

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective March 2, 2010.

The organization chart at 40 Pa.B. 1407 (March 13, 2010) 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. 10-440. Filed for public inspection March 12, 2010, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective March 1, 2010.

The organization chart at 40 Pa.B. 1408 (March 13, 2010) 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. 10-441. Filed for public inspection March 12, 2010, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective March 1, 2010.

The organization chart at 40 Pa.B. 1409 (March 13, 2010) 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. 10-442. Filed for public inspection March 12, 2010, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

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

The Executive Board approved a reorganization of the Governor's Office of Administration effective February 18, 2010.

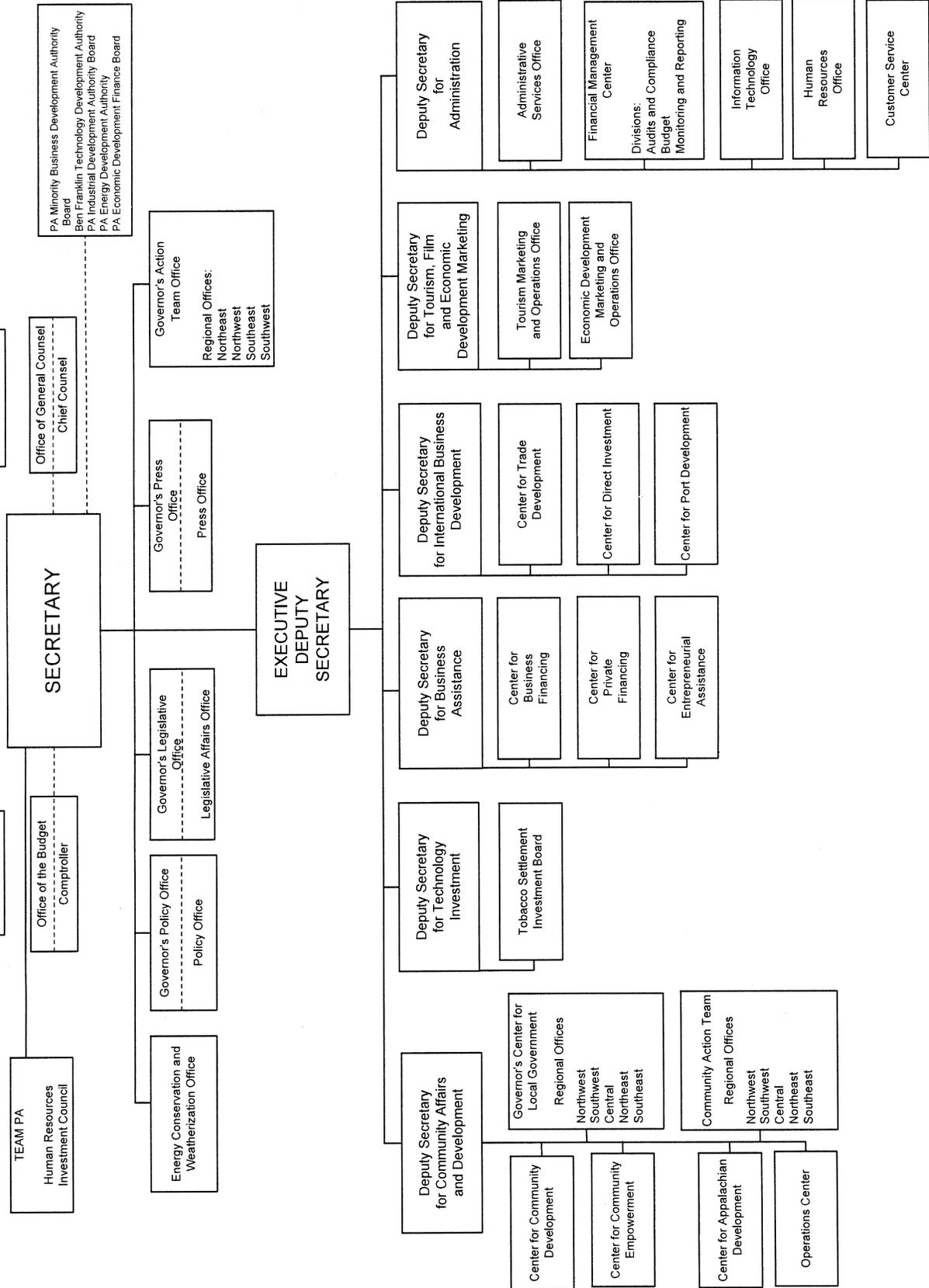
The organization chart at 40 Pa.B. 1410 (March 13, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(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.)*

