CHAPTER 2390. VOCATIONAL FACILITIES

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§ 2390.1 Introduction.

The primary objective of vocational facilities is to assist clients in the development of skills necessary for placement in a higher level vocational program and ultimately into competitive employment, or, to maintain existing employment services.

Source

The provisions of this § 2390.1 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86922) to (86923).

§ 2390.2 Purpose.

The purpose of this chapter is to protect the health, safety and welfare of clients and to establish minimal program requirements in vocational facilities.

Source


§ 2390.3 Applicability.

(a) This chapter applies to vocational facilities, except as provided in subsection (b). The requirements apply to profit, nonprofit, publicly funded and privately funded facilities. This chapter contains the minimum requirements that shall be met in order to obtain a certificate of compliance. A vocational facility shall be individually inspected and obtain a certificate of compliance in order to operate. This chapter applies to vocational facilities providing service to one or more disabled clients.

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

(1) Vocational facilities or portions of vocational facilities operated by a public school district or intermediate unit.

(2) Vocational facilities operated by the Department.
(3) The client’s own home in which homebound employment is provided.

(4) Facilities providing vocational evaluation exclusively.

(5) Private industry settings if disabled adults are integrated in work with other nondisabled employes at the work site.

(6) Approved private schools.

(7) Facilities serving exclusively drug and alcohol clients.

(8) Facilities licensed or approved by the Department’s Office of Children, Youth and Families.

(c) If clients work at a location other than the facility and the facility grounds, this chapter does not apply during the time clients are away from the facility. While clients are present at the facility, the requirements of this chapter apply.

§ 2390.4. Legal base.

The legal authority for this chapter is Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1080).

§ 2390.5. Definitions.

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

Abusive act—An act or omission of an act that willfully deprives a client of rights or which may cause or causes actual physical injury or emotional harm to a client.

Certificate of compliance—A document issued to a legal entity permitting it to operate a vocational facility at a given location, for a specific period of time, according to appropriate regulations of the Commonwealth.

Chief executive officer—The staff person responsible for the general management of the facility. Other terms such as “program director” or “administrator” may be used as long as the qualifications specified in § 2390.32 (relating to chief executive officer) are met.

Client—A disabled adult receiving services in a vocational facility.

Competitive employment—A job in a regular work setting with an employee-employer relationship, in which a disabled adult is hired to do a job that other nondisabled employees also do.
Content discrepancy—A difference between what was determined at the ISP meeting by the plan team and what is documented in the written ISP.

Criminal abuse—Crimes against the person such as assault and crimes against the property of the client such as theft or embezzlement.

Department—The Department of Human Services of the Commonwealth.

Direct service worker—A person whose primary job function is to provide services to a client who attends the provider’s facility.

Disabled adult—

(i) A person who because of a disability requires special help or special services on a regular basis to function vocationally.

(ii) The term includes persons who exhibit any of the following characteristics:

(A) A physical disability, such as visual impairment, hearing impairment, speech or language impairment, or other physical handicap.

(B) Social or emotional maladjustment.

(C) A neurologically based condition such as cerebral palsy, autism or epilepsy.

(D) An intellectual disability.

Documentation—Written statements that accurately record details, substantiate a claim or provide evidence of an event.

Handicapped employment—A vocational program in which the individual client does not require rehabilitation, habilitation or ongoing training to work at the facility.

ISP—Individual Support Plan—The comprehensive document that identifies services and expected outcomes for a client.

Interdisciplinary team—A group of persons representing one or more service areas relevant to identifying a client’s needs, including at a minimum the county case manager if the client is funded through the county mental health and intellectual disability program, the client and the program specialist.

Outcomes—Goals the client and client’s plan team choose for the client to acquire, maintain or improve.

Plan lead—The program specialist or family living specialist, as applicable, when the client is not receiving services through an SCO.

Plan team—The group that develops the ISP.

Provider—An entity or person that enters into an agreement with the Department to deliver a service to a client.

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

SC—Supports coordinator—An SCO employee whose primary job functions are to locate, coordinate and monitor services provided to a client when the client is receiving services from an SCO.

SCO—Supports coordination organization—A provider that delivers the services of locating, coordinating and monitoring services provided to a client.

Services—Actions or assistance provided to the client to support the achievement of an outcome.

Sheltered employment—A program designed to enable the client to move out of the vocational facility into competitive employment or into a higher level vocational program focusing on the development of competitive worker traits and using work as the primary training method.

Training—

(i) Occupational training that follows a specific curriculum and is designed to teach skills for a specific occupation in the competitive labor market.

(ii) The term also includes personal and work adjustment training that is designed to develop appropriate worker traits and teach an understanding of the expectations of a work environment to enable the client to progress into a higher level rehabilitation program or into competitive employment.

Vocational evaluation—The use of planned activities, systematic observation and testing to accomplish a formal assessment of a client, including an identification of program needs, potential for employment and identification of employment objectives.

Vocational facility (facility)—A premise in which rehabilitative, habilitative or handicapped employment or employment training is provided to one or more disabled clients for part of a 24-hour day.

Work activities center—A program focusing on working and behavioral/therapeutic techniques to enable clients to attain sufficient vocational, personal, social and independent living skills to progress to higher level vocational programs.

Work performance review—An assessment of the client’s skill level.

Authority

The provisions of this § 2390.5 amended under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).

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§ 2390.11. Application.  
Application for a certificate of compliance shall be made under Chapter 20 (relating to licensure or approval of facilities and agencies).

§ 2390.12. Appeals.  
(a) Appeals related to the Department’s approval or licensure shall be made under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to 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 approval or 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).

The certificate of compliance shall list the programs that the facility operates, including sheltered employment, work activities center, occupational training, personal work adjustment training, handicapped employment and vocational evaluation.

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(a) A facility shall have a valid fire safety occupancy permit from the Department of Labor and Industry, or the local Department of Public Safety in the cities of Scranton and Pittsburgh or the local Department of Licensing and Inspection in Philadelphia County.
(b) After initial issuance of the fire safety occupancy permit by the Department of Labor and Industry, the provider shall verify, annually in writing, that the permit for the facility has not been withdrawn.

