit routes shall be used during fire drills.
- (g) Fire drills shall be held on different days of the week and at different times of the day and night.
- (h) Individuals shall evacuate to a designated meeting place outside the building or within the fire safe area during each fire drill.
- (i) A fire alarm or smoke detector shall be set off during each fire drill.

Source

The provisions of this § 6400.112 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.113. Fire safety training for individuals.

(a) An individual, including an individual 17 years of age or younger, shall be instructed in the individual's primary language or mode of communication, upon initial admission and reinstructed annually in general fire safety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the building or within the fire safe area in the event of an actual fire and smoking safety procedures if individuals smoke at the home.

(b) If an individual is medically or functionally unable to participate in the fire safety training, documentation shall be kept specifying why the individual could not participate.

(c) A written record of fire safety training, including the content of the training and a list of the individuals attending, shall be kept.

Source

The provisions of this § 6400.113 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.114. Smoking safety procedures.

(a) If an individual or staff person smokes at the home, there shall be written smoking safety procedures.

(b) Written smoking safety procedures shall be followed.

Source

The provisions of this § 6400.114 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

PROGRAM**§ 6400.121. Assessment.**

(a) An individual shall have a written assessment within 45 calendar days after admission and annually thereafter.

(b) The assessment shall be completed and updated, or coordinated, by the program specialist.

(c) The program specialist shall sign and date the assessment.

(d) The assessment shall be based on assessment instruments, interviews, progress notes and observations.

(e) The assessment shall include the following information:

(1) Documentation of the individual's disability, including functional and medical limitations.

- (2) An assessment of adaptive behavior and level of skills completed within 6 months prior to admission.
 - (3) A lifetime medical history.
 - (4) The individual's current level of functioning including the ability to perform personal needs activities with or without assistance from others.
 - (5) Functional strengths and needs of the individual.
 - (6) The likes, dislikes and interests of the individual.
 - (7) The individual's level of personal and social adjustment.
 - (8) The individual's progress and growth in the areas of health, motor and communication, activities of residential living, personal adjustment, socialization and recreation and financial independence.
 - (9) The individual's ability to manage the individual's own finances and property.
 - (10) The individual's need for supervision.
 - (11) The individual's ability to safely use or avoid poisonous materials, if poisonous materials are not kept locked or made inaccessible to individuals.
 - (12) The individual's understanding of the danger of heat sources and ability to sense and move away from heat sources quickly, if heat sources exceeding 120°F accessible to the individual are not insulated.
 - (13) The individual's progress toward self-administration, if the individual is not able to self-administer medications.
 - (14) Recommendations for specific areas of training, programming and services.
 - (15) Additional evaluations as necessary.
- (f) A copy of the assessment shall be kept in the individual's record.
- (g) The individual, the individual's parent, guardian or advocate, if appropriate, and the county case manager if the individual is funded through the county mental retardation program, shall be informed of the results of the assessment. Documentation of transmittal of this information shall be kept.

Source

The provisions of this § 6400.121 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133688).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.122. Development of the IPP.

- (a) An IPP shall be developed for each individual, based on the individual assessment, within 60 calendar days of the individual's admission date.
- (b) The IPP shall be developed by an interdisciplinary team.

(c) Members of the interdisciplinary team shall include the individual, the individual's direct care staff, the program specialist, the individual's parent, guardian or advocate, if appropriate, the county case manager if the individual is funded through the county mental retardation program, the program specialist for the individual's day program, and other specialists, such as medical, nursing, behavior management, speech, occupational or physical therapy specialists if appropriate for the individual's special needs.

(d) At least three members of the interdisciplinary team, in addition to the individual if the individual chooses to attend, shall be present at the interdisciplinary team meeting at which the IPP is developed.

(e) Members of the interdisciplinary team who attend the meeting to develop the IPP shall sign and date the IPP.

Source

The provisions of this § 6400.122 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133688).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.123. Review, revision and rewrite of the IPP.

(a) A review of each individual's progress on the IPP and a revision of the IPP, if necessary, shall be completed or coordinated by the program specialist at least every 3 months.

(b) The IPP shall be revised in accordance with subsection (a) if there has been no progress on a goal, if a goal is no longer appropriate or if a goal needs to be added.

(c) The IPP shall be reviewed and rewritten by the interdisciplinary team at least annually.

(d) At least three members of the interdisciplinary team, in addition to the individual if the individual chooses to attend, shall be present at the annual interdisciplinary team meeting at which the IPP is reviewed and rewritten.

(e) Members of the interdisciplinary team who attend the meeting to rewrite the annual IPP shall sign and date the new IPP.

(f) The IPP shall be discussed with, dated by and signed by the individual, the individual's parent, guardian or advocate if appropriate and the program specialist after each 3-month review and annual rewrite of the IPP.

Source

The provisions of this § 6400.123 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133689).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.124. Participation in the development of the IPP.

The individual's parent, guardian or advocate if appropriate and the county case manager if the individual is funded through the county mental retardation program shall be invited, in writing, to participate in the initial development and the annual rewrite of the IPP. A copy of the written invitations shall be kept.

Source

The provisions of this § 6400.124 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133689) to (133690).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.125. Content of the IPP.

An IPP shall include:

- (1) The goals for the individual in specific areas of growth and development.
- (2) An evaluation of the individual's skill level for each goal.
- (3) Monthly documentation of the individual's progress on each goal.
- (4) A plan for the individual to participate in community life.
- (5) Specific activities and services that meet the needs of the individual.
- (6) A program and schedule for allowing the individual to be without direct staff supervision for specific periods of time, aimed at achieving a greater level of independence, if the individual's assessment states the individual may be without direct supervision.
- (7) A planned program to address the social, emotional and environmental needs of the individual, if a medication is prescribed to treat maladaptive behavior.