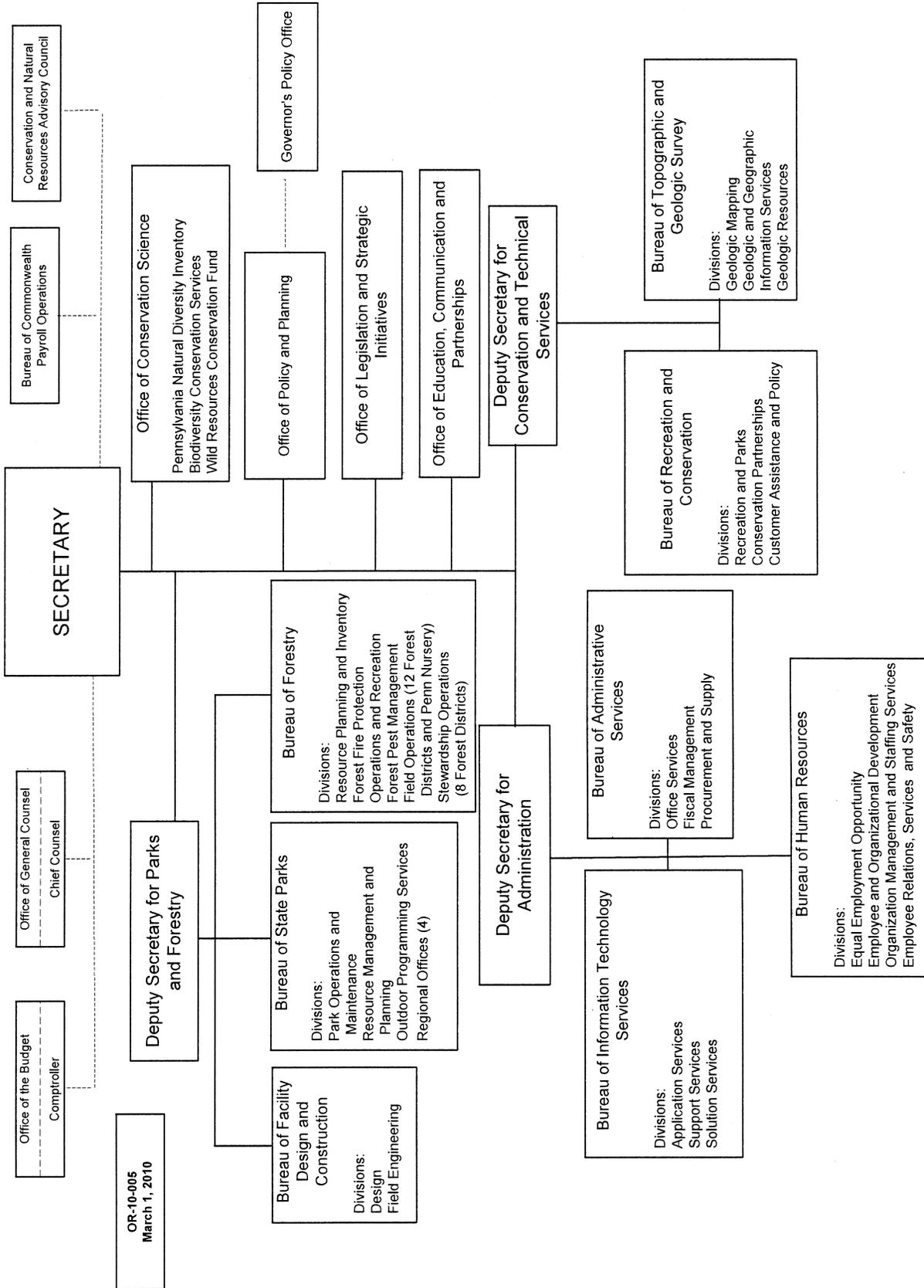
[Pa.B. Doc. No. 10-443. Filed for public inspection March 12, 2010, 9:00 a.m.]