Source

§ 2390.15. Wage and hour certificate.
(a) If interstate commerce is involved, the facility shall have a valid Federal Sheltered Workshop Certificate, or valid Individual Handicapped Workers Certificates for each client, issued by the Federal Wage and Hour Division, United States Department of Labor under applicable Federal regulations.
(b) If intrastate commerce is involved, the facility shall have a valid Special Certificate issued by the Bureau of Labor Standards, Department of Labor and Industry under the Minimum Wage Act of 1968 (43 P.S. §§ 333.101—333.115).
(c) If both interstate and intrastate commerce are involved, the facility shall have the certificates specified in subsections (a) and (b).

Source
The provisions of this § 2390.15 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.16. Public eating and drinking place license.
If the facility prepares food for the public or serves food to the public, the facility shall have a valid public eating and drinking place license from the Department of Environmental Resources, or the local health department in locations for which the Department of Environmental Resources does not have regulatory authority.

Source
The provisions of this § 2390.16 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.17. Statement of purpose.
The facility shall have a written statement of purpose that includes a list and description of the services provided, how the services relate to the needs of the clients, and conditions on the admission of clients or the provision of services.

Source
The provisions of this § 2390.17 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.
§ 2390.18. Unusual incident report.

(a) An unusual incident report shall be completed by the facility on a form specified by the Department for a serious event, including death of a client, injury or illness of a client requiring inpatient hospitalization, or a fire requiring the services of a fire department. The facility shall send copies of the report to the regional office of the Department and the funding agency within 24 hours after the event occurs. A copy of unusual incident reports shall be kept on file by the facility.

(b) If an unusual incident occurs during a weekend, the regional office of the Department and the funding agency shall be notified within 24 hours after the event occurs and the unusual incident report shall be sent on the first business day following the event.

Authority

The provisions of this § 2390.18 amended Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).

Source

The provisions of this § 2390.18 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial pages (352129) to (352130).

§ 2390.19. Abuse.

(a) Abusive acts against clients are prohibited.

(b) Staff or clients witnessing or having knowledge of an abusive act to a client shall report it to the chief executive officer or designee within 24 hours.

(c) The chief executive officer or designee shall investigate reports of abuse and prepare and send a report to the regional office of the Department and the funding agency within 24 hours of the initial report. If the initial report occurs during a weekend, the regional office of the Department and the funding agency shall be notified within 24 hours after the initial report and the abuse investigation report shall be sent on the first business day following the initial report. The report shall either support or deny the allegation and make recommendations for appropriate action. The chief executive officer or designee shall implement changes immediately to prevent abuse in the future.

(d) Incidents of criminal abuse shall be reported immediately to law enforcement authorities.

Authority

The provisions of this § 2390.19 amended under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).
§ 2390.20. Accident prevention.

A facility shall have a written accident prevention policy. The accident prevention policy shall include the requirement for monthly inspection of the physical site, production process and machines and equipment.

Source
The provisions of this § 2390.20 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.21. Civil rights.

(a) A client may not be discriminated against because of race, color, religious creed, disability, handicap, ancestry, national origin, age or sex, nor be deprived of civil or legal rights.

(b) A facility shall develop and implement civil rights policies and procedures. Civil rights policies and procedures include the following:
(1) Nondiscrimination in the provision of services, admissions, placement, facility usage, referrals and communication with non-English speaking clients.
(2) Program accessibility and accommodation for disabled clients.
(3) The opportunity to lodge civil rights complaints.
(4) Orientation for clients on their rights to register civil rights complaints.

Source
The provisions of this § 2390.21 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.22. Governing body.
(a) The facility shall have a governing body.
(b) No member of the governing body may receive financial benefit for services as a member of the governing body, except for expenses incurred while performing governing body functions.
(c) A member of the governing body shall fully disclose conditions that may create a conflict of interest.
(d) The governing body shall meet at least quarterly.
(e) The governing body shall review and approve quarterly and annual financial reports.
(f) The governing body shall review and approve the annual program report.

Source
The provisions of this § 2390.22 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.23. Bidding, contracting, selling.
The facility shall establish sound and ethical bidding, contracting and selling practices to reflect reasonable costs consistent with the economical and efficient operations of the facility.

Source
The provisions of this § 2390.23 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

STAFFING

§ 2390.31. Effective date of staff qualifications.
The staff qualifications in §§ 2390.32—2390.40 (relating to staffing) are effective immediately for staff hired or promoted on or after January 1, 1987. Staff hired or promoted prior to January 1, 1987, shall meet the qualifications under this chapter as they existed at 55 Pa. Code pages 2390-1—2390-21, serial pages (86921)—(86940) and (90799).

Source
The provisions of this § 2390.31 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa. B. 1693. Immediately preceding text appears at serial pages (86925) to (86926).
§ 2390.32. Chief executive officer.
   (a) There shall be one chief executive officer responsible for a facility. Whenever the chief executive officer is not available, a designee shall be responsible for the chief executive officer’s duties.
   (b) The chief executive officer shall be responsible for the general management of the facility, including the following:
       (1) Admission and discharge of clients.
       (2) Safety and protection of clients.
       (3) Assuring that contract procurement activities occur and that work is available to clients.
       (4) Compliance with this chapter.
   (c) A chief executive officer shall meet either of the following groups of qualifications:
       (1) Possess a master’s degree or above from an accredited college or university in Administration, Business, Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human service field, which includes at least 15 credit hours in administration or human services; and 1 year work experience working directly with disabled persons, or 1 year work experience in administration or supervision.
       (2) Possess a bachelor’s degree from an accredited college or university in Administration, Business, Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field; and 2 years work experience in administration or supervision, and 1 year experience working directly with disabled persons.

Source

Cross References
This section cited in 55 Pa. Code § 2390.5 (relating to definitions); and 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).

§ 2390.33. Program specialist.
   (a) A minimum of one program specialist for every 45 clients shall be available when clients are present at the facility.
   (b) The program specialist shall be responsible for the following:
       (1) Coordinating and completing assessments.
       (2) Providing the assessment as required under § 2390.151(f) (relating to assessment).
(3) Participating in the development of the ISP, including annual updates and revisions of the ISP.

(4) Attending the ISP meetings.

(5) Fulfilling the role of plan lead, as applicable, under §§ 2390.152 and 2390.156(f) and (g) (relating to development, annual update and revision to the ISP; and ISP review and revision).

