

CHAPTER 2610. FOSTER HOME CARE SERVICES FOR ADULTS**GENERAL PROVISIONS**

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Authority

The provisions of this Chapter 2610 issued under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059), unless otherwise noted.

Source

The provisions of this Chapter 2610 adopted September 26, 1975, effective September 27, 1975, 5 Pa.B. 2527, unless otherwise noted.

GENERAL PROVISIONS**§ 2610.1. Service goals.**

The service goals of this chapter are:

- (1) To provide supportive, home-like, community-based living arrangements for individuals who cannot live independently in the community.
- (2) To encourage and assist individuals in developing and maintaining maximum initiative and self-determination, in a home-like setting.
- (3) To prevent unnecessary institutionalization, and help individuals in institutions to return to their own community and, ultimately, if possible, to their own homes.

§ 2610.2. Definition of services.

(a) Specific service activities performed by administering agencies include, but are not limited to:

- (1) Seeking out marginally socially adjusted adults and placing them in foster homes suited to their individual needs.
- (2) Continuing periodic contact with adults placed in foster homes to insure adequacy of care and appropriateness of placement.
- (3) Identifying and training prospective foster home care providers who are qualified under this chapter.
- (4) Maintaining a registry of certified foster homes.

(b) Specific service activities performed by foster home care providers include, but are not limited to:

- (1) Providing the client with a supportive social environment.
- (2) Providing the client with a safe physical environment and a nutritious diet.
- (3) Assisting the client in developing or maintaining self-help skills within his capability.
- (4) Performing personal care tasks for the client when he cannot.

§ 2610.3. Client characteristics.

(a) A client placed in a foster home for adults shall:

- (1) Be 18 years of age or older.
- (2) Have demonstrated, over an extended period of time, marginal social adjustment which prevents independent living in the community.
- (3) Not require intermediate care, skilled nursing care or general or special hospital care, on a 24 hour, residential basis.
- (4) Have no family or significant others willing or able to provide the necessary support.
- (5) Have no in-home service, necessary for independent living, available to him.

(b) Indicators of marginal social adjustment, which may be associated with functional, mental, or physical disabilities, include, but are not limited to:

- (1) Problems in accomplishing activities of daily living, such as:
 - (i) Purchasing and preparing meals.
 - (ii) Housekeeping and laundry.
 - (iii) Taking medication in proper doses at proper times.
 - (iv) Personal grooming.
 - (v) Lack of timely attendance to financial matters.

(2) Difficulties in social or personal adjustment, usually associated with mental disability, as demonstrated in reduced, lost, or nondeveloped capability for:

- (i) Developing or maintaining appropriate interpersonal relationships.
- (ii) Dealing constructively with others.
- (iii) Making decisions necessary for the achievement of his functioning potential.
- (iv) Attaining or maintaining his maximum functioning level.

(3) Difficulties resulting from handicaps such as blindness, deafness, amputation, paralysis, or birth defects, provided that the individual:

- (i) Is independently mobile.
- (ii) Is capable of self-preservation.

(4) The need for special diets and for medication supervision, provided that the individual is certified as not needing 24-hour nursing or medical care.

§ 2610.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the contents clearly indicate otherwise:

Administering agency—A private agency from which the Department is purchasing services for carrying out functions normally fulfilled by State or local governmental agencies.

Department—The Department of Human Services of the Commonwealth.

Foster home—A private home in which the foster home care provider lives, and provides a substitute family setting for a period exceeding 24 hours, to no more than three clients.

Group foster home—A residence which provides a safe, supportive, substitute home, for a period exceeding 24 hours to 4 to 13 clients.

Temporary illness—An illness which makes it necessary for a client to be confined to his room for a period not exceeding 14 consecutive days, or an illness defined as temporary by the client's personal physician.

GENERAL REQUIREMENTS

§ 2610.11. Responsibilities of administering agencies.

(a) The administering agency shall make placements only with the client's informed consent and concurrence of the client's legal guardian, if any.

(b) The administering agency shall place clients only in homes certified by the Department. Certification shall be made annually, as a minimum.

(c) There shall be a written agreement between the administering agency and the foster home care provider, indicating their respective responsibilities.

(d) The administering agency, after discussion with the client and significant others, shall be responsible for:

- (1) Assessing client needs.