Source

The provisions of this § 6400.125 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133690).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.126. Implementation of the IPP.

An IPP shall be implemented as written.

Source

The provisions of this § 6400.126 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

Cross References

This section cited in 55 Pa. Code § 6000.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.127. Copies of the IPP.

(a) A copy of IPPs and adjustments made during reviews shall be kept in the individual's record.

(b) The individual, the individual's parent, guardian or advocate, if appropriate, the county case manager if the individual is funded through the county mental retardation program and the individual's day service facility shall be provided a copy of all IPPs. Documentation of transmittal of each IPP shall be kept.

Source

The provisions of this § 6400.127 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

Cross References

This section cited in 55 Pa. Code § 6000.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.128. Program activities.

(a) Program activities shall include developmental activities and programming designed to advance or maintain the individual's ability to perform personal needs activities without assistance from others. Examples of personal needs activities are physical exercise and training in the areas of toileting, bathing, cooking, eating, self-help, socialization, communication, safety, nutrition, use of public transportation and utilization of community resources.

(b) Staff persons shall provide assistance and training to individuals in personal needs activities as required by each individual.

Source

The provisions of this § 6400.128 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.129. Day services.

(a) Day services or activities, such as employment, education, training and other meaningful activities shall be provided to each individual.

(b) Day services and activities shall be provided at a location other than the building where the individual lives, unless there is written annual documentation by a licensed physician that it is medically necessary for the individual to remain at the home or written annual documentation by the interdisciplinary team that it is in the best interests of the individual to remain at the home.

(c) For homes opened prior to March 15, 1982, subsection (b) is not applicable until November 8, 1994.

Source

The provisions of this § 6400.129 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.130. Recreational and social activities.

(a) Recreational and social activities shall be provided at and away from the home. Time away from the home may not be limited to time in school, work, vocational services and developmental training.

(b) Documentation of recreational and social activities shall be kept.

Source

The provisions of this § 6400.130 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.131. [Reserved].

Source

The provisions of this § 6400.131 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133690).

§ 6400.132. [Reserved].

Source

The provisions of this § 6400.132 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133690).

§ 6400.133. [Reserved].

Source

The provisions of this § 6400.133 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133690) to (133691).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

§ 6400.134. [Reserved].

Source

The provisions of this § 6400.134 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133691).

§ 6400.135. [Reserved].

Source

The provisions of this § 6400.135 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133691).

§ 6400.136. [Reserved].

Source

The provisions of this § 6400.136 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133692).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

§ 6400.137. [Reserved].

Source

The provisions of this § 6400.137 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133692).

INDIVIDUAL HEALTH

§ 6400.141. Individual physical examination.

- (a) An individual shall have a physical examination within 12 months prior to admission and annually thereafter.
- (b) The physical examination shall be completed, signed and dated by a licensed physician, certified nurse practitioner or licensed physician's assistant.
- (c) The physical examination shall include:
 - (1) A review of previous medical history.
 - (2) A general physical examination.
 - (3) Immunizations for individuals 18 years of age or older as recommended by the United States Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333.
 - (4) Vision and hearing screening for individuals 18 years of age or older, as recommended by the physician.

- (5) Immunizations and screening tests for individuals 17 years of age or younger, as recommended by the Standards of Child Health Care of the American Academy of Pediatrics, Post Office Box 1034, Evanston, Illinois 60204.
 - (6) Tuberculin skin testing by Mantoux method with negative results every 2 years for individuals 1 year of age or older; or, if tuberculin skin test is positive, an initial chest x-ray with results noted.
 - (7) A gynecological examination including a breast examination and a Pap test for women 18 years of age or older, unless there is documentation from a licensed physician recommending no or less frequent gynecological examinations.
 - (8) A mammogram for women at least every 2 years for women 40 through 49 years of age and at least every year for women 50 years of age or older.
 - (9) A prostate examination for men 40 years of age or older.
 - (10) Specific precautions that must be taken if the individual has a communicable disease, to prevent spread of the disease to other individuals.
 - (11) An assessment of the individual's health maintenance needs, medication regimen and the need for blood work at recommended intervals.
 - (12) Physical limitations of the individual.
 - (13) Allergies or contraindicated medications.
 - (14) Medical information pertinent to diagnosis and treatment in case of an emergency.
 - (15) Special instructions for the individual's diet.
- (d) Immunizations, vision and hearing screening and tuberculin skin testing may be completed, signed and dated by a registered nurse or licensed practical nurse instead of a licensed physician, certified nurse practitioner or licensed physician's assistant.

Source

The provisions of this § 6400.141 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

Cross References

This section cited in 55 Pa. Code § 6400.251 (relating to exceptions); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.142. Dental care.

- (a) An individual 17 years of age or younger shall have a dental examination performed by a licensed dentist semiannually. An individual 18 years of age or older shall have a dental examination performed by a licensed dentist annually.
- (b) An individual who is using medication known to cause dental problems shall have a dental examination by a licensed dentist at intervals recommended in writing by the dentist.

(c) A written record of the dental examination, including the date of the examination, the dentist's name, procedures completed and follow-up treatment recommended, shall be kept.

(d) The dental examination shall include teeth cleaning or checking gums and dentures.

(e) Follow-up dental work indicated by the examination, such as treatment of cavities, shall be completed.

(f) An individual shall have a written plan for dental hygiene, unless the interdisciplinary team has documented in writing that the individual has achieved dental hygiene independence.

(g) A dental hygiene plan shall be rewritten at least annually.

(h) The dental hygiene plan shall be kept in the individual's record.

Source

The provisions of this § 6400.142 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.143. Refusal of treatment.

