SCOPE:

Adult Training Facility Directors
County Mental Health/Mental Retardation Administrators

PURPOSE:

The purpose of this Bulletin is to transmit amendments to the Office's Licensing Policy and Procedure Manual, issued through OMR Bulletin #6000-88-03 on August 30, 1988, titled "Licensing Policy and Procedure Manual". These amendments are needed in order to implement the new Adult Training Facility licensing regulations published in the Pennsylvania Bulletin on January 16, 1993 at 55 Pa. Code Ch. 2380.

BACKGROUND:

On January 16, 1993, final revised licensing regulations for Adult Training Facilities were promulgated in the Pennsylvania Bulletin. These new regulations are effective on April 16, 1993.

IMPLEMENTATION:

The new regulations will be used for all licensing inspections (annual, provisional, complaint, interim) that begin on or after April 16, 1993. If the inspection begins prior to April 16, 1993 the new regulations will not be applied during the inspection.

Although an inspection will not occur for some facilities until sometime after April 16, 1993, all facilities subject to licensure under these new regulations must comply with the regulations as of April 16, 1993.

REFER COMMENTS AND QUESTIONS TO:

APPROPRIATE REGIONAL MENTAL RETARDATION LICENSING ADMINISTRATOR
AMENDMENTS TO LICENSING POLICY AND PROCEDURE MANUAL:

1. All references to adult day care centers are changed to adult training facilities.

2. All references to clients are changed to individuals.

3. Licensing Criteria

For a 12 month transition period after April 16, 1993, the existing licensing criteria for determining the issuance of regular, provisional, or no licenses will be relaxed or reduced in order to help providers of service gradually meet the new regulations. For a 12 month period there will be a lower threshold for determining license type.

The reduced criteria will be applied during a 12 month transition period only. After 12 months, more stringent licensing criteria will be developed.

(a) Pages 27-28 - Type of Certificate of Compliance (see attached amended pages). NOTE: This includes reduced criteria for the percentage of compliance score and also a revised list of Provisional and No License items. Only provisional and no license items that have not changed significantly in content from the old regulations are included. No new regulations, with the exception of §2380.16 (relating to abuse), have been added to this list during the 12 month transition period.

(b) Page 29 - Repeated Non-Compliance Areas

For a 12 month transition period, until April 16, 1994, repeated non-compliance areas (repeated from the old regulations to the new regulations) will not be considered as part of the routine established licensing criteria. If non-compliance areas are repeated within the new regulations (cited on 2 consecutive Licensing Inspection Summaries after April 16, 1993), repeated non-compliance will be considered as a reason to issue provisional or no license.

(c) Page 30 - Variances

The option for a variance continues to apply. Variances will continue to be used on a limited, special-case basis.

4. Pages 34-35 - titled "Licensed/Approved Capacity", section (2) is revised as follows:

(2) Adult Training Facilities -

55 Pa. Code CH. 2380, §2380.52(a) and (b) and corresponding sections of the Licensing Inspection Instrument.
§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.
(Weight - 8.15)

§2390.104. Emergency medical information.

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.
(Weight - 8.32)

C. Adult Training Facilities

1. Computation of Percentage of Compliance:

Compute percentage of compliance by counting the total number of items measured as "C" or "NC" in the L.I.I.. Next count the total number of non-compliance items on the L.I.I. scoresheet. Count all items which are out-of-compliance on the date computation is done. Compute percentage of non-compliance. Subtract percentage of non-compliance from 100% to compute the percentage of compliance.

If there is 90% compliance or above, a regular certificate is indicated.

If there is greater than or equal to 80% but less than 90% compliance, a provisional certificate is indicated.

If compliance is below 80%, no certificate is indicated.
2. **Provisional and No License Factors:**

   If there is non-compliance with the following area at the time the license is to be issued, no license can be issued.

   **§2380.14(a). Fire safety occupancy permit.**

   A facility shall have a valid fire safety occupancy permit listing the appropriate type of occupancy from the Department of Labor and Industry, 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.

   **NOTE:** This is a no license regulation for new facilities and for facilities with no occupancy permit.

   **§2380.16. Abuse.**

   Abuse of an individual is prohibited.

   If there is non-compliance with any of the following areas at the time the license is issued, a provisional license is indicated.

   **§2380.14(a). Fire safety occupancy permit.**

   A facility shall have a valid fire safety occupancy permit listing the appropriate type of occupancy from the Department of Labor and Industry, 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.

   **NOTE:** This is a provisional regulation for existing facilities that have an occupancy permit, but the occupancy classification is not correct.

   **§2380.35(a). Staffing.**

   A minimum of one direct service worker for every six individuals shall be physically present with the individuals at all times individuals are present at the facility, except while staff persons are attending meetings or training at the facility.