COMMUNITY AND ECONOMIC DEVELOPMENT

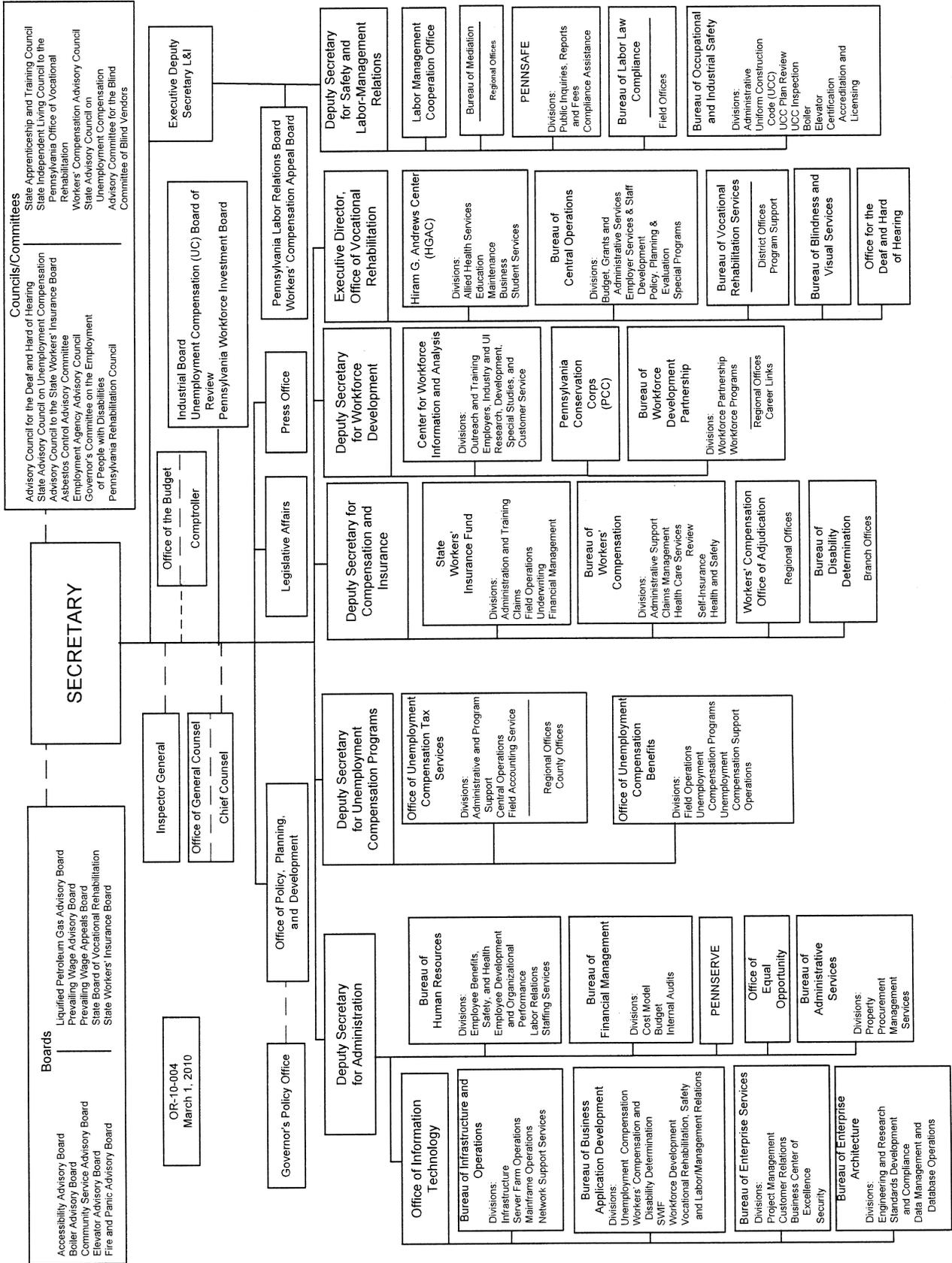
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March 2, 2010



