

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Governor's Office of the Budget

The Executive Board approved a reorganization of the Governor's Office of the Budget effective December 21, 2012.

The organization chart at 43 Pa.B. 221 (January 12, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

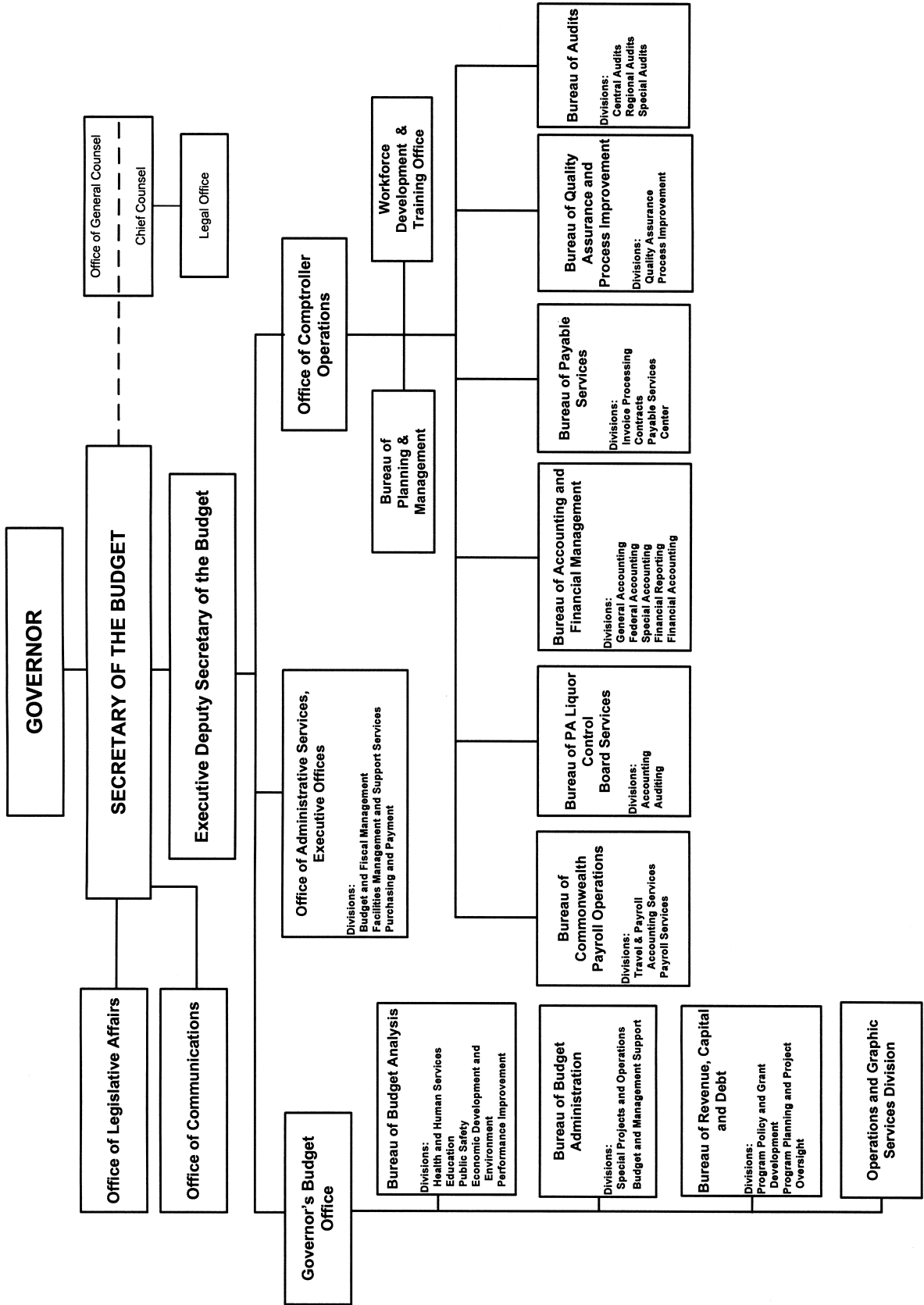
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 13-50. Filed for public inspection January 11, 2013, 9:00 a.m.]

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OR-12-034  
December 21, 2012

**GOVERNOR'S OFFICE OF THE BUDGET**



# Title 55—PUBLIC WELFARE

## DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 6400 ]

### Clarifying the Applicability of 55 Pa. Code Chapter 6400 to Private Homes

This statement of policy applies to Administrative Entity (AE) administrators or directors, County Mental Health/Intellectual Disability Program (MH/ID) administrators or directors, Supports Coordination Organization directors and providers of residential services.

#### *Purpose*

The purpose of this statement of policy is to clarify the applicability of Chapter 6400 (relating to community homes for individuals with mental retardation) to homes leased or owned by individuals with intellectual disabilities or their families. Although the regulations use the term “mental retardation,” the commonly-used term in the field is “intellectual disabilities.” This change has been reflected in State and Federal statutes. For example, the act of November 22, 2011 (P. L. 420, No. 105) which changed the name of a State law to the Mental Health and Intellectual Disability Act of 1966 (50 P. S. §§ 4101—4704) and Rosa’s Law (Pub. L. No. 111-256) which substituted “individuals with intellectual disabilities” for “the mentally retarded” in Federal law.

#### *Discussion*

Section 6400.3(f)(1) (relating to applicability) explicitly states that Chapter 6400 does not apply to “[p]rivate homes of persons providing care to a relative with mental retardation.” The Department of Public Welfare is clarifying that the private home exclusion under § 6400.3(f)(1) includes homes leased or owned by individuals with intellectual disabilities or their families. Therefore, these homes are not subject to licensure under Chapter 6400.

A residential home that is owned or leased by a provider, however, is not a private home and is required to be licensed under Chapter 6400. This includes homes owned or leased by the provider and subsequently leased to the individual with intellectual disabilities or the individual’s family.

#### *Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

#### *Obsolete Bulletin*

This statement of policy replaces and supersedes Bulletin 00-04-12, Clarifying the “30-Hour Rule.”

#### *Contact Person*

Questions about this statement of policy should be directed to the regional program manager at the appropriate regional Office of Developmental Programs (ODP). Copies of this statement of policy may be obtained at the local MH/ID County Program, AE or regional ODP in the corresponding regions:

\* *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

\* *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

\* *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

\* *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

GARY D. ALEXANDER,  
*Secretary*

(*Editor’s Note:* Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 6400.3a to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-99. No fiscal impact; (8) recommends adoption.

#### Annex A

**TITLE 55. PUBLIC WELFARE**  
**PART VIII. INTELLECTUAL DISABILITY**  
**Subpart E. RESIDENTIAL**  
**AGENCIES/FACILITIES/SERVICES**  
**ARTICLE I. LICENSING/APPROVAL**  
**CHAPTER 6400. COMMUNITY HOMES FOR**  
**INDIVIDUALS WITH MENTAL RETARDATION**  
**GENERAL PROVISIONS**

**§ 6400.3a. Clarification of the applicability of this chapter to private homes—statement of policy.**

(a) Except as specified in subsection (b), private homes under § 6400.3(f)(1) (relating to applicability) include homes owned or leased by individuals with intellectual disabilities or their families.

(b) Homes owned or leased by providers are not private homes and must be licensed under this chapter regardless if these homes are subsequently leased by the providers to individuals with intellectual disabilities or their families.

(c) Private homes under subsection (a) are not subject to licensure under this chapter.

[Pa.B. Doc. No. 13-51. Filed for public inspection January 11, 2013, 9:00 a.m.]