(a) If an individual refuses routine medical or dental examination or treatment, the refusal and continued attempts to train the individual about the need for health care shall be documented in the individual's record.

(b) If an individual has a serious medical or dental condition, reasonable efforts shall be made to obtain consent from the individual or substitute consent in accordance with applicable law. See section 417 of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4417(c)).

Source

The provisions of this § 6400.143 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.144. Health services.

Health services, such as medical, nursing, pharmaceutical, dental, dietary and psychological services that are planned or prescribed for the individual shall be arranged for or provided.

Source

The provisions of this § 6400.144 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.145. Emergency medical plan.

The home shall have a written emergency medical plan listing the following:

- (1) The hospital or source of health care that will be used in an emergency.
- (2) The method of transportation to be used.
- (3) An emergency staffing plan.

Source

The provisions of this § 6400.145 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

STAFF HEALTH**§ 6400.151. Staff physical examination.**

(a) A staff person who comes into direct contact with the individuals or who prepares or serves food, for more than 5 days in a 6-month period, including temporary, substitute and volunteer staff, shall have a physical examination within 12 months prior to employment and every 2 years thereafter.

(b) The physical examination shall be completed, signed and dated by a licensed physician, certified nurse practitioner or licensed physician's assistant.

(c) The physical examination shall include:

- (1) A general physical examination.
- (2) Tuberculin skin testing by Mantoux method with negative results every 2 years; or, if tuberculin skin test is positive, an initial chest x-ray with results noted. Tuberculin skin testing may be completed and certified in writing by a registered nurse or a licensed practical nurse instead of a licensed physician, licensed physician's assistant or certified nurse practitioner.
- (3) A signed statement that the staff person is free of communicable diseases or that the staff person has a communicable disease but is able to work in the home if specific precautions are taken that will prevent the spread of the disease to individuals.
- (4) Information of medical problems which might interfere with the health of the individuals.

Source

The provisions of this § 6400.151 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133692) to (133693).

§ 6400.152. Communicable diseases.

(a) If a staff person or volunteer has a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions) or a medical problem which might interfere with the health, safety or well-being of the individuals, written authorization from a licensed physician is required for the person to be present at the home.

(b) Written authorization from a licensed physician shall include a statement that the person will not pose a serious threat to the health, safety or well-being of the individuals and specific instructions and precautions to be taken for the protection of the individuals at the home.

(c) The physician's written instructions and precautions shall be followed.

Source

The provisions of this § 6400.152 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133693).

§ 6400.153. [Reserved].

Source

The provisions of this § 6400.153 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133693).

§ 6400.154. [Reserved].

Source

The provisions of this § 6400.154 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133693).

§ 6400.155. [Reserved].

Source

The provisions of this § 6400.155 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133693) to (133694).

§ 6400.156. [Reserved].

Source

The provisions of this § 6400.156 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended July 1, 1983, effective July 2, 1983, 13 Pa.B. 2064; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133694) to (133695).

Cross References

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

MEDICATIONS**§ 6400.161. Storage of medications.**

(a) Prescription and nonprescription medications shall be kept in their original containers, except for medications of individuals who self-administer medications and keep the medications in personal daily or weekly dispensing containers.

(b) Prescription and potentially toxic nonprescription medications shall be kept in an area or container that is locked, unless it is documented in each individual's assessment that each individual in the home can safely use or avoid toxic materials.

(c) Prescription and potentially toxic nonprescription medications stored in a refrigerator shall be kept in a separate locked container, unless it is documented in each individual's assessment that each individual in the home can safely use or avoid toxic materials.

(d) Prescription and nonprescription medications shall be stored under proper conditions of sanitation, temperature, moisture and light.

(e) Discontinued prescription medications shall be disposed of in a safe manner.

Source

The provisions of this § 6400.161 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133695).

Cross References

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

§ 6400.162. Labeling of medications.

(a) The original container for prescription medications shall be labeled with a pharmaceutical label that includes the individual's name, the name of the medication, the date the prescription was issued, the prescribed dose and the name of the prescribing physician.

(b) Nonprescription medications shall be labeled with the original label.

Source

The provisions of this § 6400.162 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133695) to (133696).

§ 6400.163. Use of prescription medications.

(a) Prescription medications shall only be used by the individual for whom the medication was prescribed.

(b) If a medication is prescribed to treat maladaptive behavior, there shall be a planned program as part of the IPP to address the social, emotional and environmental needs of the individual related to the maladaptive behavior.

(c) If a medication is prescribed to treat maladaptive behavior, there shall be a review with documentation by a licensed physician at least every 3 months that includes the reason for prescribing the medication, the need to continue the medication and the necessary dosage.

Source

The provisions of this § 6400.163 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.164. Medication log.

(a) A medication log listing the medications prescribed, dosage, time and date that prescription medications, including insulin, were administered and the name of the person who administered the prescription medication or insulin shall be kept for each individual who does not self-administer medication.

(b) The information specified in subsection (a) shall be logged immediately after each individual's dose of medication.

(c) A list of prescription medications, the prescribed dosage and the name of the prescribing physician shall be kept for each individual who self-administers medication.

Source

The provisions of this § 6400.164 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.165. Medication errors.

Documentation of medication errors and follow-up action taken shall be kept.

Source

The provisions of this § 6400.165 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.166. Adverse reaction.

If an individual has a suspected adverse reaction to a medication, the home shall notify the prescribing physician immediately. Documentation of adverse reactions shall be kept.

Source

The provisions of this § 6400.166 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.167. Administration of prescription medications and injections.

(a) Prescription medications and injections of a substance not self-administered by individuals shall be administered by one of the following:

(1) A licensed physician, licensed dentist, licensed physician's assistant, registered nurse or licensed practical nurse.