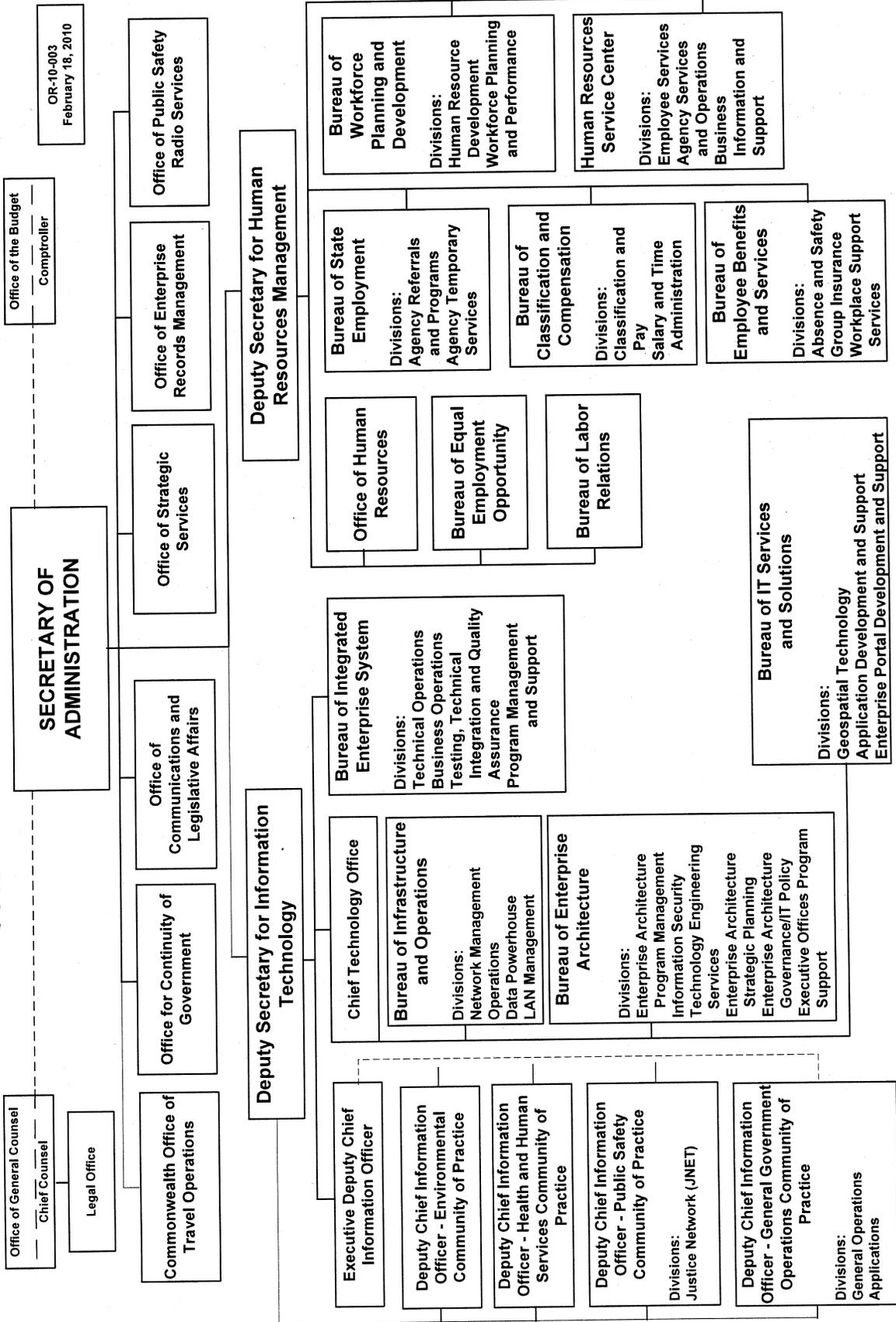
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