- (2) Developing a placement plan.
- (3) Insuring implementation of the placement plan.
- (4) Ongoing monitoring of foster home care services.
- (e) The administering agency shall evaluate the client's adjustment to the foster home or group foster home within the 30 days of placement, and shall insure that indicated modifications to the placement plan are made.
- (f) The administering agency shall assess the continuing adequacy of the placement plan no less than quarterly, and shall insure that indicated modifications to the placement plan are made.
- (g) The administering agency shall, before placement, approve the house rules of the foster care home, insure that the client has a written copy of the rules, and insure that they are explained to him. The house rules shall be incorporated into the written agreement between the client and the foster home care provider, specified in § 2610.12(a) (relating to responsibilities of foster home care providers).
- (h) The administering agency shall orient the foster home care provider to the client's overall placement plan by discussion of the nonconfidential information as is relevant to a successful placement.
- (i) The administering agency shall prepare the client to the fullest extent possible for the transition to the foster home care setting.
- (j) The administering agency shall give the foster home care provider the following written information about the client:
 - (i) The client's name.
 - (ii) Date of birth.
 - (iii) Social Security number.
 - (iv) Religious affiliation.
 - (v) Date of entry into the home.
 - (vi) The name of the referring agency.
 - (vii) The name, address, telephone numbers of the client's family.
 - (viii) The name and telephone number of the person to be called in case of emergency.
 - (ix) A dietary restrictions.
 - (x) Medical problems—such as, diabetes, heart disease, and epilepsy.
 - (xi) Medication regimen.
 - (xii) The name and telephone number of the client's personal physician. In the absence of a personal physician the client shall participate in the selection of a physician.
- (k) The administering agency shall make available, or arrange for home health services needed by a client.
- (l) The administering agency shall insure provision of social services to the client, as defined in the placement plan.
- (m) The administering agency shall be responsible for the relocation of clients in the event of foster home or group foster home closure.

(n) The administering agency shall be responsible for notifying promptly the client's family, or significant other, in the event of an unusual incident or accident involving the client, a serious illness, or the client's death or impending death.

(o) The administering agency shall submit a written report to the Department, within 3 days, concerning an unusual incident involving a client, a serious injury to or accidental death, or suicide of, a client.

(p) Reports of poor care, mistreatment, or exploitation of clients by a foster care provider shall be thoroughly investigated by representatives of the administering agency. Complaints shall be investigated immediately. The investigation shall include a home visit, and shall be completed within 3 days. One copy of the investigation report shall be kept by the administering agency and one copy, forwarded to the Department.

(q) Complaints about clients' behavior by foster home care providers shall also be investigated promptly. There shall be a home visit within 3 days in order to determine the facts and to initiate appropriate action.

(r) Requests for immediate termination of placement, coming from either the client or the foster home care provider, constitute an emergency and shall be dealt with as such.

(s) The administering agency shall insure that its staff and also the foster home care provider and his staff, who have direct contact with clients, receive training in accordance with Departmental training guidelines.

(t) The administering agency shall be responsible for evaluation of foster home care providers on an annual basis, and more often, if deemed necessary by the administering agency.

§ 2610.12. Responsibilities of foster home care providers.

(a) There shall be a written agreement between the foster home care provider and the client, specifying the monthly charge for the foster home care services, and indicating the responsibilities of the foster home care provider and the client. A standardized form for this agreement shall be provided by the Department.

(b) The foster home care provider shall insure, and shall so inform the client, that he:

(1) Is not restricted in his right to leave and return to the foster home or group foster home.

(2) Is free to receive visitors at mutually agreed upon times.

(3) Has access to a telephone in the foster home or group foster home and can make local calls, in reasonable privacy, without charge. Arrangements shall be made with the client or a responsible person for payment of long distance calls.

(4) Has access to the United States mail, can write and send uncensored mail at his own expense, and receive, unopened mail addressed to him.

(c) The foster home care provider shall enable clients to keep in their rooms personal possessions as radios, pictures, plants, cards, and photographs. Items of furniture such as rockers, footstools, and chairs, may be kept in clients' rooms.

(d) The foster home care provider shall observe and insure the client's right to privacy of self and possessions.

(e) The foster home care provider shall help the client in developing or maintaining self-help skills, within his capacity, including, but not limited to:

- (1) Grooming and personal hygiene.
- (2) Money management.
- (3) Shopping.
- (4) Utilization of agency resources.
- (5) Housekeeping—making his own bed; keeping bedroom orderly.
- (6) Taking part in social and recreational activities in accordance with the client's interests, abilities, and needs.

(f) The foster home care provider shall perform needed tasks relating to self-help skills, when the client is unable to perform them for himself.

(g) The foster home care provider shall pay clients for work they perform which is of consequential economic benefit to the provider. This work shall be paid for according to 29 CFR Part 529 under the Fair Labor Standards Act.

(h) The foster home care provider shall encourage and assist the client to take part in activities included in, but not limited to those defined in the placement plan.