(2) A graduate of an approved nursing program functioning under the direct supervision of a professional nurse who is present in the home.

(3) A student nurse of an approved nursing program functioning under the direct supervision of a member of the nursing school faculty who is present in the home.

(4) A staff person who meets the criteria specified in § 6400.168 (relating to medications administration training) for the administration of oral, topical and eye and ear drop prescriptions and insulin injections.

(b) Prescription medications and injections shall be administered according to the directions specified by a licensed physician, certified nurse practitioner or licensed physician's assistant.

Source

The provisions of this § 6400.167 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.168. Medications administration training.

(a) In a home serving eight or fewer individuals, a staff person who has completed and passed the Department's Medications Administration Course is permitted to administer oral, topical and eye and ear drop prescription medications.

(b) In a home serving eight or fewer individuals, a staff person who has completed and passed the Department's Medications Administration Course and who has completed and passed a diabetes patient education program within the past 12 months that meets the National Standards for Diabetes Patient Education Programs of the National Diabetes Advisory Board, 7550 Wisconsin Avenue, Bethesda, Maryland 20205, is permitted to administer insulin injections to an individual who is under the care of a licensed physician who is monitoring the diabetes, if insulin is premeasured by licensed or certified medical personnel.

(c) Medications administration training of a staff person shall be conducted by an instructor who has completed the Department's Medications Administration Course for trainers and is certified by the Department to train staff.

(d) A staff person who administers prescription medications and insulin injections to an individual shall complete and pass the Medications Administration Course Practicum annually.

(e) Documentation of the dates and locations of medications administration training for trainers and staff persons and the annual practicum for staff persons shall be kept.

Source

The provisions of this § 6400.168 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

Cross References

This section cited in 55 Pa. Code § 6400.167 (relating to administration of prescription medications and injections).

§ 6400.169. Self-administration of medications.

(a) To be considered capable of self-administration of medications an individual shall:

- (1) Be able to recognize and distinguish the individual's medication.
- (2) Know how much medication is to be taken.
- (3) Know when medication is to be taken.

(b) Insulin that is self-administered by an individual shall be measured by the individual or by licensed or certified medical personnel.

Source

The provisions of this § 6400.169 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

NUTRITION

§ 6400.171. Protection of food.

Food shall be protected from contamination while being stored, prepared, transported and served.

Source

The provisions of this § 6400.171 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

§ 6400.172. Three meals a day.

At least three meals a day shall be available to the individuals.

Source

The provisions of this § 6400.172 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

§ 6400.173. Quantity of food.

The quantity of food served for each individual shall meet minimum daily requirements as recommended by the United States Department of Agriculture, unless otherwise recommended in writing by a licensed physician.

Source

The provisions of this § 6400.173 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

§ 6400.174. Food groups.

At least one meal each day shall contain at least one item from the dairy, protein, fruits and vegetables and grain food groups, unless otherwise recommended in writing by a licensed physician for individuals.

Source

The provisions of this § 6400.174 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

§ 6400.175. Serving of meals.

Meals shall be served at tables seating 12 or fewer people with additional portions available, unless prohibited by individual needs.

Source

The provisions of this § 6400.175 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

§ 6400.176. Returned food.

Uneaten food from a person's dish may not be served again or used in the preparation of other dishes.

Source

The provisions of this § 6400.176 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

§ 6400.177. [Reserved].**Source**

The provisions of this § 6400.177 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

§ 6400.178. [Reserved].**Source**

The provisions of this § 6400.178 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

RESTRICTIVE PROCEDURES**§ 6400.191. Definition of restrictive procedures.**

A restrictive procedure is a practice that limits an individual's movement, activity or function; interferes with an individual's ability to acquire positive reinforcement; results in the loss of objects or activities that an individual values; or requires an individual to engage in a behavior that the individual would not engage in given freedom of choice.

Source

The provisions of this § 6400.191 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

§ 6400.192. Written policy.

A written policy that defines the prohibition or use of specific types of restrictive procedures, describes the circumstances in which restrictive procedures may be used, the persons who may authorize the use of restrictive procedures, a mechanism to monitor and control the use of restrictive procedures and a process for the individual and family to review the use of restrictive procedures shall be kept at the home.

Source

The provisions of this § 6400.192 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131375) to (131376).

Cross References

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

§ 6400.193. Appropriate use of restrictive procedures.

(a) A restrictive procedure may not be used as retribution, for the convenience of staff persons, as a substitute for the program or in a way that interferes with the individual's developmental program.

(b) For each incident requiring restrictive procedures:

(1) Every attempt shall be made to anticipate and de-escalate the behavior using methods of intervention less intrusive than restrictive procedures.

(2) A restrictive procedure may not be used unless less restrictive techniques and resources appropriate to the behavior have been tried but have failed.

Source

The provisions of this § 6400.193 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131376).

§ 6400.194. Restrictive procedure review committee.

(a) If a restrictive procedure is used, there shall be a restrictive procedure review committee.

(b) The restrictive procedure review committee shall include a majority of persons who do not provide direct services to the individual.

(c) The restrictive procedure review committee shall establish a time frame for review and revision of the restrictive procedure plan, not to exceed 6 months between reviews.

(d) A written record of the meetings and activities of the restrictive procedure review committee shall be kept.

Source

The provisions of this § 6400.194 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131376).

Cross References

This section cited in 55 Pa. Code § 6400.204 (relating to emergency use of exclusion and manual restraints).

§ 6400.195. Restrictive procedure plan.

(a) For each individual for whom restrictive procedures may be used, a restrictive procedure plan shall be written prior to use of restrictive procedures.

