

CHAPTER 2390. VOCATIONAL FACILITIES**GENERAL PROVISIONS**

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Source

The provisions of this Chapter 2390 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693, unless otherwise noted. Immediately preceding text appears at serial pages (86921) to (86940) and (90799).

Cross References

This chapter cited in 6 Pa. Code § 11.2 (relating to applicability); 55 Pa. Code § 52.15 (relating to provider records); 55 Pa. Code § 52.17 (relating to critical incident and risk management); 55 Pa. Code § 52.19 (relating to criminal history checks); 55 Pa. Code § 52.20 (relating to provisional hiring); 55 Pa. Code § 2380.2 (relating to applicability); 55 Pa. Code § 4305.11 (relating to exempt services); 55 Pa. Code § 6000.903 (relating to licensing applicability); 55 Pa. Code § 6100.81 (relating to HCBS provider requirements); 55 Pa. Code § 6100.444 (relating to size of service location); and 55 Pa. Code § 6100.445 (relating to locality of service location).

GENERAL PROVISIONS

§ 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

The provisions of this § 2390.2 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 (86923).

§ 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 employees 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.

Source

The provisions of this § 2390.3 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 (86923).

§ 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).

Source

The provisions of this § 2390.4 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 (86923) to (86925).

§ 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.

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 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.

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

Health care practitioner—A person who is authorized to prescribe medications under a license, registration or certification by the Department of State.

Individual plan—A coordinated and integrated description of activities and services for a client.

Restraint—A physical, chemical or mechanical intervention used to control acute, episodic behavior that restricts the movement or function of the client or a portion of the client’s body, including an intervention approved as part of the individual plan or used on an emergency basis.

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.

Volunteer—A person who is an organized and scheduled component of the service system and who does not receive compensation, but who provides a service through the facility that recruits, plans and organizes duties and assignments.

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 sections 201(2), 403(b), 403.1(a) and (b), Articles IX and X of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 901—922 and 1001—1088); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.5 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381389) to (381392).

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GENERAL REQUIREMENTS**§ 2390.11. Application.**

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

Source

The provisions of this § 2390.11 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 (86925).

§ 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).

Source

The provisions of this § 2390.12 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended October 3, 2008, effective November 3, 2008, 38 Pa.B. 5435. Immediately preceding text appears at serial page (259711).

§ 2390.13. Certificate of compliance.

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.

Source

The provisions of this § 2390.13 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 (86925).

§ 2390.14. Fire safety occupancy permit.

(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

The provisions of this § 2390.14 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 (86925).

Cross References

This section cited in 55 Pa. Code § 6000.312 (relating to no license factors); and 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 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. Incident report and investigation.

(a) The facility shall report the following incidents, alleged incidents and suspected incidents through the Department's information management system or on a form specified by the Department within 24 hours of discovery by a staff person:

- (1) Death.
- (2) A physical act by a client in an attempt to complete suicide.

- (3) Inpatient admission to a hospital.
 - (4) Abuse, including abuse to a client by another client.
 - (5) Neglect.
 - (6) Exploitation.
 - (7) A client who is missing for more than 24 hours or who could be in jeopardy if missing for any period of time.
 - (8) Law enforcement activity that occurs during the hours of facility operation.
 - (9) Injury requiring treatment beyond first aid.
 - (10) Fire requiring the services of the fire department. This provision does not include false alarms.
 - (11) Emergency closure.
 - (12) Theft or misuse of client funds.
 - (13) A violation of client rights.
- (b) The facility shall report the following incidents, alleged incidents and suspected incidents through the Department's information management system or on a form specified by the Department within 72 hours of discovery by a staff person:
- (1) Use of a restraint.
 - (2) A medication error as specified in § 2390.196 (relating to medication errors), if the medication was ordered by a health care practitioner.
- (c) The client and persons designated by the client shall be notified within 24 hours of discovery of an incident relating to the client.
- (d) The facility shall keep documentation of the notification in subsection (c).
- (e) The incident report, or a summary of the incident, the findings and the actions taken, redacted to exclude information about another client and the reporter, unless the reporter is the client who receives the report, shall be available to the client and persons designated by the client, upon request.
- (f) The facility shall take immediate action to protect the health, safety and well-being of the client following the initial knowledge or notice of an incident, alleged incident or suspected incident.
- (g) The facility shall initiate an investigation of an incident, alleged incident or suspected incident within 24 hours of discovery by a staff person.
- (h) A Department-certified incident investigator shall conduct the investigation of the following incidents:
- (1) Death that occurs during the provision of service.
 - (2) Inpatient admission to a hospital as a result of an accidental or unexplained injury or an injury caused by a staff person, another client or during the use of a restraint.
 - (3) Abuse, including abuse to a client by another client.
 - (4) Neglect.
 - (5) Exploitation.