(i) Laundry service for bed linens, towels, and personal clothing, shall be provided. The foster home care provider shall insure access to laundry equipment such as a washer, dryer, iron, and ironing board, for clients wishing to do personal laundry.

(j) The foster home care provider shall, in cooperation with the administering agency:

- (i) Insure that each client visits, or is seen by, his physician at least annually, and as dictated by the client's health needs.
- (ii) Obtain emergency medical care, when the client's personal physician is not available.
- (iii) Insure that dental, eye, foot, and other medical services are made available to clients as necessary.
- (iv) Arrange transportation to enable clients to receive professionally prescribed health services.

(k) The foster home care provider shall not enter into a contract to keep or care for a client for the remainder of his natural life.

(l) The foster home care provider shall notify the administering agency immediately in event of an unusual incident or accident involving a client, a serious illness, or the client's death or impending death.

(m) When the foster home care provider intends to close a foster home or a group foster home he shall submit to the Department a written statement of:

- (1) His intent to cease operation.
- (2) The closing date.
- (3) A guarantee that the foster home or group foster home will continue operation for a period of 30 to 60 days beyond the closing date for the relocation of clients, except in those cases where the Department determines that removal of the client at an earlier time is necessary for his health and welfare.
- (n) The foster home care provider shall maintain a master card file on each client, containing the information listed in § 2610.11(j) (relating to responsibilities of administering agencies).
- (o) The foster home care provider shall insure that first aid supplies, such as bandages, adhesive tape, bandaids, slings, cotton, sterile dressings, antiseptics, applicators, safety pins and scissors, are available in the foster home or group foster home.

Cross References

This section cited in 55 Pa. Code § 2610.11 (relating to responsibilities of administering agencies).

§ 2610.13. Staffing.

- (a) Two written references shall be obtained, and kept on file by the administering agency, as to the suitability of the provider to offer foster home care services, including especially his sensitivity and capability in dealing with potential clients as well as his financial responsibility.
- (b) One person shall be designated as responsible for the operation and management of the home. A second person shall be designated to act in his absence.
- (c) When there are seven or more clients present in the group foster home, there shall be at least two responsible adults to assist clients with personal care and evacuation in the event of fire or another disaster. The Department may require an increase in the number of personnel as it deems necessary for the health, welfare, and safety of clients in the group foster home.

§ 2610.14. Building and physical plant.

- (a) The following building and physical plant standards apply to foster homes and group foster homes:
 - (1) Housing arrangements shall meet applicable Federal, State, and local building and health codes.
 - (2) Water from a source not under public supervision shall be approved as meeting State water quality standards.
 - (3) The home shall have an adequate supply of piped hot and cold water to each lavatory, bathtub/shower, kitchen sink, dishwasher, and for laundry equipment. Hot water accessible to clients shall not exceed 140°F. at the outlets.
 - (4) Sewage shall be discharged into a public sewer system or disposed of in a manner approved by the State or local health authorities.

- (5) Heating in rooms used by clients shall be maintained at a temperature of not less than 68°F.
 - (6) Space heaters shall not be used.
 - (7) A living room or recreational area shall be available to clients.
 - (8) Bedrooms shall be either single or double occupancy. A single occupancy room shall have no less than 80 square feet of floor space. A double occupancy room shall have no less than 70 square feet of floor space for each client.
 - (9) A minimum total window area on outside walls equal to 1/8 of the floor area shall be provided in each client's bedroom.
 - (10) Clients' bedrooms shall not be used for another purpose by the foster home care provider.
 - (11) Space for personal property, such as trunks, suitcases, and seasonal clothing, shall be provided in a dry, protected area, accessible to clients.
 - (12) Toilet paper in a suitable dispenser shall be provided within reach of each toilet.
 - (13) Clean linens shall be stored in an area separate from the laundry room. Soiled linens and clothing shall be stored in a separate storage room or area.
- (b) The following building and physical plant standards apply to group foster homes:
- (1) Group foster care homes shall be inspected and approved by the Department of Labor and Industry before certification is granted by the Department of Human Services. Homes located in Philadelphia, Pittsburgh, and Scranton shall be inspected and approved in accordance with the occupancy and fire safety code of the appropriate city.
 - (2) A copy of the occupancy and fire safety reports shall be on file in the Department before a certification is issued by the Department to operate a group foster care home for adults.
 - (3) Plans for remodeling or altering an existing building, and for new construction, shall be submitted to the Department of Labor and Industry for approval. If the total costs of remodeling, alterations or new construction exceed \$10,000 or more than 30,000 cubic feet, the plans shall be prepared by a registered architect or professional engineer.
 - (4) There shall be at least one toilet and lavatory to every six clients on each floor used by clients. These facilities shall be directly accessible without going through adjacent client bedrooms or up flights of stairs.