(b) The restrictive procedure plan shall be developed and revised with the participation of the program specialist, the individual's direct care staff, the interdisciplinary team as appropriate and other professionals as appropriate.

(c) The restrictive procedure plan shall be reviewed, and revised, if necessary, according to the time frame established by the restrictive procedure review committee, not to exceed 6 months.

(d) The restrictive procedure plan shall be reviewed, approved, signed and dated by the chairperson of the restrictive procedure review committee and the program specialist, prior to the use of a restrictive procedure, whenever the restrictive procedure plan is revised and at least every 6 months.

(e) The restrictive procedure plan shall include:

(1) The specific behavior to be addressed and the suspected antecedent or reason for the behavior.

(2) The single behavioral outcome desired stated in measurable terms.

(3) Methods for modifying or eliminating the behavior, such as changes in the individual's physical and social environment, changes in the individual's routine, improving communications, teaching skills and reinforcing appropriate behavior.

(4) Types of restrictive procedures that may be used and the circumstances under which the procedures may be used.

(5) A target date for achieving the outcome.

- (6) The amount of time the restrictive procedure may be applied, not to exceed the maximum time periods specified in this chapter.
- (7) Physical problems that require special attention during the use of restrictive procedures.
- (8) The name of the staff person responsible for monitoring and documenting progress with the plan.
- (f) The restrictive procedure plan shall be implemented as written.
- (g) Copies of the restrictive procedure plan shall be kept in the individual's record.

Source

The provisions of this § 6400.195 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131376) to (131377).

Cross References

This section cited in 55 Pa. Code § 6400.204 (relating to emergency use of exclusion and manual restraints).

§ 6400.196. Staff training.

- (a) If restrictive procedures are used, there shall be at least one staff person available when restrictive procedures are used who has completed training within the past 12 months in the use of and ethics of using restrictive procedures including the use of alternate positive approaches.
- (b) A staff person responsible for developing, implementing or managing a restrictive procedure plan shall be trained in the use of the specific techniques or procedures that are used.
- (c) If manual restraint or exclusion is used, a staff person responsible for developing, implementing or managing a restrictive procedure plan shall have experienced use of the specific techniques or procedures directly on themselves.
- (d) Documentation of the training program provided, including the staff persons trained, dates of training, description of training and training source shall be kept.

Source

The provisions of this § 6400.196 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131377).

§ 6400.197. Seclusion.

Seclusion, defined as placing an individual in a locked room, is prohibited. A locked room includes a room with any type of door locking device, such as a key lock, spring lock, bolt lock, foot pressure lock or physically holding the door shut.

Source

The provisions of this § 6400.197 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.198. Aversive conditioning.

The use of aversive conditioning, defined as the application, contingent upon the exhibition of maladaptive behavior, of startling, painful or noxious stimuli, is prohibited.

Source

The provisions of this § 6400.198 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.199. Chemical restraints.

(a) A chemical restraint is a drug used to control acute, episodic behavior that restricts the movement or function of an individual.

(b) Administration of a chemical restraint is prohibited except for the administration of drugs ordered by a licensed physician on an emergency basis.

(c) If a chemical restraint is administered as specified in subsection (b), the following apply:

(1) Prior to each incidence of administering a drug on an emergency basis, a licensed physician shall have examined the individual and given a written order to administer the drug.

(2) Prior to each readministration of a drug on an emergency basis, a licensed physician shall have examined the individual and ordered readministration of the drug.

(d) If a chemical restraint is administered as specified in subsection (c), the following apply:

(1) The individual's vital signs shall be monitored at least once each hour.

(2) The physical needs of the individual shall be met promptly.

(e) A Pro Re Nata (PRN) order for controlling acute, episodic behavior is prohibited.

(f) A drug ordered by a licensed physician as part of an ongoing program of medication is not a chemical restraint.

(g) A drug ordered by a licensed physician for a specific, time-limited stressful event or situation to assist the individual to control the individual's own behavior, is not a chemical restraint.

(h) A drug ordered by a licensed physician as pretreatment prior to medical or dental examination or treatment is not a chemical restraint.

(i) A drug self-administered by an individual is not a chemical restraint.

(j) If a drug is administered in accordance with subsection (b), (f), (g) or (h) there shall be training for the individual aimed at eliminating or reducing the need for the drug in the future.

- (k) Documentation of compliance with subsections (b)—(i) shall be kept.

Source

The provisions of this § 6400.199 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.200. Mechanical restraints.

(a) A mechanical restraint is a device used to control acute, episodic behavior that restricts the movement or function of an individual or portion of an individual's body. Examples of mechanical restraints include anklets, wristlets, camisoles, helmets with fasteners, muffs and mitts with fasteners, poseys, waist straps, head straps, restraining sheets and similar devices.

(b) The use of a mechanical restraint is prohibited except for use of helmets, mitts and muffs to prevent self-injury on an interim basis not to exceed 3 months after an individual is admitted to the home.

(c) If a mechanical restraint is used as specified in subsection (b), the following apply:

(1) The use of a mechanical restraint may not exceed 2 hours, unless a licensed physician examines the individual and gives written orders to continue use of the restraint. Reexamination and new orders by a licensed physician are required for each 2-hour period the restraint is continued. If a restraint is removed for any purpose other than for movement and reused within 24 hours after the initial use of the restraint, it is considered continuation of the initial restraint.

(2) A licensed physician shall be notified immediately after a mechanical restraint is used.

(3) The restraint shall be checked for proper fit by a staff person at least every 15 minutes.

(4) The physical needs of the individual shall be met promptly.

(5) The restraint shall be removed completely for at least 10 minutes during every 2 hours the restraint is used, unless the individual is sleeping.