- (6) Injury requiring treatment beyond first aid as a result of an accidental or unexplained injury or an injury caused by a staff person, another client or during the use of a restraint.
- (7) Theft or misuse of client funds.
- (8) A violation of client rights.
- (i) The facility shall finalize the incident report through the Department's information management system or on a form specified by the Department within 30 days of discovery of the incident by a staff person unless the facility notifies the Department in writing that an extension is necessary and the reason for the extension.
- (j) The facility shall provide the following information to the Department as part of the final incident report:
 - (1) Additional detail about the incident.
 - (2) The results of the incident investigation.
 - (3) Action taken to protect the health, safety and well-being of the client.
 - (4) A description of the corrective action taken in response to an incident and to prevent recurrence of the incident.
 - (5) The person responsible for implementing the corrective action.
 - (6) The date the corrective action was implemented or is to be implemented.

Authority

The provisions of this § 2390.18 amended under sections 201(2), 403(b), 403.1(a) and (b), Articles IX and X of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 901—922 and 1001—1088); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

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; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381394).

Cross References

This section cited in 55 Pa. Code § 2390.196 (relating to medication errors).

§ 2390.19. Incident procedures to protect the client.

- (a) In investigating an incident, the facility shall review and consider the following needs of the affected client:
 - (1) Potential risks.
 - (2) Health care information.
 - (3) Medication history and current medication.
 - (4) Behavioral health history.
 - (5) Incident history.
 - (6) Social needs.

- (7) Environmental needs.
- (8) Personal safety.
- (b) The facility shall monitor a client's risk for recurring incidents and implement corrective action, as appropriate.
- (c) The facility shall work cooperatively with the individual plan team to revise the individual plan if indicated by the incident.
- (d) The facility shall complete the following for each confirmed incident:
 - (1) Analysis to determine the cause of the incident.
 - (2) Corrective action if indicated.
 - (3) A strategy to address the potential risks to the client.
- (e) The facility shall review and analyze incidents and conduct and document a trend analysis at least every 3 months.
- (f) The facility shall identify and implement preventive measures to reduce:
 - (1) The number of incidents.
 - (2) The severity of the risks associated with the incident.
 - (3) The likelihood of an incident recurring.
- (g) The facility shall educate staff persons and the client based on the circumstances of the incident.
- (h) The facility shall monitor incident data and take actions to mitigate and manage risks.

Authority

The provisions of this § 2390.19 amended under sections 201(2), 403(b), 403.1(a) and (b), Articles IX and X of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 901—922 and 1001—1088); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.19 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381394) to (381395).

Cross References

This section cited in 55 Pa. Code § 6000.312 (relating to no license factors); and 55 Pa. Code § 6000.313 (relating to provisional license factors).

§ 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.

2390-12

§ 2390.21. Client rights.

(a) A client may not be deprived of rights as provided under subsections (b)—(q).

(b) The facility shall educate, assist and provide the accommodation necessary for the client to understand the client's rights.

(c) A client may not be reprimanded, punished or retaliated against for exercising the client's rights.

(d) A court's written order that restricts a client's rights shall be followed.

(e) A court-appointed legal guardian may exercise rights and make decisions on behalf of a client in accordance with the conditions of guardianship as specified in the court order.

(f) A client who has a court-appointed legal guardian, or who has a court order restricting the client's rights, shall be involved in decision-making in accordance with the court order.

(g) A client has the right to designate persons to assist in decision-making and exercising rights on behalf of the client.

(h) A client may not be discriminated against because of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity, sexual orientation, national origin or age.

(i) A client has the right to civil and legal rights afforded by law, including the right to vote, speak freely, practice the religion of the client's choice and practice no religion.

(j) A client may not be abused, neglected, mistreated, exploited, abandoned or subjected to corporal punishment.

(k) A client shall be treated with dignity and respect.

(l) A client has the right to make choices and accept risks.

(m) A client has the right to refuse to participate in activities and services.

(n) A client has the right to privacy of person and possessions.

(o) A client has the right of access to and security of the client's possessions.

(p) A client has the right to voice concerns about the services the client receives.

(q) A client has the right to participate in the development and implementation of the individual plan.

(r) A client's rights shall be exercised so that another client's rights are not violated.

(s) The facility shall assist the affected clients to negotiate choices in accordance with the facility's procedures for the clients to resolve differences and make choices.

(t) A client's rights may only be modified in accordance with § 2390.155 (relating to content of the individual plan) to the extent necessary to mitigate a significant health and safety risk to the client or others.

(u) The facility shall inform and explain client rights and the process to report a rights violation to the client, and persons designated by the client, upon admission to the facility and annually thereafter.