(6) Reviewing the ISP, annual updates and revisions for content accuracy.

(7) Reporting content discrepancy to the SC or plan lead, as applicable, and plan team members.

(8) Implementing the ISP as written.

(9) Supervising, monitoring and evaluating services provided to the client.

(10) Reviewing, signing and dating the monthly documentation of a client’s participation and progress toward outcomes.

(11) Reporting a change related to the client’s needs to the SC or plan lead, as applicable, and plan team members.

(12) Reviewing the ISP with the client as required under § 2390.156.

(13) Documenting the review of the ISP as required under § 2390.156.

(14) Providing documentation of the ISP review to the SC or plan lead, as applicable, and plan team members as required under § 2390.156(d).

(15) Informing plan team members of the option to decline the ISP review documentation as required under § 2390.156(e).

(16) Recommending a revision to a service or outcome in the ISP as provided under § 2390.156(c)(4).

(17) Coordinating the services provided to a client.

(18) Coordinating the training of direct service workers in the content of health and safety needs relevant to each client.

(19) Developing and implementing provider services as required under § 2390.158 (relating to provider services).

(c) A program specialist shall meet one of the following groups of qualifications:

(1) Possess a master’s degree or above from an accredited college or university in Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field.

(2) Possess a bachelor’s degree from an accredited college or university in Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field; and 1 year experience working directly with disabled persons.

(3) Possess an associate’s degree or completion of a 2 year program from an accredited college or university in Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupa-
tional Therapy, Therapeutic Recreation or other human services field; and 3 years experience working directly with disabled persons.

(4) Possess a license or certification by the State Board of Nurse Examiners, the State Board of Physical Therapists Examiners, or the Committee on Rehabilitation Counselor Certification or be a licensed psychologist or registered occupational therapist; and 1 year experience working directly with disabled persons.

Authority
The provisions of this § 2390.33 amended under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source

Cross References
This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications); and 55 Pa. Code § 2390.141 (relating to exceptions).

§ 2390.34. Production manager.
(a) A facility shall have a minimum of one production manager available when clients are present at the facility.
(b) A production manager shall be responsible for job flow, job scheduling and provision of sufficient amount of work within the facility.
(c) A production manager shall meet one of the following groups of qualifications:
   (1) Possess a bachelor’s degree or above from an accredited college or university in Business or Engineering.
   (2) Possess an associate’s degree or its equivalent from an accredited college or university in Business or Engineering; and 2 years work experience in industrial work.
   (3) Possess a high school diploma or a general education development certificate; and 4 years work experience in industrial work, which includes at least 2 years supervisory experience.

Source
The provisions of this § 2390.34 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).

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§ 2390.35. Floor supervisor.
(a) A minimum of one floor supervisor for every 15 clients shall be maintained when clients are present at the facility, excluding breaks, lunch times and before and after work hours.
(b) A floor supervisor shall be physically present with the clients when clients are present at the facility, excluding breaks, lunch times and before and after work hours.
(c) A floor supervisor shall be responsible for daily supervision of clients while clients are engaged in work activities.
(d) A floor supervisor shall meet one of the following qualifications:
   (1) Possess 30 credit hours from an accredited college or university.
   (2) Possess a high school diploma or a general education development certificate, and 1 year work experience in industry or rehabilitation.

Source
The provisions of this § 2390.35 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications); and 55 Pa. Code § 2390.141 (relating to exceptions).

§ 2390.36. Trainer.
(a) If the facility provides training, there shall be a minimum of one trainer for every 10 clients who are currently in the training program.
(b) A trainer shall be responsible for instructing individual clients in specific job skills, interpersonal skills, work attitudes and work habits.
(c) A trainer shall meet one of the following group qualifications:
   (1) Possess a bachelor’s degree or above from an accredited college or university in Education, Rehabilitation or a related field.
   (2) Possess an associate’s degree from an accredited college or university in Education, Rehabilitation or a related field; and 2 years work experience in teaching, training or a rehabilitation related field.
   (3) Possess a license or certification as a tradesperson in the area for which training is being provided.
   (4) Four years work experience as a tradesperson in the area for which the training is being provided.

Source
The provisions of this § 2390.36 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).
§ 2390.37. Vocational evaluator.
(a) If the facility provides vocational evaluation, there shall be a minimum of one vocational evaluator.
(b) A vocational evaluator shall be responsible for written evaluations of clients.
(c) A vocational evaluator shall meet one of the following groups of qualifications:
   (1) Possess a master’s degree or above from an accredited college or university in Vocational Evaluation or a related field.
   (2) Possess a bachelor’s degree from an accredited college or university in Evaluation, Special Education, Psychology, Public Health Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field; and 1 year work experience in evaluation, education, industrial arts, industrial engineering, occupational therapy, rehabilitation counseling or a related field.

Source
The provisions of this § 2390.37 adopted May 9, 1986, effective August 8, 1986, 16 Pa. B. 1693.

Cross References
This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).

§ 2390.38. Staff positions.
(a) The positions of program specialist and floor supervisor shall be filled by two different individuals when 10 or more clients are present at the facility.
(b) If one person is assigned to two required staff positions the more stringent staff qualifications apply.

Source
The provisions of this § 2390.38 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).

§ 2390.39. Staffing.
(a) A minimum of two staff shall be present at the facility when 10 or more clients are present at the facility.
(b) A minimum of one staff shall be present at the facility when fewer than 10 clients are present at the facility.
(c) If 20 or more clients are present at the facility, there shall be at least one staff present at the facility who meets the qualifications of program specialist.
(d) A client may be left unsupervised for specified periods of time if the absence of direct supervision is consistent with the client’s assessment and is part of the client’s ISP, as an outcome which requires the achievement of a higher level of independence.

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(e) The staff qualifications and staff ratio as specified in the ISP shall be implemented as written, including when the staff ratio is greater than required under subsections (a), (b) and (c).

(f) A client may not be left unsupervised solely for the convenience of the facility or the direct service worker.

Authority

The provisions of this § 2390.39 amended under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source


Cross References

This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).

§ 2390.40. Staff training.