(6) There shall be training for the individual aimed at eliminating or reducing the need for the restraint in the future.

(7) Documentation of compliance with subsection (b) and paragraphs (1)—(6) shall be kept.

(d) A device used to provide support for functional body position or proper balance and a device used for medical treatment, such as sand bags to limit movement after medical treatment, a wheelchair belt that is used for body positioning and support or a helmet for prevention of injury during seizure activity, are not considered mechanical restraints.

Source

The provisions of this § 6400.200 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.201. Use of personal funds and property.

(a) An individual's personal funds or property may not be used as reward or punishment.

(b) An individual's personal funds or property may not be used as payment for damages unless the individual consents to make restitution for the damages.

Source

The provisions of this § 6400.201 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.202. Manual restraints.

(a) Manual restraint is a physical hands-on technique that lasts more than 30 seconds, and is used to control acute, episodic behavior that restricts the movement or function of an individual or portion of an individual's body, such as basket holds and prone or supine containment.

(b) Manual restraint shall be used only when necessary to protect the individual from injuring himself or others.

(c) Manual restraint shall be used only when it has been documented that other less restrictive methods have been unsuccessful in protecting the individual from injuring himself or others.

(d) An individual shall be released from the manual restraint within the time specified in the restrictive procedure plan not to exceed 30 minutes within a 2-hour period.

Source

The provisions of this § 6400.202 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.203. Exclusion.

(a) Exclusion is the removal of an individual from the individual's immediate environment and restricting the individual alone to a room or area. If a staff person remains with the individual, it is not exclusion.

(b) Exclusion shall be used only when necessary to protect the individual from self-injury or injury to others.

(c) Exclusion shall be used only when it has been documented that other less restrictive methods have been unsuccessful in protecting the individual from self-injury or injury to others.

(d) An individual shall be permitted to return to routine activity within the time specified in the restrictive procedure plan not to exceed 60 minutes within a 2-hour period.

(e) Exclusion may not be used for an individual more than 4 times within a 24-hour period.

- (f) An individual in exclusion shall be monitored continually by a staff person.
- (g) A room or area used for exclusion shall have at least 40 square feet of indoor floor space, with a minimum ceiling height of 7 feet.
- (h) A room or area used for exclusion shall have an open door or a window for staff observation of the individual.
- (i) A room or area used for exclusion shall be well lighted and ventilated.

Source

The provisions of this § 6400.203 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.204. Emergency use of exclusion and manual restraints.

If exclusion or manual restraint is used on an unanticipated, emergency basis, §§ 6400.194 and 6400.195 (relating to restrictive procedure review committee; and restrictive procedure plan) do not apply until after the exclusion or manual restraint is used for the same individual twice in a 6-month period.

Source

The provisions of this § 6400.204 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.205. Restrictive procedure records.

A record of each use of a restrictive procedure documenting the specific behavior addressed, methods of intervention used to address the behavior, the date and time the restrictive procedure was used, the specific procedures followed, the staff person who used the restrictive procedure, the duration of the restrictive procedure, the staff person who observed the individual if exclusion was used and the individual's condition following the removal of the restrictive procedure shall be kept in the individual's record.

Source

The provisions of this § 6400.205 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.206. Notification.

The individual's day service facility shall be sent copies of the restrictive procedure plan and revisions of the plan. Documentation of transmittal of the restrictive procedure plan shall be kept.

Source

The provisions of this § 6400.206 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

INDIVIDUAL RECORDS**§ 6400.211. Emergency information.**

- (a) Emergency information for an individual shall be easily accessible at the home.
- (b) Emergency information for each individual shall include the following:
 - (1) The name, address, telephone number and relationship of a designated person to be contacted in case of an emergency.
 - (2) The name, address and telephone number of the individual's physician or source of health care.
 - (3) The name, address and telephone number of the person able to give consent for emergency medical treatment, if applicable.
 - (4) A copy of the individual's most recent annual physical examination.

Source

The provisions of this § 6400.211 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131377).

§ 6400.212. Individual records.

- (a) A separate record shall be kept for each individual.
- (b) Entries in an individual's record shall be legible, dated and signed by the person making the entry.

Source

The provisions of this § 6400.212 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131377).

§ 6400.213. Content of records.

Each individual's record shall include:

- (1) Personal information including:
 - (i) The name, sex, admission date, birthdate and social security number.
 - (ii) The race, height, weight, color of hair, color of eyes and identifying marks.
 - (iii) The language or means of communication spoken or understood by the individual and the primary language used in the individual's natural home, if other than English.
 - (iv) The religious affiliation.
 - (v) The next of kin.
 - (vi) A current, dated photograph.
- (2) Unusual incident reports relating to the individual.
- (3) Physical examinations.

- (4) Dental examinations.
- (5) Dental hygiene plans.
- (6) Assessments.
- (7) IPPs.
- (8) Restrictive procedure plans.
- (9) Restrictive procedure records relating to the individual.

Source

The provisions of this § 6400.213 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131377).

Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

§ 6400.214. Record location.

- (a) Record information required in § 6400.213(1) (relating to content of records) shall be kept at the home.
- (b) The most current copies of record information required in § 6400.213(3), (5) and (7)—(9) shall be kept at the home.
- (c) Record information required in § 6400.213(3), (5) and (7)—(9) that is not current shall be kept at the home or the administrative office.
- (d) Record information required in § 6400.213(2), (4) and (6) shall be kept at the home or the administrative office.

Source

The provisions of this § 6400.214 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131378) to (131379).

§ 6400.215. Record retention.

- (a) Information in the individual's record shall be kept for at least 4 years or until any audit or litigation is resolved.
- (b) An individual's records shall be kept for at least 4 years following the individual's departure or until any audit or litigation is resolved.