§ 2610.15. Fire protection and safety.

- (a) The provider shall request the local fire department to inspect and approve the building for fire safety, determine the type and number of extinguishers required and where they are to be located. Fire safety inspection shall be done for initial occupancy and at least annually thereafter, or as often as indicated.

(b) The telephone number of the local fire department serving the home shall be posted by the telephones.

(c) The home shall have a written plan for the protection of persons within the building in the event of an internal or external disaster.

(d) Fire extinguishers shall be inspected and tested in accordance with local fire department regulations. The provider, and adults assigned to provide personal care and other services to clients, shall be instructed in the operation of the various types of fire extinguishers used in the home.

(e) Simulated fire drills shall be held at least quarterly. Fire drills shall be held during the day and at night. At least one fire drill shall be supervised by the local fire department. A record of each fire drill shall be maintained. The record shall include the date, the time required for evacuation, the number of people evacuated, and the number of people taking part in the drill.

(f) A diagram of each floor, showing corridors, lines of travel, exit doors, location of fire extinguishers and fire doors, as applicable, shall be posted in a clearly visible position and explained to clients.

(g) Proper safeguards shall be taken at all times against the fire hazards involved in smoking.

(h) Exposed heating pipes, hot water pipes, or radiators, in rooms and areas used by clients, and within reach by clients, shall be covered or protected to prevent burns or injury to clients.

§ 2610.16. Furnishings, equipment, and clothing.

(a) Each client shall be provided, in the room he occupies, with at least the items listed in paragraphs (1)—(10). These items shall be clean and maintained in good repair:

- (1) Standard single or double bed, without casters or with locked casters, with or without head or foot boards.
- (2) Mattress and firm spring.
- (3) Bed pillow.
- (4) Bedside table and table light.
- (5) Dresser and mirror.
- (6) Clothes closet or wardrobe.
- (7) Lounge chair and rocking chair.
- (8) Bed linens and blankets.
- (9) Towels and wash cloths.
- (10) Towel bars, if not provided in the bathroom.

(b) The foster home care provider, in collaboration with the administering agency, shall insure that each client has the following items:

- (1) Clean and proper clothing suitable for all types of weather.
- (2) Bathrobe.
- (3) Shoes and slippers.
- (4) Socks and stocking.

- (5) Under clothing.
- (6) Toilet articles to meet their needs.

§ 2610.17. Nutrition.

- (a) Clients shall be served at least three well-balanced meals or their equivalent daily.
- (b) The first meal of the day shall be served between 7 and 9 a.m. and the other meals approximately 5 hours apart. There shall be no more than 14 hours between the substantial evening meal and the first meal and the first meal of the next day.
- (c) Dietary restrictions, prescribed by the client's personal physician, shall be adhered to. Menus for special diets shall be reviewed at least annually by the client's personal physician or by a registered dietitian made available through the agency. Snack foods may be made available if within nutritional and dietary restrictions.
- (d) Menus shall be planned at least 1 week in advance. Copies of the menus shall be retained on file for at least 4 weeks.
- (e) Meals shall be served to clients in a dining room or dining area. Tray service shall only be available for clients confined to their room due to temporary illness.
- (f) The dining room shall be properly equipped with tables and chairs. Dishes, glasses, trays, table service, flatware and utensils necessary for food service shall be provided. Equipment and utensils used for eating, drinking, preparing and serving food shall be clean, and free of chips or cracks.
- (g) Food stored, prepared, or served shall be clean, wholesome, free from spoilage, and safe for human consumption.
- (h) Floors, walls, vents, equipment and fans shall be kept clean and in good repair at all times.
- (i) Food returned from individual plates shall be discarded and not used in the preparation of other food dishes, or be served again.
- (j) Raw milk shall not be served or used in food preparation.

§ 2610.18. Housekeeping and maintenance.

- (a) The home shall be equipped, arranged, and maintained to provide for the health, safety, and well-being of clients.
- (b) The atmosphere and routine of the home shall be such that clients may spend the majority of their nonsleeping hours outside of their bedrooms.
- (c) Furnishings and housekeeping standards shall be such that the home is comfortable and clean.
- (d) Clients' rooms shall be cleaned as needed.
- (e) The building shall be maintained in good repair and free of hazards such as loose or broken window glass, loose or cracked floor coverings, and similar conditions.

(f) The home shall be made safe for functionally disabled clients by elimination of, or protection from, such domestic hazards as slipping rugs and unguarded household appliances. Stairways shall have securely fastened handrails.

(g) Windows and doors opening to the outside, except approved exit doors, shall be effectively covered by screening.

(h) Garbage and rubbish containers shall have tight fitting covers.

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