DEPARTMENT OF LABOR AND INDUSTRY



**GOVERNOR'S OFFICE OF ADMINISTRATION**



OR-10-003  
February 18, 2010

# Title 55—PUBLIC WELFARE

## DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 2600 ]

### Personal Care Homes

#### *Subject*

The subject of this statement of policy is the responsibility of personal care homes (homes) in conducting fire drills for residents who are actively dying while receiving hospice care and services under Article X of the Public Welfare Code (62 P. S. §§ 1001—1031, 1051—1059, 1070—1080 and 1085—1088).

#### *Scope*

This statement of policy applies to homes governed by Chapter 2600 (relating to personal care homes).

#### *Purpose*

The purpose of this statement of policy is to clarify the homes' duties to provide for the residents' personal care needs, as well as to meet the needs directed by the hospice agency, for the time period that hospice service staff persons are not physically present in the home and to clarify the optional fire drill procedures that are available to homes that choose to serve one or more residents who are actively dying while receiving hospice care and services.

#### *Background*

Beginning October 24, 2005, in accordance with § 2600.29 (relating to hospice care and services), a home may choose to serve a resident who receives hospice care and services. The hospice care and services shall be provided by a Department of Health licensed hospice agency. The home may choose to serve a resident who receives hospice care and services only if the home is able to provide for the individual resident's safe care and services during the provision of hospice care and services.

Some homes have chosen to provide for the individual resident's safe care and services during the provision of hospice care and services by a licensed hospice agency. Of the 48,000 residents served in personal care, it is estimated that 3,000 residents in a given year receive hospice care and services in the home.

If a home chooses to offer and provide care and services to a resident who is eligible for hospice care and services, the home's scope of services must clearly identify and describe this hospice care and service option in the home's description of services as described in § 2600.223 (relating to description of services). Not all homes are qualified and capable of meeting the service, medical and behavioral health needs of a resident who is eligible for hospice services. A home is encouraged to assess its staffing and service capability in determining if the home will offer and provide care to a resident who is eligible for hospice services. The home may set a limit on the number of residents who are eligible for hospice care and services that the home will safely serve at a given point in time. A home may choose to assess each resident's needs on an individual basis to assess if the home can safely serve the individual.

If the home chooses to serve a resident who receives hospice services, the home is responsible to meet the individual's service, medical and behavioral health needs on a 24-hour basis, regardless of the hours that the licensed hospice agency staff persons are present in the home.

The home is also responsible to meet applicable building codes and possess the Certificate of Occupancy use and occupancy classification to serve persons who receive hospice care and services.

#### *Discussion*

As the provision of hospice care and services in homes has increased, questions have been raised about the procedures to be followed while the resident is actively dying. This statement of policy addresses an option that a home may follow for the fire drill process as specified under § 2600.132(d) (relating to fire drills).

A home may choose to follow the requirements in § 2600.132(d) and safely evacuate the resident who is actively dying during each fire drill. Another option is to avoid fire drill participation by those who are actively dying, by planning fire drills to accommodate the active dying process. It is recommended that, when possible, the home hold its monthly fire drills to avoid a fire drill during a resident's active dying process. In accordance with § 2600.132(a), a fire drill must be held each calendar month. However, this allows the home to hold its drills within a 59-day time frame. For instance, a home may hold its monthly March fire drill on March 1, and its monthly April drill on April 30.

If it is not possible to safely include a resident who is actively dying in the fire drill process, and it is not possible to plan fire drills to accommodate the active dying process, this statement of policy specifies an option for a home to simulate the evacuation process to be used in an actual fire, but not disturb the actively dying resident in a fire drill.

#### *Effective Date*

This statement of policy is effective April 12, 2010.

#### *Contact Person*

Comments or questions related to this statement of policy may be directed to the Department of Public Welfare's Adult Residential Licensing Regional Licensing Directors; Sheila Page, West Region, (412) 565-5635; Katherine Young, Southeast Region, (610) 757-1348; Cybil Bomberger, Central Region, (717) 772-4674 or Duane Valence, Northeast Region, (570) 963-4158.