Source

The provisions of this § 6400.215 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131379).

§ 6400.216. Access.

- (a) An individual's records shall be kept locked when unattended.

(b) The individual, and the individual's parent, guardian or advocate, shall have access to the records and to information in the records. If the interdisciplinary team documents that disclosure of specific information constitutes a substantial detriment to the individual or that disclosure of specific information will reveal the identity of another individual or breach the confidentiality of persons who have provided information upon an agreement to maintain their confidentiality, that specific information identified may be withheld.

Source

The provisions of this § 6400.216 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

§ 6400.217. Release of information.

Written consent of the individual, or the individual's parent or guardian if the individual is 17 years of age or younger or legally incompetent, is required for the release of information, including photographs, to persons not otherwise authorized to receive it.

Source

The provisions of this § 6400.217 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

§ 6400.218. [Reserved].

Source

The provisions of this § 6400.218 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

HOMES SERVING NINE OR MORE INDIVIDUALS

§ 6400.231. Additional requirements for homes serving nine or more individuals.

Sections 6400.232—6400.245 apply to homes serving nine or more individuals. These provisions are in addition to the other provisions of this chapter.

Source

The provisions of this § 6400.231 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

§ 6400.232. Awake staff persons.

A staff person counted in the ratio as specified in § 6400.45(b) (relating to staffing) shall be awake.

Source

The provisions of this § 6400.232 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131380) to (131381).

Cross References

This section cited in 55 Pa. Code § 6000.342 (relating to indoor floor space).

§ 6400.233. Sewage system approval.

A home that is not connected to a public sewer system shall have a written sanitation approval for its sewage system by the sewage enforcement official of the municipality in which the home is located.

Source

The provisions of this § 6400.233 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

§ 6400.234. Indoor living furniture.

There shall be a sufficient amount of living and recreation furniture, excluding furniture in bedrooms, to seat all the individuals at the same time.

Source

The provisions of this § 6400.234 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

§ 6400.235. Elevators and ramps.

If the home serves an individual who is nonambulatory in a multistoried building, there shall be an elevator or a ramp between each floor.

Source

The provisions of this § 6400.235 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

§ 6400.236. Evacuation procedures.

Written emergency evacuation procedures as specified in § 6400.103 (relating to evacuation procedures) and an evacuation diagram specifying directions for egress in the event of an emergency, shall be posted in a conspicuous place.

Source

The provisions of this § 6400.236 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

§ 6400.237. Exit signs.

(a) Signs bearing the word "EXIT" in plain legible letters shall be placed at exits.

(b) If the exit or way to reach the exit is not immediately visible to the individuals, access to exits shall be marked with readily visible signs indicating the direction of travel.

(c) Exit sign letters shall be at least 6 inches in height with the principal strokes of letters not less than 3/4 inch wide.

Source

The provisions of this § 6400.237 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131382).

§ 6400.238. Laundry.

(a) There shall be a laundry area which is separate from the kitchen and other living areas.

(b) The laundry area shall have an entrance that does not require transportation of soiled linen through food preparation and food storage areas or soiled linen shall be covered while being transported through food preparation and food storage areas.

Source

The provisions of this § 6400.238 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 24, 1984, effective May 14, 1983, 14 Pa.B. 3091; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131382).

§ 6400.239. Dining area.

(a) A dining area shall be available to accommodate the maximum number of individuals scheduled for meals at any one time.

(b) A dining table may not seat more than 12 individuals.

Source

The provisions of this § 6400.239 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131382).

§ 6400.240. Dishwashing.

(a) Utensils used for eating, drinking, preparation and serving of food or drink shall be washed, sanitized and rinsed after each use by a mechanical dishwasher or by a method approved by the Department of Environmental Resources.

(b) A mechanical dishwasher shall use hot water temperatures exceeding 140°F in the wash cycle and 180°F in the final rinse cycle or shall be of a chemical sanitizing type approved by the National Sanitation Foundation.

(c) A mechanical dishwasher shall be operated in accordance with the manufacturer's instructions.

Source

The provisions of this § 6400.240 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131382) to (131383).

§ 6400.241. Food storage.

(a) Food shall be stored in covered containers.

(b) Food shall be kept at the proper temperature. Cold food shall be kept at or below 45°F. Hot food shall be kept at or above 140°F. Frozen food shall be kept at or below 0°F.

Source

The provisions of this § 6400.241 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131383).

§ 6400.242. Returned food.

Food returned from dining tables or individual plates may not be served again or used in preparation of other food dishes.

Source

The provisions of this § 6400.242 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131383).

§ 6400.243. Menus.

(a) A written daily menu shall be prepared and accessible to an individual.

(b) The menu shall be accessible to an individual at least 1 day prior to the menu date.

(c) A change to a menu shall be accessible to an individual in advance of the meal.

(d) A written menu and changes to the menu shall be followed.

(e) A written menu shall be retained for at least 3 months.

Source

The provisions of this § 6400.243 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended July 1, 1983, effective July 2, 1983, 13 Pa.B. 2064; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131383) to (131384).

§ 6400.244. Bedrooms.

An individual's bedroom may not be more than 200 feet from a bathtub or shower and a toilet.

Source

The provisions of this § 6400.244 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.245. Bathrooms.

(a) For a home serving nine or more individuals, subsections (b)—(d) supersede § 6400.82(a)—(c) (relating to bathrooms).

(b) For a home serving nine through 14 individuals 18 months of age or older, there shall be at least two bathtubs or showers and at least two toilets.