(a) A facility shall provide orientation for staff relevant to their appointed positions. Staff shall be instructed in the daily operation of the facility and policies and procedures of the agency.

(b) Staff in positions required by this chapter shall have at least 24 hours of training relevant to vocational or human services annually.

(c) Records of orientation and training, including dates held and staff attending, shall be kept on file.

Source

The provisions of this § 2390.40 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References

This section cited in 55 Pa. Code § 2390.31 (relating to effective date of staff qualifications).

§ 2390.41. [Reserved].

Source


§ 2390.42. [Reserved].

Source

§ 2390.43. [Reserved].

Source
The provisions of this § 2390.43 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; reserved May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86928) to (86929).

§ 2390.44. [Reserved].

Source
The provisions of this § 2390.44 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; reserved May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86929) to (86930).

§ 2390.45. [Reserved].

Source

§ 2390.46. [Reserved].

Source

§ 2390.47. [Reserved].

Source
The provisions of this § 2390.47 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; reserved May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86931) to (86932).

PHYSICAL SITE

§ 2390.51. Accommodations for physically handicapped clients.
For facilities serving physically handicapped clients, accommodations such as ramping and wide doorways shall be made to ensure the maximum physical accessibility feasible for entrance to, movement within, and exit from the facility, based upon each client’s physical characteristics.

Source
§ 2390.52. Indoor floor space.

(a) There shall be at least 80 square feet of indoor floor space for each client while engaged in heavy assembly or heavy packaging work, heavy assembly or heavy packaging training, manufacturing, loading and shipping.

(b) There shall be at least 60 square feet of indoor floor space for each client while engaged in light assembly or light packaging work, light assembly or light packaging training, classroom training or non-vocational day programming.

(c) Indoor floor space shall be measured wall to wall, including space occupied by equipment, temporary storage and furnishings. Space occupied by bathrooms, dining areas, loading docks, kitchens, offices and first aid rooms may not be included unless it is documented that the space is used for work or work training for at least 50% of each program day. Hallways and permanent storage space may not be included.

(d) The indoor floor space square footage requirements specified in subsections (a) and (b) apply to each separate work, training and program area within the facility.

Source
The provisions of this § 2390.52 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86932) to (86933).

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

§ 2390.53. Outside walkways.

Outside walkways shall be free from ice, snow, leaves, equipment and other hazards.

Source
The provisions of this § 2390.53 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; reserved May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86933) to (86934).

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.54. Combustible materials.

Combustible supplies and equipment shall be utilized safely, stored in a fire retardant cabinet or closet and stored away from heating sources.

Source
The provisions of this § 2390.54 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; reserved May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86934) to (86935).
§ 2390.55. Sanitation.
(a) Trash shall be removed from the premises at least once per week.
(b) There may be no visible evidence of infestation of insects or rodents in
the facility.

Source
The provisions of this § 2390.55 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.56. Running water.
A facility shall have hot and cold running water that is suitable for drinking
purposes, in bathrooms and kitchen areas.

Source
The provisions of this § 2390.56 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.57. Indoor temperature.
Indoor temperature may be no less than 65°F and no more than 90°F. Indoor
temperature requirements do not apply to storage warehouses where the clients do
not work and do not apply to loading docks.

Source
The provisions of this § 2390.57 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.58. Telephone.
A facility shall have an operable, noncoin operated telephone.

Source
The provisions of this § 2390.58 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.59. Emergency telephone numbers.
Telephone numbers of the nearest hospital, police department, fire department,
ambulance and poison control center shall be posted by each telephone.

Source
The provisions of this § 2390.59 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.60. First aid.
(a) A facility shall have a first aid area that is separate from the work area.
(b) The first aid area shall have a bed or cot, a blanket and a first aid kit.
(c) Each floor of the facility shall have a first aid kit accessible to staff.
(d) First aid kits shall contain antiseptic, an assortment of adhesive bandages,
sterile gauze pads, tweezers, tape and scissors.

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§ 2390.61. Hazards.
Floors, walls, ceilings and other surfaces shall be in good repair and free of visible hazards.

Source

§ 2390.62. Sanitation.
Sanitary conditions shall be maintained in bathrooms, kitchens, dining areas and first aid areas.

Source

§ 2390.63. Lighting.
Rooms, hallways, stairways, outside steps, porches and ramps shall be adequately lighted to assure client safety and avoid accidents.

Source

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.64. Handrails.
Stairways, outside steps, porches and ramps shall have well secured handrails.

Source
The provisions of this § 2390.64 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial page (86935).

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.65. Stairs.
Interior stairs shall have a nonskid surface.

Source
§ 2390.66. Landings.

Landings shall be provided beyond each interior and exterior door that opens onto a stairway.

Source

§ 2390.67. Safe and sanitary conditions.

Safe and sanitary conditions shall be provided while handling supplies, packaging products and carrying out work functions.

Source

§ 2390.68. Hazardous equipment.

Hazardous equipment that is likely to cause physical injury to clients shall have guards and safety devices.

Source

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.69. Personal protective equipment.

Personal protective equipment shall be worn by clients if work presents a safety risk to the clients.

Source

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.70. Special signals on equipment.

Equipment shall include magnified or otherwise modified visual, auditory and tactile signals if necessary for the individual client using the equipment.
§ 2390.71. Ventilation.
(a) Work areas, dining areas, kitchens and bathrooms shall be ventilated by operable windows or mechanical ventilation.
(b) Production that results in toxic fumes, excessive dust or odor shall be adequately ventilated by a mechanical exhaust system.

§ 2390.72. Passageways and work aisles.
(a) Passageways and work aisles shall be unobstructed at all times.
(b) Work aisles shall be at least 36 inches wide.
(c) Work aisles shall be marked with visible lines that are at least 2 inches wide. If visually handicapped clients are served, work aisles shall be marked with tactile guides.

§ 2390.73. Elevators.
If an elevator is present in the facility, there shall be a valid certificate of operation from the Department of Labor and Industry.

§ 2390.74. Lavatories.
(a) Facilities with physically handicapped clients, at least one lavatory for men and one lavatory for women shall be constructed so that physically handicapped clients have access and use.
(b) There shall be one toilet for every 30 clients served at one time.
§ 2390.74. Separate facilities.
(c) If the facility serves 10 or more clients at one time, there shall be separate lavatories for men and women.
(d) Each lavatory shall have a sink, wall mirror, soap, toilet paper and individual clean paper or cloth towels or air hand dryer.