(v) The facility shall keep a copy of the statement signed by the client, or the client's court-appointed legal guardian, acknowledging receipt of the information on client rights.

Authority

The provisions of this § 2390.21 amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.21 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381395) and (352131).

§ 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.

§ 2390.24. Applicable statutes and regulations.

The facility shall comply with applicable Federal and State statutes and regulations and local ordinances.

Authority

The provisions of this § 2390.24 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.24 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

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, Reha-

bilitation, 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

The provisions of this § 2390.32 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 (86926).

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 1 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 the completion of assessments.
 - (2) Participating in the individual plan process, development, team reviews and implementation in accordance with this chapter.
 - (3) Providing and supervising activities for the clients in accordance with the individual plans.
 - (4) Supporting the integration of clients in the community.
 - (5) Supporting client communication and involvement with families and friends.
- (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, Occupational 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 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.33 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (352132) to (352134).

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).

§ 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 ten or more clients are present at the facility.
- (b) A minimum of one staff shall be present at the facility when fewer than ten clients are present at the facility.
- (c) If 20 or more clients are present at the facility, there shall be at least 1 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 individual plan, as an outcome which requires the achievement of a higher level of independence.
- (e) The staff qualifications and staff ratio as specified in the individual plan 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 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.39 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (352136) to (352137).

Cross References

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

§ 2390.40. Training records.

- (a) Records of orientation and training, including the training source, content, dates, length of training, copies of certificates received and persons attending, shall be kept.
- (b) The facility shall keep a training record for each person trained.

Authority

The provisions of this § 2390.40 amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.40 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (352137).

Cross References

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

§ 2390.41. [Reserved].

Source

The provisions of this § 2390.41 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 page (86928).

§ 2390.42. [Reserved].**Source**

The provisions of this § 2390.42 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 page (86928).

§ 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**

The provisions of this § 2390.45 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 page (86930).

§ 2390.46. [Reserved].**Source**

The provisions of this § 2390.46 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 page (86931).

§ 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).

§ 2390.48. Orientation.

(a) Prior to working alone with clients, and within 30 days after hire, the following shall complete the orientation as described in subsection (b):

- (1) Management, program, administrative and fiscal staff persons.

(2) Dietary, housekeeping, maintenance and ancillary staff persons, except for persons who provide dietary, housekeeping, maintenance or ancillary services and who are employed or contracted by the building owner and the licensed facility does not own the building.

(3) Direct service workers, including full-time and part-time staff persons.

(4) Volunteers who will work alone with clients.

(5) Paid and unpaid interns who will work alone with clients.

(6) Consultants and contractors who are paid or contracted by the facility and who will work alone with clients, except for consultants and contractors who provide a service for fewer than 30 days within a 12-month period and who are licensed, certified or registered by the Department of State in a health care or social service field.

(b) The orientation must encompass the following areas:

(1) The application of person-centered practices, community integration, client choice and supporting clients to develop and maintain relationships.

(2) The prevention, detection and reporting of abuse, suspected abuse and alleged abuse in accordance with the Older Adults Protective Services Act (35 P.S. §§ 10225.101—10225.5102), the Child Protective Services Law (23 Pa.C.S. §§ 6301—6386), the Adult Protective Services Act (35 P.S. §§ 10210.101—10210.704) and applicable protective services regulations.

(3) Client rights.

(4) Recognizing and reporting incidents.

(5) Job-related knowledge and skills.

Authority

The provisions of this § 2390.48 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.48 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.49. Annual training.

(a) The following shall complete 24 hours of training related to job skills and knowledge each year:

(1) Direct supervisors of floor supervisors.

(2) Positions required by this chapter.

(b) The following shall complete 12 hours of training each year:

(1) Management, program, administrative and fiscal staff persons.

(2) Dietary, housekeeping, maintenance and ancillary staff persons, except for persons who provide dietary, housekeeping, maintenance or ancillary services and who are employed or contracted by the building owner and the licensed facility does not own the building.

- (3) Consultants and contractors who are paid or contracted by the facility and who work alone with clients, except for consultants and contractors who provide a service for fewer than 30 days within a 12-month period and who are licensed, certified or registered by the Department of State in a health care or social service field.
 - (4) Volunteers who work alone with clients.
 - (5) Paid and unpaid interns who work alone with clients.
- (c) The annual training hours specified in subsections (a) and (b) must encompass the following areas:
- (1) The application of person-centered practices, including community integration, client choice and supporting clients to develop and maintain relationships.
 - (2) The prevention, detection and reporting of abuse, suspected abuse and alleged abuse in accordance with the Older Adults Protective Services Act (35 P.S. §§ 10225.101—10225.5102), the Child Protective Services Law (23 Pa.C.S. §§ 6301—6386), the Adult Protective Services Act (35 P.S. §§ 10210.101—10210.704) and applicable protective services regulations.
 - (3) Client rights.
 - (4) Recognizing and reporting incidents.
 - (5) The safe and appropriate use of behavior supports if the person works directly with a client.
 - (6) Implementation of the individual plan if the person works directly with a client.