(c) For a home serving 15 or more individuals 18 months of age or older, except those homes previously licensed under the Departmental publication entitled "Residential Mental Retardation Facilities Subject to Licensing" issued as section 5100 on April 1, 1967, there shall be at least one bathtub or shower for every 15 individuals and at least one toilet for every eight individuals. For a home that was licensed prior to March 15, 1982 under the Departmental publication entitled "Residential Mental Retardation Facilities Subject to Licensure" issued as section 5100 on April 1, 1967, that serve 15 or more individuals, there shall be at least one bathtub or shower for every 20 individuals and at least one toilet for every 10 individuals.

(d) For a home serving an individual who has physical disabilities 18 months of age or older, at least one bathtub or shower and at least one toilet for every eight individuals who have physical disabilities shall have assist bars or lifts. If eight or fewer individuals who have physical disabilities are served, there shall be at least one bathtub or shower and at least one toilet equipped with assist bars or lifts.

Source

The provisions of this § 6400.245 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

EMERGENCY PLACEMENT**§ 6400.251. Exceptions.**

(a) Emergency placement is placement prior to which 2 weeks or less notice is given to the home.

(b) If an emergency placement occurs, § 6400.141 (relating to individual physical examination) shall be met within 31 calendar days after placement.

Source

The provisions of this § 6400.251 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131384) and (146947).

Notes of Decisions

The use of a homeowner's house in respite care program, which provides temporary short period residential care for mentally retarded persons, was not permitted in single family residential zone because providing the mentally retarded persons with short term residential care was not within the definition of "family" as a "single, nonprofit housekeeping unit." *In re of Summers*, 551 A.2d 1134 (Pa. Cmwlth. 1988); appeal denied 565 A.2d 1169 (Pa. 1989).

§ 6400.252. Other requirements.

Other requirements in this chapter apply for emergency placements.

Source

The provisions of this § 6400.252 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

RESPITE CARE**§ 6400.261. Exceptions for respite care.**

(a) Respite care is temporary community home care not to exceed 31 calendar days in a calendar year.

(b) The following sections do not apply for individuals receiving respite care:

- (1) Section 6400.78 (relating to indoor living space).
- (2) Sections 6400.81(g) and (h) (relating to individual bedrooms).
- (3) Sections 6400.121—6400.127 (relating to program).
- (4) Section 6400.142 (relating to dental care).
- (5) Section 6400.213(4), (5), (7) and (8) (relating to content of records).

Source

The provisions of this § 6400.261 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended April 25, 1986, effective April 26, 1986, except subsection (f) shall be effective July 1, 1987, 16 Pa.B. 1487; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (146947) to (146948).

§ 6400.262. Exceptions for emergency respite care.

(a) Emergency respite care is respite care placement prior to which 2 weeks or less notice is given to the home.

(b) The following sections do not apply for individuals receiving emergency respite care:

- (1) Section 6400.78 (relating to indoor living space).
- (2) Subsections 6400.81(g) and (h) (relating to individual bedrooms).
- (3) Sections 6400.121—6400.127.
- (4) Sections 6400.141 and 6400.142 (relating to individual physical examination; and dental care).
- (5) Paragraphs 6400.213(3)—(8) (relating to content of records).

Source

The provisions of this § 6400.262 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.263. Other requirements.

Other requirements in this chapter apply for respite care and emergency respite care.

Source

The provisions of this § 6400.263 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

SEMI-INDEPENDENT LIVING**§ 6400.271. Semi-independent living abilities.**

An individual is considered to have semi-independent living abilities if the individual:

- (1) Is capable of evacuating the entire building or to a fire safe area designated in writing within the past year by the local fire department, without assistance from another person, within 2 1/2 minutes or within the period of time specified in writing within the past year by the local fire department.
- (2) Requires only intermittent training to maintain basic daily living skills in the areas of hygiene, cooking, cleaning, eating, nutrition, money management, use of telephone, understanding the concept of time, communication, socialization, self protection, first aid, fire safety, sexuality, community mobility, general safety and emergency procedures.
- (3) Is 18 years of age or older.

Source

The provisions of this § 6400.271 adopted April 25, 1986, effective April 26, 1986, except subsection (j) shall be effective July 6, 1985, 16 Pa.B. 1487; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (146948) and (133697) to (133698).

Cross References

This section cited in 55 Pa. Code § 6400.272 (relating to annual documentation).

§ 6400.272. Annual documentation.

There shall be annual written documentation of each individual's semi-independent living abilities based on assessment of the individual's skills in each of the areas specified in § 6400.271 (relating to semi-independent living abilities), signed and dated by the program specialist.

Source

The provisions of this § 6400.272 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.273. Exceptions.

The following sections do not apply if all individuals in the home or separate wing or floor of the home have semi-independent living abilities:

- (1) Section 6400.45 (relating to staffing).
- (2) Sections 6400.62(a) and (b), 6400.63 and 6400.68(b) (relating to poisons; heat sources; and running water).
- (3) Section 6400.161(b) and (c) (relating to storage of medications).
- (4) Sections 6400.18(b) and 6400.192 (relating to reporting of unusual incident policies; and written policy) as these sections relate to location of policies.

Source

The provisions of this § 6400.273 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.274. Additional requirements.

(a) There shall be at least one staff member available while individuals are at the home. This staff person need not be physically present at the home.

(b) An individual shall be instructed upon initial admission and reinstructed annually in the use of fire extinguishers, smoke detectors and fire alarms and to notify the local fire department as soon as possible after a fire is discovered.

Source

The provisions of this § 6400.274 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

§ 6400.275. Other requirements.

Other requirements in this chapter apply for semi-independent living.

Source

The provisions of this § 6400.275 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

APPENDIX A. [Reserved]

Source

The provisions of this Appendix A adopted December 9, 1988, effective January 1, 1989, 18 Pa.B. 5497; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133699) to (133722).

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