



# MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

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SUBJECT:

LICENSING POLICIES AND PROCEDURES  
FOR INTERMEDIATE CARE FACILITIES  
FOR THE MENTALLY RETARDED

BY:

Steven M. Eidelman  
Deputy Secretary for Mental Retardation

Non-State Operated Intermediate Care Facility for the  
Mentally Retarded (ICF/MR) Directors  
State Center and Mental Retardation Unit Directors  
County Mental Health/Mental Retardation Administrators

## PURPOSE:

The purpose of this Bulletin is to amend one section of the Office of Mental Retardation's Licensing Policy and Procedure Manual for Intermediate Care Facilities for the Mentally Retarded, issued on April 22, 1991 through Mental Retardation Bulletin #00-91-12, titled "Licensing Policies and Procedures for Intermediate Care Facilities for the Mentally Retarded".

## BACKGROUND:

The Licensing Policy and Procedure Manual for ICFs/MR issued on April 22, 1991 contained an error on page 15, under the heading "Percentage of Compliance". The first paragraph of this section that specifies instructions for computing the percentage of compliance is incorrect as it was originally issued. The calculation formula was incorrect as well as the total number of regulations.

## DISCUSSION:

Attached is a revised page 15 to be inserted into your Licensing Policy and Procedure Manual for ICFs/MR. Only the first paragraph under the heading "Percentage of Compliance" has been revised.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:  
Ms. Karen E. Kron, Head, Section of Regulatory Administration,  
Office of Mental Retardation, P.O. Box 2675, Harrisburg, PA 17120.  
Telephone: (717) 783-3636; Network: 8-443-3636.

## CERTIFICATE OF COMPLIANCE CRITERIA

The type of Certificate of Compliance indicated is determined by the seriousness of non-compliance areas, compliance with the licensing regulations, and the number of repeated non-compliance areas.

### 1. Percentage of Compliance:

Compute percentage of non-compliance by dividing 386 into the total number of items that are out-of-compliance on the date computation is done. Subtract percentage of non-compliance from 100% to compute the percentage of compliance. (If .5 or above round up; if below .5 round down.)

If there is 95% compliance or above, a regular Certificate of Compliance is indicated.

If there is greater than or equal to 85% but less than 95% compliance, a provisional Certificate of Compliance is indicated.

If compliance is below 85%, no Certificate of Compliance is indicated.

### 2. Provisional and No License Factors:

- (a) IF THERE IS NON-COMPLIANCE WITH ANY OF THE FOLLOWING AREAS AT THE TIME THE LICENSE IS TO BE ISSUED, NO LICENSE IS INDICATED.

§483.420(a)(5) - W127

Ensure that clients are not subjected to physical, verbal, sexual or psychological abuse or punishment;

NOTE: If there has been no significant pattern of abuse and if appropriate steps were taken to prevent abuse or punishment in the future, this is not a no license factor.

§483.420(a)(6) - W128

Ensure that clients are free from unnecessary drugs and physical restraints and are provided active treatment to reduce dependency on drugs and physical restraints;

§483.420(d)(1)(i) - W150

Staff of the facility must not use physical, verbal, sexual or psychological abuse or punishment.

§483.420(d)(1)(ii) - W151

Staff must not punish a client by withholding food or hydration that contributes to a nutritionally adequate diet.