Authority

The provisions of this § 2390.49 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.49 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

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

The provisions of this § 2390.51 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 (86932).

§ 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).

Cross References

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

§ 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.

§ 2390.61. Hazards.

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

Source

The provisions of this § 2390.61 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).

§ 2390.62. Sanitation.

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

Source

The provisions of this § 2390.62 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).

§ 2390.63. Lighting.

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

Source

The provisions of this § 2390.63 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).

§ 2390.64. 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

The provisions of this § 2390.65 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).

§ 2390.66. Landings.

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

Source

The provisions of this § 2390.66 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).

§ 2390.67. Safe and sanitary conditions.

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

Source

The provisions of this § 2390.67 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 (86936).

§ 2390.68. Hazardous equipment.

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

Source

The provisions of this § 2390.68 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 (86936).

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

The provisions of this § 2390.69 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 (86936).

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.

Source

The provisions of this § 2390.70 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 (86936).

Cross References

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

§ 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.

Source

The provisions of this § 2390.71 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 (86936).

Cross References

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

§ 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.

Source

The provisions of this § 2390.72 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 (86936).

§ 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.

Source

The provisions of this § 2390.73 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 (86936) to (86937).

§ 2390.74. Lavatories.

- (a) For 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.

(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

The provisions of this § 2390.74 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 (86937).

§ 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

The provisions of this § 2390.76 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 page (86938).

§ 2390.77. [Reserved].**Source**

The provisions of this § 2390.77 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 page (86938).

§ 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.

(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.

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

The provisions of this § 2390.91 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (259734) to (259735).

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).

Source

The provisions of these §§ 2390.92—2390.93 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (259735).

§ 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

The provisions of this § 2390.94 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (259735) to (259736).

§ 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

The provisions of this § 2390.95 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (259736).

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

The provisions of this § 2390.96 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (259736) to (259737).

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

The provisions of this § 2390.97 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (259737).

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

The provisions of this § 2390.98 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (259737) to (259738).

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

The provisions of this § 2390.99 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (295738).

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).

Source

The provisions of this § 2390.100 adopted May 9, 1980, effective May 10, 1980, 10 Pa.B. 1897; amended May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (259738) to (259739).

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

The provisions of this § 2390.101 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 (86940).

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

The provisions of this § 2390.102 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 (90799).

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

The provisions of this § 2390.103 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 (90799).

§ 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

The provisions of this § 2390.104 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 (90799).

Cross References

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

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

The provisions of this § 2390.111 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 (90799).

§ 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

The provisions of this § 2390.112 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 (90799).

§ 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

The provisions of this § 2390.113 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 (90799).

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) Individual plan documents as required by this chapter.
- (9) Incident reports related to the client.
- (10) Copies of psychological evaluations, if applicable.
- (11) Vocational evaluations as required under § 2390.159 (relating to vocational evaluation).

Authority

The provisions of this § 2390.124 amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.124 adopted May 9, 1986, effective August 8, 1986, 16 Pa.B. 1693; amended August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (352153) to (352154).

§ 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.

§ 2390.127. Release of information.

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.

HANDICAPPED EMPLOYMENT**§ 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.

Cross References

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

PROGRAM**§ 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 individual plan, 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 individual plan team members at least 30 calendar days prior to the individual plan meeting.

Authority

The provisions of this § 2390.151 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.151 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (352156) and (381397).

Cross References

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

§ 2390.152. Development, annual update and revision of the individual plan.

- (a) The program specialist shall coordinate the development of the individual plan, including revisions, with the client and the individual plan team.
- (b) The initial individual plan shall be developed based on the client assessment within 90 days of the client's date of admission to the facility.
- (c) The individual plan shall be initially developed, revised annually and revised when a client's needs change based upon a current assessment.
- (d) The client and persons designated by the client shall be involved and supported in the initial development and revisions of the individual plan.

Authority

The provisions of this § 2390.152 issued under sections 911 and 1021 of the Human Services Code (62 P. S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), Articles IX and X of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 901—922 and 1001—1088); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.152 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381397) to (381398).

§ 2390.153. Individual plan team.