Source

§ 2390.75. Nutrition.
(a) If the facility provides meals for clients or a food service training facility program in the facility, the following conditions shall be met:
(1) Food while being stored, prepared, served and transported shall be protected from contamination. Food shall be stored in containers which prevent penetration of insects and rodents.
(2) Food shall be kept at the proper temperature. Cold food shall be kept below 45°F. Hot food shall be kept above 140°F. Frozen food shall be kept below 0°F.
(3) Utensils used for eating, drinking, preparation and serving of food or drink shall be washed after each use by a mechanical dishwasher.
(4) Mechanical dishwashers 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.
(5) Mechanical dishwashers shall be operated in accordance with the manufacturer’s instructions.
(b) A facility shall have a dining area for lunches and breaks. The area shall be clean and have dining tables and chairs.
(1) The dining area shall be clean.
(2) The dining area shall have a sufficient number of tables and chairs to accommodate the maximum number of clients scheduled for lunch or break.

Source
The provisions of this § 2390.75 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86937) to (86938).

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.76. [Reserved].

Source

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§ 2390.77. [Reserved].

Source

§ 2390.78. [Reserved].

Source
The provisions of this § 2390.78 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; reserved May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693. Immediately preceding text appears at serial pages (86938) to (86939).

FIRE SAFETY

§ 2390.81. Exits.
Stairways, hallways and exits from rooms and from the facility shall be unobstructed.

Source
The provisions of this § 2390.81 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.82. Evacuation of clients.
(a) Written emergency evacuation procedures including at a minimum client and staff responsibilities, means of transportation in an emergency, emergency shelter location and an evacuation diagram specifying directions for egress in the event of an emergency shall be posted in work areas.
(b) Facilities shall have an annual onsite fire safety inspection by the local fire department or other fire safety authority or shall notify the local fire department or other fire safety authority in writing annually of address of the facility and the number and disabilities of the clients served. Documentation of the fire safety inspection or the written notification shall be kept on file.

Source
The provisions of this § 2390.82 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.83. Fire alarms.
(a) There shall be an operable fire alarm that is audible throughout the facility.
(b) An employe trained in the operation of the equipment shall check the fire alarm monthly. A written record shall be kept showing the date checked, the name of the person checking the alarm and whether or not the alarm was operative.
§ 2390.83. Fire alarm.

(c) If the fire alarm is inoperative, notification for repair shall be made within 24 hours of the check and the repairs completed within 48 hours of the check. There shall be a written procedure for fire safety monitoring in the event that the fire alarm is inoperative.

Source
The provisions of this § 2390.83 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.84. Fire extinguishers.

(a) There shall be at least one fire extinguisher with a minimum 10ABC rating for each floor including the basement. If there is more than 1,500 square feet of indoor floor area on any floor including the basement, there shall be an additional fire extinguisher with a minimum 10ABC rating for each additional 1,500 square feet of indoor floor area.

(b) A fire extinguisher with a minimum 10ABC rating shall be located within 100 feet of any point in the work area.

(c) A fire extinguisher with a minimum 10B rating shall be located in each kitchen.

(d) Fire extinguishers weighing under 45 pounds shall be mounted on the wall so that the extinguishers are visible to staff and clients.

(e) Fire extinguishers weighing over 45 pounds shall be on a wheeled unit and visible to staff and clients.

(f) Fire extinguishers shall be easily accessible to staff and clients.

(g) Fire extinguishers shall be inspected and approved annually by the local fire department or other fire safety authority. The date of the inspection shall be on the extinguisher.

Source
The provisions of this § 2390.84 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.85. Fire drills.

(a) A fire drill shall be held at least every 90 calendar days. A written record shall be kept of the date, hypothetical location of fire and the amount of time it took for evacuation.

(b) Fire drills shall be held at different times of the day. Hypothetical locations of the fire shall be different for each drill.

(c) Clients shall evacuate the entire building during each fire drill.

(d) Fire alarms shall be tested by setting off the alarm during each fire drill.
§ 2390.85. Exit signs.
Signs bearing the word “EXIT” in plain legible letters shall be placed at exits. If the exit or way to reach the exit is not immediately visible to the clients, access to exits shall be marked with readily visible signs indicating the direction of travel. Exit sign letters shall be at least 6 inches in height with the principal strokes of letters not less than 3/4 inch wide. There shall be tactile exit markings if one or more visually impaired clients are served.

Source
The provisions of this § 2390.85 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.86. Exit signs.
Signs bearing the word “EXIT” in plain legible letters shall be placed at exits. If the exit or way to reach the exit is not immediately visible to the clients, access to exits shall be marked with readily visible signs indicating the direction of travel. Exit sign letters shall be at least 6 inches in height with the principal strokes of letters not less than 3/4 inch wide. There shall be tactile exit markings if one or more visually impaired clients are served.

Source
The provisions of this § 2390.86 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.87. Fire safety training.
Staff, and clients as appropriate, shall be instructed upon initial admission or initial employment and reinstructed annually in general fire safety and in the use of fire extinguishers. A written record of the training shall be kept.

Source
The provisions of this § 2390.87 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

PROGRAM

§ 2390.91. [Reserved].

Authority
The provisions of this § 2390.91 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

Cross References
This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).

§§ 2390.92—2390.93. [Reserved].

Authority
The provisions of these §§ 2390.92—2390.93 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).
§ 2390.94. [Reserved].

Authority

The provisions of this § 2390.94 reserved under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


§ 2390.95. [Reserved].

Authority

The provisions of this § 2390.95 reserved under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


Cross References

This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).

§ 2390.96. [Reserved].

Authority

The provisions of this § 2390.96 reserved under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


Cross References

This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).
§ 2390.97. [Reserved].

Authority
The provisions of this § 2390.97 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

Cross References
This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).

§ 2390.98. [Reserved].

Authority
The provisions of this § 2390.98 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

Cross References
This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).

§ 2390.99. [Reserved].

Authority
The provisions of this § 2390.99 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

Cross References
This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).

§ 2390.100. [Reserved].