HARRIET DICHTER,  
*Acting Secretary*

*(Editor's Note:* The regulations of the Department of Public Welfare are amended by adding a statement of policy in § 2600.29a (relating to hospice care and services—statement of policy) to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-88. No fiscal impact; (8) recommends adoptions.

#### **Annex A**

#### **TITLE 55. PUBLIC WELFARE**

#### **PART IV. ADULT SERVICES MANUAL**

#### **Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES**

#### **CHAPTER 2600. PERSONAL CARE HOMES**

#### **GENERAL REQUIREMENTS**

#### **§ 2600.29a. Hospice care and services—statement of policy.**

(a) If a personal care home elects to provide assistance with IADLs or ADLs for a resident who receives hospice care and services in accordance with § 2600.29 (relating

to hospice care and services), the home shall provide for the resident's personal care needs, as well as meet the needs directed by the hospice agency for the time period that hospice service staff are not physically present in the home, and in accordance with the resident's medical evaluation, assessment and support plan.

(b) A home that elects to serve one or more residents who receive hospice care and services in accordance with § 2600.29 is not required to evacuate a resident who is actively dying, during a fire drill, if all of the following are met:

(1) A physician, who is not an employee or contractor of the home, has certified in writing that the resident is actively dying and may suffer bodily injury or a hastened death as a result of participation in a fire drill.

(2) The resident, the resident's power of attorney for health care, the resident's legal guardian or the resident's health care representative has provided written informed consent that the person is not to evacuate in a fire drill.

(3) If practicable, the home is to locate the bedroom of a resident receiving hospice care and services on the ground level of the building and near to an exit or fire-safe area as defined in § 2600.132(d) (relating to fire drills).

(4) During a fire drill, the one designated person at the home who has knowledge in advance of the fire drill is to immediately upon setting off the fire alarm to begin the fire drill, go to the room of the resident who meets the conditions of paragraphs (1)—(3), and notify the affected resident and any staff person who attempts to evacuate the resident, that this is a fire drill and the resident is not to be evacuated.

(5) If the provisions of paragraph (4) are initiated, the informed staff person is to immediately practice a fire drill evacuation in accordance with the following:

(i) Access a mode of transport such as a bed on wheels, a chair on wheels or a drag mat in the resident's bedroom or nearby area, which is not currently occupied by the resident.

(ii) Reasonably simulate the level of effort required to move the resident and proceed to practice evacuation to

the nearest unblocked exit or fire safe area. The simulation will include the number of staff persons that is required during an evacuation to safely move the resident.

(6) If the provisions of paragraph (4) are not initiated, staff persons will proceed to evacuate the resident. All staff persons are to be trained to follow this evacuation procedure.

(7) The home is to maintain sufficient staffing at all times to provide for the safe evacuation of all residents, including the resident who is actively dying while receiving hospice care and services, in accordance with the fire drill practice requirements specified in paragraph (5) and § 2600.132(a)—(j). A resident who meets the conditions of paragraphs (1)—(3) is a resident with mobility needs in accordance with § 2600.4 (relating to definitions).

(8) A hospice agency staff person may participate in the fire drill if the staff person is physically present in the home continuously on a 24-hour basis during the active dying process.

(9) The total time to evacuate all residents, including the practice provision of paragraph (5), may not exceed the time allotted under § 2600.132(d).

(10) The resident's assessment and support plan are to be kept current and specify the requirements of this section as it relates to the specific resident.

(11) Documentation of compliance with this section is to be kept in the fire drill record, as well as in the resident's record. The documentation is to include the following:

(i) A copy of the Department of Health license for the hospice agency.

(ii) Written certification by the physician as specified in paragraph (1).

(iii) Written informed consent as specified in paragraph (2).

(iv) Written documentation of the home's consideration of relocation of the resident's bedroom as specified in paragraph (3).

[Pa.B. Doc. No. 10-444. Filed for public inspection March 12, 2010, 9:00 a.m.]