- (a) The individual plan shall be developed by an interdisciplinary team, including the following:
 - (1) The client.
 - (2) Persons designated by the client.
 - (3) The client's direct service workers.
 - (4) The program specialist.
 - (5) The program specialist for the client's residential program, if applicable.
 - (6) Other specialists such as health care, behavior management, speech, occupational and physical therapy as appropriate for the client's needs.
- (b) At least three members of the individual plan team, in addition to the client and persons designated by the client, shall be present at a meeting at which the individual plan is developed or revised.
- (c) The list of persons who participated in the individual plan meeting shall be kept.

Authority

The provisions of this § 2390.153 issued under sections 911 and 1021 of the Human Services Code (62 P. S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.153 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381398) and (352159).

§ 2390.154. Individual plan process.

The individual plan process shall:

- (1) Provide information and support to ensure that the client directs the individual plan process to the extent possible.
- (2) Enable the client to make choices and decisions.
- (3) Reflect what is important to the client to ensure that services are delivered in a manner reflecting individual preferences and ensuring the client's health, safety and well-being.
- (4) Occur timely at intervals, times and locations of choice and convenience to the client and to persons designated by the client.
- (5) Be communicated in clear and understandable language.
- (6) Reflect cultural considerations of the client.
- (7) Include guidelines for solving disagreements among the individual plan team members.
- (8) Include a method for the client to request updates to the individual plan.

Authority

The provisions of this § 2390.154 issued under sections 911 and 1021 of the Human Services Code (62 P. S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.154 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (352159) to (352160).

§ 2390.155. Content of the individual plan.

The individual plan, including revisions, must include the following:

- (1) The client's strengths, functional abilities and service needs.
- (2) The client's preferences related to relationships, communication, community participation, employment, health care, wellness and education.
- (3) The client's desired outcomes.
- (4) Services to assist the client to achieve desired outcomes.
- (5) Risks to the client's health, safety or well-being, behaviors likely to result in immediate physical harm to the client or others and risk mitigation strategies, if applicable.
- (6) Modification of client rights as necessary to mitigate significant health and safety risks to the client or others, if applicable.

Authority

The provisions of this § 2390.155 issued under sections 911 and 1021 of the Human Services Code (62 P. S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.155 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (352160).

Cross References

This section cited in 55 Pa. Code § 2390.21 (relating to client rights); and 55 Pa. Code § 2390.175 (relating to behavior support component of the individual plan).

§ 2390.156. Implementation of the individual plan.

The facility shall implement the individual plan, including revisions.

Authority

The provisions of this § 2390.156 issued under sections 911 and 1021 of the Human Services Code (62 P. S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.156 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (352160) to (352161).

§ 2390.157. [Reserved].**Authority**

The provisions of this § 2390.157 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); reserved under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. § 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.157 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (352161).

§ 2390.158. Facility 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 individual plan.

(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 Human Services Code (62 P. S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.158 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (352162).

§ 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 Human Services Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 2390.159 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935.

Cross References

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

RESTRICTIVE PROCEDURES**§ 2390.171. Definition of restrictive procedures.**

A restrictive procedure is a practice that does one or more of the following:

- (1) Limits a client's movement, activity or function.

- (2) Interferes with a client's ability to acquire positive reinforcement.
- (3) Results in the loss of objects or activities that a client values.
- (4) Requires a client to engage in a behavior that the client would not engage in given freedom of choice.

Authority

The provisions of this § 2390.171 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.171 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.172. Written policy.

The facility shall develop and implement a written policy that defines the prohibition or use of specific types of restrictive procedures, describes the circumstances in which a restrictive procedure may be used, the staff persons who may authorize the use of a restrictive procedure and a mechanism to monitor and control the use of restrictive procedures.

Authority

The provisions of this § 2390.172 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.172 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.173. Appropriate use of restrictive procedures.

- (a) A restrictive procedure may not be used as retribution, for the convenience of staff persons, as a substitute for a program or in a way that interferes with the client's developmental program.
- (b) For each use of a restrictive procedure:
 - (1) Every attempt shall be made to anticipate and de-escalate the behavior using techniques less intrusive than a restrictive procedure.
 - (2) A restrictive procedure may not be used unless less restrictive techniques and resources appropriate to the behavior have been tried but have failed.

Authority

The provisions of this § 2390.173 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.173 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.174. Human rights team.

(a) If a restrictive procedure is used, the facility shall use a human rights team. The facility may use a county mental health and intellectual disability program human rights team that meets the requirements of this section.

(b) The human rights team shall include a professional who has a recognized degree, certification or license relating to behavioral support, who did not develop the behavior support component of the individual plan.

(c) The human rights team shall include a majority of persons who do not provide direct services to the client.

(d) A record of the human rights team meetings shall be kept.

Authority

The provisions of this § 2390.174 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.174 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

Cross References

This section cited in 55 Pa. Code § 2390.175 (relating to behavior support component of the individual plan); and 55 Pa. Code § 2390.179 (relating to emergency use of a physical restraint).