Authority
The provisions of this § 2390.100 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).
HEALTH

§ 2390.101. Communicable disease.

Staff, clients or volunteers with symptoms of a communicable disease of a serious nature, such as strep throat, conjunctivitis, tuberculosis or other medical problems which might interfere with the health of others as determined by a physician, are not permitted to be present at the facility, without written authorization from a licensed physician.

Source

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.102. First aid staff.

At least one staff person certified in first aid techniques within the past 3 years shall be present when clients are at the facility. There shall be written documentation of the certification.

Source

Cross References
This section cited in 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 2390.103. Emergency medical plan.

A facility 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. The staffing plan during the emergency.

Source
§ 2390.104. Emergency medical information.

Emergency medical information for a client shall be readily accessible. Emergency medical information for a client shall include the following:

(1) The name, address and telephone number of parents, legal guardian and a designated person to be contacted in case of an emergency.

(2) The name and telephone number of a physician or source of health care.

(3) Written consent from the client, parent or guardian for emergency medical treatment.

(4) Medical information pertinent to diagnosis and treatment in case of emergency.

Source


ADMISSION AND PLACEMENT

§ 2390.111. Admission decision.

(a) A client shall have a preadmission interview.

(b) Within 30 calendar days following the interview, the client shall be notified in writing if he has been accepted for services. If accepted, the notification shall specify the service for which the client is accepted. If an individual is not accepted, the reasons for that decision shall be included in the notification.

(c) The facility shall keep dates of interviews and notifications of admission and denial of admission on file for 3 years.

Source


§ 2390.112. Client orientation.

(a) Upon admission, a client shall be oriented to the facility and to the services offered. The date of the orientation shall be written in the client’s record.

(b) Upon admission, a client shall be given written information outlining working hours, benefits, leave policy, civil rights policies and procedures and grievance procedures. This information shall be explained to the client. A written record of the explanation shall be signed by the client and available in the client’s record.

Source

§ 2390.113. Placement services.
(a) The facility shall provide or make arrangements for placement services in order to move clients into a higher level vocational program or competitive employment.
(b) The facility shall designate a staff person responsible for placement services.
(c) Placement services include the following:
   (1) Information from prospective employers about the abilities required for the job.
   (2) Notification of the client about a proposed placement.
   (3) Client participation in determining the appropriateness of the proposed placement.
   (4) Information provided to the employer about the client’s abilities and special needs.
   (5) Follow-up activities with the client and the employer for at least 60 calendar days after the placement occurs to determine if the placement is suitable, permanent and that rehabilitation needs have been met.
(d) For a client placed in competitive employment, the facility shall document in the client’s record the client’s place of employment, job title, date of hiring, rate of pay and follow-up activities.
(e) The facility shall maintain a written record of placement service components specified in this section.

Source

Cross References
This section cited in 55 Pa. Code § 2390.141 (relating to exceptions).

CLIENT RECORDS

§ 2390.121. Individual record.
An individual record shall be kept for a client. Entries in a client’s record shall be legible, dated and signed by the person making the entry.

Source
The provisions of this § 2390.121 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.122. Record location.
Client records shall be kept at the facility while the client is being served. Client records shall be kept for 3 years following the client’s departure.

Source
The provisions of this § 2390.122 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.
§ 2390.123. Confidentiality.
Information in the client records shall be kept confidential. Client records shall be kept locked when unattended.

Source
The provisions of this § 2390.123 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.124. Content of records.
Each client’s record must include the following information:
(1) The name, sex, admission date, birthdate and place, social security number and dates of entry, transfer and discharge.
(2) The name, address and telephone number of parents, legal guardian and a designated person to be contacted in case of an emergency.
(3) The name and telephone number of a physician or source of health care.
(4) Written consent from the client, parent or guardian for emergency medical treatment.
(5) Physical examinations.
(6) Assessments as required under § 2390.151 (relating to assessment).
(7) A copy of the vocational evaluations, if applicable.
(8) A copy of the invitation to:
   (i) The initial ISP meeting.
   (ii) The annual update meeting.
   (iii) The ISP revision meeting.
(9) A copy of the signature sheet for:
   (i) The initial ISP meeting.
   (ii) The annual update meeting.
   (iii) The ISP revision meeting.
(10) A copy of the current ISP.
(11) Documentation of ISP reviews and ISP revisions under § 2390.156 (relating to ISP review and revision), including the following:
   (i) ISP Review signature sheets.
   (ii) Recommendations to revise the ISP.
   (iii) ISP revisions.
   (iv) Notices that the plan team member may decline the ISP review documentation.
   (v) Requests from plan team members to not receive the ISP review documentation.
(12) Content discrepancy in the ISP, the annual update or revision under § 2390.156.
(13) Restrictive procedure protocols and records related to the client.
(14) Unusual incident reports related to the client.
(15) Copies of psychological evaluations, if applicable.
(16) Vocational evaluations as required under § 2390.159 (relating to vocational evaluation).

Authority

The provisions of this § 2390.124 amended under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source


§ 2390.125. Record policy.

There shall be a written policy governing access to, duplication of and dissemination of information from the records. This policy shall designate staff authorized to have access to the files.

Source

The provisions of this § 2390.125 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.126. Access.

(a) A client, and the parent or guardian, if the client is under 18 years of age or if the client is legally incompetent, shall have access to the records and to information in the records. If the interdisciplinary team documents, in writing, that disclosure of specific information constitutes a substantial detriment to the client or that disclosure of specific information will reveal the identity of persons or breach the confidentiality of persons who have provided information upon an agreement to maintain their confidentiality, that specific information identified may be withheld.

(b) The client record is the property of the facility whose responsibility is to secure the information against loss, defacement, tampering or use by unauthorized persons. Client records shall be removed from the facility’s jurisdiction and safekeeping only in accordance with a court order, subpoena or statute.

Source

The provisions of this § 2390.126 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.


Written consent of the client, or guardian, if the client is adjudicated incompetent, is required for the release of information, including photographs, to persons not otherwise authorized by statute to receive it.

Source

The provisions of this § 2390.127 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.
§ 2390.141. Exceptions.
If there is annual written documentation, signed by at least the chief executive officer or designee, the floor supervisor and the client, stating that rehabilitation, habilitation and ongoing training services are not necessary in order for the individual client to work at the facility, §§ 2390.33, 2390.35(a), 2390.91, 2390.95—2390.99 and 2390.113 are not applicable for that client.

Source
The provisions of this § 2390.141 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.142. Applicable requirements.
If there is written documentation, signed by each interdisciplinary team member, stating that training, rehabilitation and habilitation services are not necessary in order for a specific client to function vocationally, §§ 2390.143 and 2390.144 (relating to work performance review; and handicapped employment floor supervisor), are applicable for that client.

Source
The provisions of this § 2390.142 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

§ 2390.143. Work performance review.
(a) A written work performance review shall be completed for a handicapped employment client annually. A copy of the review shall be in the client’s file.
(b) Work performance reviews shall include the following:
   (1) Quantity and quality of work.
   (2) Changes in productivity since last review.
   (3) Potential for upward movement into a higher level rehabilitation program or into competitive employment.
   (4) Particular work related problems.
(c) Clients shall be provided with a copy of their work performance reviews.

Source
The provisions of this § 2390.143 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.

Cross References
This section cited in 55 Pa. Code § 2390.142 (relating to applicable requirements).

§ 2390.144. Handicapped employment floor supervisor.
A minimum of one floor supervisor for every 20 handicapped employment clients shall be maintained when handicapped employment clients are present in the facility.

Source
The provisions of this § 2390.144 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693.
§ 2390.151. Assessment.

(a) Each client shall have an initial assessment within 1 year prior to or 60 calendar days after admission to the facility and an updated assessment annually thereafter.

(b) If the program specialist is making a recommendation to revise a service or outcome in the ISP as provided under § 2390.156(c)(4) (relating to ISP review and revision), the client shall have an assessment completed as required under this section.

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

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

(e) The assessment must include the following information:

1. Functional strengths, needs and preferences of the client.
2. The likes, dislikes and interest of client, including vocational and employment interests of the client.
3. The client’s current level of performance and progress in the following areas:
   i. Acquisition of vocational functioning skills.
   ii. Communication; ability to receive, retain and carry out instructions.
   iii. Personal adjustment.
   iv. Personal needs with or without assistance from others.
4. The client’s need for supervision.
5. The client’s ability to self-administer medications.
6. The client’s ability to safely use or avoid poisonous materials, when in the presence of poisonous materials.
7. The client’s knowledge of the danger of heat sources and ability to sense and move away quickly from heat sources which exceed 120° F and are not insulated.
8. The client’s ability to evacuate in the event of a fire.
9. Documentation of the client’s disability, including functional and medical limitations.
10. A lifetime medical history.
11. Psychological evaluations, if applicable.
12. Recommendations for specific areas of vocational training or placement and competitive community-integrated employment.
13. The individual’s progress over the last 365 calendar days and current level in the following areas:
   i. Health.
(ii) Motor and communication skills.
(iii) Personal adjustment.
(iv) Socialization.
(v) Vocational skills.

(f) The program specialist shall provide the assessment to the SC or plan lead, as applicable, and plan team members at least 30 calendar days prior to an ISP meeting for the development, annual update and revision of the ISP under §§ 2380.182, 2390.152, 6400.182 and 6500.152 (relating to development, annual update and revision of the ISP).

Authority

The provisions of this § 2390.151 issued under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source


Cross References

This section cited in 55 Pa. Code § 2380.182 (relating to development, annual update and revision of the ISP); 55 Pa. Code § 2390.33 (relating to programs specialist); 55 Pa. Code § 2390.124 (relating to content of records); 55 Pa. Code § 2390.152 (relating to development, annual update and revision of the ISP); 55 Pa. Code § 2390.156 (relating to ISP review and revision); 55 Pa. Code § 6400.182 (relating to development, annual update and revision of the ISP); 55 Pa. Code § 6500.152 (relating to development, annual update and revision of the ISP); and 55 Pa. Code § 6500.156 (relating to ISP review and revision).

§ 2390.152. Development, annual update and revision of the ISP.

(a) A client shall have one ISP.

(b) When a client is not receiving services through an SCO and is not receiving services in a facility or home licensed under Chapters 2380, 6400 or 6500 (relating to adult training facilities; community homes for individuals with an intellectual disability; and family living homes), the vocational facility program specialist shall be the plan lead.

(c) The plan lead shall be responsible for developing and implementing the ISP, including annual updates and revisions.

(d) The plan lead shall develop, update and revise the ISP according to the following:

(1) The ISP shall be initially developed, updated annually and revised based upon the client’s current assessment as required under §§ 2380.181, 2390.151, 6400.181 and 6500.151 (relating to assessment).

(2) The initial ISP shall be developed within 90 calendar days after the client’s admission date to the facility.

(3) The ISP, annual updates and revisions shall be documented on the Department-designated form located in the Home and Community Services Information System (HCSIS) and also on the Department’s web site.
(4) An invitation shall be sent to plan team members at least 30 calendar days prior to an ISP meeting.

(5) Copies of the ISP, including annual updates and revisions under § 2390.156 (relating to ISP review and revision), shall be provided as required under § 2390.157 (relating to copies).

Authority

The provisions of this § 2390.152 issued under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021); amended under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).

Source


Cross References


§ 2390.153. Content of the ISP.

The ISP, including annual updates and revisions under § 2390.156 (relating to ISP review and revision) must include the following:

(1) Services provided to the client and expected outcomes chosen by the client and client’s plan team.

(2) Services provided to the client to develop the skills necessary for promotion into a higher level of vocational programming or into competitive community-integrated employment as required under § 2390.158 (relating to provider services).

(3) Current status in relation to an outcome and method of evaluation used to determine progress toward that expected outcome.

(4) A protocol and schedule outlining specified periods of time for the client to be without direct supervision, if the client’s current assessment states the client may be without direct supervision and if the client’s ISP includes an expected outcome which requires the achievement of a higher level of independence. The protocol must include the current level of independence and the method of evaluation used to determine progress toward the expected outcome to achieve a higher level of independence.

(5) A protocol to address the social, emotional and environmental needs of the client, if medication has been prescribed to treat symptoms of a diagnosed psychiatric illness.