§ 2390.175. Behavior support component of the individual plan.

(a) For each client for whom a restrictive procedure may be used, the individual plan shall include a component addressing behavior support that is reviewed and approved by the human rights team in § 2390.174 (relating to human rights team), prior to use of a restrictive procedure.

(b) The behavior support component of the individual plan shall be reviewed and revised as necessary by the human rights team, according to the time frame established by the team, not to exceed 6 months between reviews.

(c) The behavior support component of the individual plan shall include:

(1) The specific behavior to be addressed.

(2) An assessment of the behavior, including the suspected reason for the behavior.

(3) The outcome desired.

(4) A target date to achieve the outcome.

(5) Methods for facilitating positive behaviors such as changes in the client's physical and social environment, changes in the client's routine, improving communications, recognizing and treating physical and behavior health conditions, voluntary physical exercise, redirection, praise, modeling, conflict resolution, de-escalation and teaching skills.

(6) Types of restrictive procedures that may be used and the circumstances under which the procedures may be used.

(7) The amount of time the restrictive procedure may be applied.

- (8) The name of the staff person responsible for monitoring and documenting progress with the behavior support component of the individual plan.
- (d) If a physical restraint will be used or if a restrictive procedure will be used to modify a client's rights in § 2390.155(6) (relating to content of the individual plan) the behavior support component of the individual plan shall be developed by a professional who has a recognized degree, certification or license relating to behavioral support.

Authority

The provisions of this § 2390.175 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.175 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

Cross References

This section cited in 55 Pa. Code § 2390.179 (relating to emergency use of a physical restraint).

§ 2390.176. Staff training.

- (a) A staff person who implements or manages a behavior support component of an individual plan shall be trained in the use of the specific techniques or procedures that are used.
- (b) If a physical restraint will be used, the staff person who implements or manages the behavior support component of the individual plan shall have experienced the use of the physical restraint directly on the staff person.
- (c) Documentation of the training provided, including the staff persons trained, dates of training, description of training and training source, shall be kept.

Authority

The provisions of this § 2390.176 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.176 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.177. Prohibited procedures.

The following procedures are prohibited:

- (1) Seclusion, defined as involuntary confinement of a client in a room or area from which the client is physically prevented or verbally directed from leaving. Seclusion includes physically holding a door shut or using a foot pressure lock.
- (2) Aversive conditioning, defined as the application of startling, painful or noxious stimuli.

(3) Pressure-point techniques, defined as the application of pain for the purpose of achieving compliance. A pressure-point technique does not include a clinically-accepted bite release technique that is applied only as long as necessary to release the bite.

(4) A chemical restraint, defined as use of a drug for the specific and exclusive purpose of controlling acute or episodic aggressive behavior. A chemical restraint does not include a drug ordered by a health care practitioner or dentist for the following use or event:

- (i) Treatment of the symptoms of a specific mental, emotional or behavioral condition.
- (ii) Pretreatment prior to a medical or dental examination or treatment.
- (iii) An ongoing program of medication.
- (iv) A specific, time-limited stressful event or situation to assist the client to control the client's own behavior.

(5) A mechanical restraint, defined as a device that restricts the movement or function of a client or portion of a client's body. A mechanical restraint includes a geriatric chair, a bedrail that restricts the movement or function of the client, handcuffs, anklets, wristlets, camisole, helmet with fasteners, muffs and mitts with fasteners, restraint vest, waist strap, head strap, restraint board, restraining sheet, chest restraint and other similar devices. A mechanical restraint does not include the use of a seat belt during movement or transportation. A mechanical restraint does not include a device prescribed by a health care practitioner for the following use or event:

- (i) Post-surgical or wound care.
- (ii) Balance or support to achieve functional body position, if the client can easily remove the device or if the device is removed by a staff person immediately upon the request or indication by the client, and if the individual plan includes periodic relief of the device to allow freedom of movement.
- (iii) Protection from injury during a seizure or other medical condition, if the client can easily remove the device or if the device is removed by a staff person immediately upon the request or indication by the client, and if the individual plan includes periodic relief of the device to allow freedom of movement.

Authority

The provisions of this § 2390.177 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.177 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

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§ 2390.178. Physical restraint.

(a) A physical restraint, defined as a manual method that restricts, immobilizes or reduces a client's ability to move the client's arms, legs, head or other body parts freely, may only be used in the case of an emergency to prevent a client from immediate physical harm to the client or others.

(b) Verbal redirection, physical prompts, escorting and guiding a client are permitted.

(c) A prone position physical restraint is prohibited.