(6) A protocol to eliminate the use of restrictive procedures, if restrictive procedures are utilized, and to address the underlying causes of the behavior which led to the use of restrictive procedures including the following:
(i) An assessment to determine the causes or antecedents of the behavior.
(ii) A protocol for addressing the underlying causes or antecedents of the behavior.
(iii) The method and timeline for eliminating the use of restrictive procedures.
(iv) A protocol for intervention or redirection without utilizing restrictive procedures.
(7) Assessment of the client’s potential to advance in the following:
(i) Vocational programming.
(ii) Competitive community-integrated employment.

Authority
The provisions of this § 2390.153 issued under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

§ 2390.154. Plan team participation.
(a) The plan team shall participate in the development of the ISP, including the annual updates and revisions under § 2390.156 (relating to ISP review and revision).

(1) A plan team must include as its members the following:
   (i) The client.
   (ii) A program specialist or family living specialist, as applicable, from each provider delivering a service to the client.
   (iii) A direct service worker who works with the client from each provider delivering a service to the client.
   (iv) Any other person the client chooses to invite.
(2) If the following have a role in the client’s life, the plan team may also include as its members, as applicable, the following:
   (i) Medical, nursing, behavior management, speech, occupational or physical therapy specialists.
   (ii) Additional direct service workers who work with the client from each provider delivering services to the client.
   (iii) The client’s parent, guardian or advocate.
(b) At least three plan team members, in addition to the client, if the client chooses to attend, shall be present for the ISP, annual update and ISP revision meetings.
(c) A plan team member who attends an ISP meeting under subsection (b) shall sign and date the signature sheet.
§ 2390.155. Implementation of the ISP.

(a) The ISP shall be implemented by the ISP’s start date.
(b) The ISP shall be implemented as written.

Authority

The provisions of this § 2390.155 issued under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


§ 2390.156. ISP review and revision.

(a) The program specialist shall complete an ISP review of the services and expected outcomes in the ISP specific to the facility licensed under this chapter with the client every 3 months or more frequently if the client’s needs change which impacts the services as specified in the current ISP.

(b) The program specialist and client shall sign and date the ISP review signature sheet upon review of the ISP.

(c) The ISP review must include the following:

(1) A review of the monthly documentation of a client’s participation and progress during the prior 3 months toward ISP outcomes supported by services provide by the facility licensed under this chapter.
(2) A review of each section of the ISP specific to the facility licensed under this chapter.
(3) The program specialist shall document a change in the client’s needs, if applicable.
(4) The program specialist shall make a recommendation regarding the following, if applicable:

(i) The deletion of an outcome or service to support the achievement of an outcome which is no longer appropriate or has been completed.
(ii) The addition of an outcome or service to support the achievement of an outcome.
(iii) The modification of an outcome or service to support the achievement of an outcome in which no progress has been made.
(5) If making a recommendation to revise a service or outcome in the ISP, the program specialist shall complete a revised assessment as required under § 2390.151(b) (relating to assessment).
(d) The program specialist shall provide the ISP review documentation, including recommendations if applicable, to the SC or plan lead, as applicable, and plan team members within 30 calendar days after the ISP review meeting.

(e) The program specialist shall notify the plan team members of the option to decline the ISP review documentation.

(f) If a recommendation for a revision to a service or outcome in the ISP is made, the plan lead, as applicable, under §§ 2380.182(b) and (c), 2390.152(b) and (c), 6400.182(b) and (c), 6500.152(b) and (c) (relating to development, annual update and revision of the ISP), shall send an invitation for an ISP revision meeting to the plan team members within 30 calendar days of receipt of the recommendation.

(g) A revised service or outcome in the ISP shall be implemented by the start date in the ISP as written.

Authority

The provisions of this § 2390.156 issued under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


Cross References

This section cited in 55 Pa. Code § 2390.33 (relating to program specialist); 55 Pa. Code § 2390.124 (relating to content of records); 55 Pa. Code § 2390.151 (relating to assessment); 55 Pa. Code § 2390.152 (relating to development, annual update and revision of the ISP); 55 Pa. Code § 2390.153 (relating to content of the ISP); and 55 Pa. Code § 2390.154 (relating to plan team participation).


A copy of the ISP, ISP annual update and ISP revision, including the signature sheet, shall be provided to plan team members within 30 calendar days after the ISP, ISP annual update and ISP revision meetings.

Authority

The provisions of this § 2390.157 issued under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


Cross References

This section cited in 55 Pa. Code § 2390.152 (relating to development, annual update and revision of the ISP).
§ 2390.158. Provider services.
(a) The facility shall provide services including work experience and other developmentally oriented, vocational training designed to develop the skills necessary for promotion into a higher level of vocational programming or competitive community-integrated employment.
(b) The facility shall provide opportunities and support to the client for participation in community life, including competitive community-integrated employment.
(c) The facility shall provide services to the client as specified in the client’s ISP.
(d) The facility shall provide services that are age and functionally appropriate to the client.

Authority

The provisions of this § 2390.158 issued under sections 911 and 1021 of the Public Welfare Code (62 P. S. §§ 911 and 1021).

Source


$ 2390.159. Vocational evaluation.
If the facility provides vocational evaluation, the following apply:
1. The vocational evaluator shall perform the evaluations.
2. A copy of the written evaluation shall be kept in the client’s record.
3. The written evaluation must include the following information:
   i. The client’s current level of vocational functioning.
   ii. The employment objectives for the client.
   iii. The vocational interests of the client.
   iv. The client’s level of personal and social adjustment.
   v. The client’s work attitude.
   vi. The client’s fatigue levels.
   vii. The client’s ability to receive, retain and carry out instructions.
   viii. Recommendations for specific areas of training or placement.
4. The facility shall ensure the client and the client’s parent, guardian or advocate, as applicable, are informed of the results of the evaluation.
   i. The client and the client’s parent, guardian or advocate, as applicable, shall sign a statement acknowledging receipt of the evaluation results.
   ii. The signed statement acknowledging receipt of the evaluation results shall be kept in the client’s record.
Authority
The provisions of this § 2390.159 issued under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

Cross References
This section cited in 55 Pa. Code § 2390.124 (relating to content of records).

APPENDIX A. [Reserved]

Authority
The provisions of this Appendix A reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source