(d) A physical restraint that inhibits digestion or respiration, inflicts pain, causes embarrassment or humiliation, causes hyperextension of joints, applies pressure on the chest or joints or allows for a free fall to the floor is prohibited.

(e) A physical restraint may not be used for more than 30 cumulative minutes within a 2-hour period.

Authority

The provisions of this § 2390.178 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.178 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.179. Emergency use of a physical restraint.

If a physical restraint is used on an unanticipated, emergency basis, §§ 2390.174 and 2390.175 (relating to human rights team; and behavior support component of the individual plan) do not apply until after the restraint is used for the same client twice in a 6-month period.

Authority

The provisions of this § 2390.179 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.179 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.180. Access to or the use of a client's personal property.

(a) Access to or the use of a client's personal funds or property may not be used as a reward or punishment.

(b) A client's personal funds or property may not be used as payment for damages unless the client consents to make restitution for the damages. The following consent provisions apply unless there is a court-ordered restitution:

(1) A separate written consent is required for each incidence of restitution.

(2) Consent shall be obtained in the presence of the client or a person designated by the client.

(3) The facility may not coerce the client to provide consent.

Authority

The provisions of this § 2390.180 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.180 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

MEDICATION ADMINISTRATION**§ 2390.191. Self-administration.**

(a) The facility shall provide a client who has a prescribed medication with assistance, as needed, for the client's self-administration of the medication.

(b) Assistance in the self-administration of medication includes helping the client to remember the schedule for taking the medication, offering the client the medication at the prescribed times, opening a medication container and storing the medication in a secure place.

(c) The facility shall provide or arrange for assistive technology to assist the client to self-administer medications.

(d) The individual plan must identify if the client is unable to self-administer medications.

(e) To be considered able to self-administer medications, a client shall do all of the following:

(1) Recognize and distinguish the client's medication.

(2) Know how much medication is to be taken.

(3) Know when the medication is to be taken. Assistance may be provided by staff persons to remind the client of the schedule and to offer the medication at the prescribed times as specified in subsection (b).

(4) Take or apply the client's own medication with or without the use of assistive technology.

Authority

The provisions of this § 2390.191 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.191 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.192. Medication administration.

(a) A facility whose staff persons are qualified to administer medications as specified in subsection (b) may provide medication administration for a client who is unable to self-administer the client's prescribed medication.

(b) A prescription medication that is not self-administered shall be administered by one of the following:

- (1) A licensed physician, licensed dentist, licensed physician's assistant, registered nurse, certified registered nurse practitioner, licensed practical nurse, licensed paramedic or other health care professional who is licensed, certified or registered by the Department of State to administer medications.
- (2) A person who has completed the medication administration course requirements as specified in § 2390.198 (relating to medication administration training) for the medication administration of the following:
 - (i) Oral medications.
 - (ii) Topical medications.
 - (iii) Eye, nose and ear drop medications.
 - (iv) Insulin injections.
 - (v) Epinephrine injections for insect bites or other allergies.
 - (vi) Medications, injections, procedures and treatments as permitted by applicable statutes and regulations.
- (c) Medication administration includes the following activities, based on the needs of the client:
 - (1) Identify the correct client.
 - (2) Remove the medication from the original container.
 - (3) Prepare the medication as ordered by the prescriber.
 - (4) Place the medication in a medication cup or other appropriate container, or into the client's hand, mouth or other route as ordered by the prescriber.
 - (5) If indicated by the prescriber's order, measure vital signs and administer medications according to the prescriber's order.
 - (6) Injection of insulin and injection of epinephrine in accordance with this chapter.

Authority

The provisions of this § 2390.192 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.192 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

Cross References

This section cited in 55 Pa. Code § 2390.198 (relating to medication administration training).

§ 2390.193. Storage and disposal of medications.

- (a) Prescription and nonprescription medications shall be kept in their original labeled containers. Prescription medications shall be labeled with a label issued by the pharmacy.
- (b) A prescription medication may not be removed from its original labeled container in advance of the scheduled administration.

(c) If insulin or epinephrine is not packaged in an individual dose container, assistance with or the administration of the injection shall be provided immediately upon removal of the medication from its original labeled container.

(d) Prescription medications and syringes, with the exception of epinephrine and epinephrine auto-injectors, shall be kept in an area or container that is locked.

(e) Epinephrine and epinephrine auto-injectors shall be stored safely and kept easily accessible at all times. The epinephrine and epinephrine auto-injectors shall be easily accessible to the client if the epinephrine is self-administered or to the staff person who is with the client if a staff person will administer the epinephrine.

(f) Prescription medications stored in a refrigerator shall be kept in an area or container that is locked.

(g) Prescription medications shall be stored in an organized manner under proper conditions of sanitation, temperature, moisture and light and in accordance with the manufacturer's instructions.

(h) Prescription medications that are discontinued or expired shall be destroyed in a safe manner according to the applicable Federal and State statutes and regulations.

(i) This section does not apply for a client who self-administers medication and stores the medication on the client's person or in the client's private property, such as a purse or backpack.

Authority

The provisions of this § 2390.193 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.193 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.194. Prescription medications.

(a) A prescription medication shall be prescribed in writing by an authorized prescriber.

(b) A prescription order shall be kept current.

(c) A prescription medication shall be administered as prescribed.

(d) A prescription medication shall be used only by the client for whom the prescription was prescribed.

(e) Changes in medication may only be made in writing by the prescriber or, in the case of an emergency, an alternate prescriber, except for circumstances in which oral orders may be accepted by a health care professional who is licensed, certified or registered by the Department of State to accept oral orders. The client's medication record shall be updated as soon as a written notice of the change is received.

Authority

The provisions of this § 2390.194 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.194 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.195. Medication record.

(a) A medication record shall be kept, including the following for each client for whom a prescription medication is administered:

- (1) Client's name.
- (2) Name of the prescriber.
- (3) Drug allergies.
- (4) Name of medication.
- (5) Strength of medication.
- (6) Dosage form.
- (7) Dose of medication.
- (8) Route of administration.
- (9) Frequency of administration.
- (10) Administration times.
- (11) Diagnosis or purpose for the medication, including pro re nata.
- (12) Date and time of medication administration.
- (13) Name and initials of the person administering the medication.
- (14) Duration of treatment, if applicable.
- (15) Special precautions, if applicable.
- (16) Side effects of the medication, if applicable.

(b) The information in subsection (a)(12) and (13) shall be recorded in the medication record at the time the medication is administered.

(c) If a client refuses to take a prescribed medication, the refusal shall be documented on the medication record. The refusal shall be reported to the prescriber as directed by the prescriber or if there is harm to the client.

(d) The directions of the prescriber shall be followed.

Authority

The provisions of this § 2390.195 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.195 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.196. Medication errors.

(a) Medication errors include the following:

- (1) Failure to administer a medication.
- (2) Administration of the wrong medication.

- (3) Administration of the wrong dose of medication.
 - (4) Failure to administer a medication at the prescribed time, which exceeds more than 1 hour before or after the prescribed time.
 - (5) Administration to the wrong person.
 - (6) Administration through the wrong route.
 - (7) Administration while the client is in the wrong position.
 - (8) Improper preparation of the medication.
- (b) Documentation of medication errors, follow-up action taken and the prescriber's response, if applicable, shall be kept in the client's record.
- (c) A medication error shall be reported as an incident as specified in § 2390.18(b) (relating to incident report and investigation).
- (d) A medication error shall be reported to the prescriber under any of the following conditions:
- (1) As directed by the prescriber.
 - (2) If the medication is administered to the wrong person.
 - (3) If there is harm to the client.

Authority

The provisions of this § 2390.196 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.196 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

Cross References

This section cited in 55 Pa. Code § 2390.18 (relating to incident report and investigation).

§ 2390.197. Adverse reaction.

- (a) If a client has a suspected adverse reaction to a medication, the facility shall immediately consult a health care practitioner or seek emergency medical treatment.
- (b) An adverse reaction to a medication, the health care practitioner's response to the adverse reaction and the action taken shall be documented.

Authority

The provisions of this § 2390.197 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.197 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 2390.198. Medication administration training.

- (a) A staff person who has successfully completed a Department-approved medication administration course, including the course renewal requirements,

may administer medications, injections, procedures and treatments as specified in § 2390.192 (relating to medication administration).

(b) A staff person may administer insulin injections following successful completion of both:

(1) The medication administration course specified in subsection (a).

(2) A Department-approved diabetes patient education program within the past 12 months.

(c) A staff person may administer an epinephrine injection by means of an auto-injection device in response to anaphylaxis or another serious allergic reaction following successful completion of both:

(1) The medication administration course specified in subsection (a).

(2) Training within the past 24 months relating to the use of an auto-injection epinephrine injection device provided by a health care professional who is licensed, certified or registered by the Department of State in the health care field.

(d) A record of the training shall be kept, including the person trained, the date, source, name of trainer and documentation that the course was successfully completed.

Authority

The provisions of this § 2390.198 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 2390.198 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

Cross References

This section cited in 55 Pa. Code § 2390.192 (relating to medication administration).

APPENDIX A. [Reserved]

Authority

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

Source

The provisions of this Appendix A adopted August 5, 1988, effective August 30, 1988, 18 Pa.B. 3468; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4974. Immediately preceding text appears at serial pages (259747) to (259789).

[Next page is 2430-1.]

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