

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

|           |                                 |             |
|-----------|---------------------------------|-------------|
| Art.      |                                 | Chap.       |
| <b>I.</b> | <b>LICENSING/APPROVAL .....</b> | <b>6400</b> |

**ARTICLE I. LICENSING/APPROVAL**

|              |   |               |
|--------------|---|---------------|
| Chap.        |   | Sec.          |
| <b>6400.</b> | <b>COMMUNITY HOMES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR AUTISM .....</b>    | <b>6400.1</b> |
| <b>6401.</b> | <b>[Reserved] .....</b>   | <b>6401.1</b> |
| <b>6500.</b> | <b>LIFE SHARING HOMES .....</b>   | <b>6500.1</b> |
| <b>6600.</b> | <b>INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY .....</b> | <b>6600.1</b> |

**CHAPTER 6400. COMMUNITY HOMES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR AUTISM**

**GENERAL PROVISIONS**

|          |  |
|----------|--|
| Sec.     |  |
| 6400.1.  | Introduction.  |
| 6400.2.  | Purpose.   |
| 6400.3.  | Applicability.   |
| 6400.3a. | Clarification of the applicability of this chapter to private homes—statement of policy. |
| 6400.4.  | Definitions.   |
| 6400.5.  | [Reserved].  |

**GENERAL REQUIREMENTS**

|          |   |
|----------|---|
| 6400.11. | Licensure or approval of facilities and agencies. |
| 6400.12. | Appeals.  |
| 6400.13. | Maximum capacity.                                 |
| 6400.14. | Fire safety occupancy permit.                     |
| 6400.15. | Self-assessment of homes.                         |
| 6400.16. | Abuse.  |
| 6400.17. | Child abuse.                                      |
| 6400.18. | Incident report and investigation.                |
| 6400.19. | Incident procedures to protect the individual.    |
| 6400.20. | Incident analysis.                                |
| 6400.21. | Criminal history record check.                    |
| 6400.22. | Individual funds and property.                    |
| 6400.23. | Grievance procedures.                             |
| 6400.24. | Applicable statutes and regulations.              |
| 6400.25. | Children’s services.                              |

**INDIVIDUAL RIGHTS**

|          |                           |
|----------|---------------------------|
| 6400.31. | Exercise of rights.       |
| 6400.32. | Rights of the individual. |
| 6400.33. | Negotiation of choices.   |
| 6400.34. | Informing of rights.      |

**STAFFING**

- 6400.41. Effective date of staff qualifications.
- 6400.42. Minimum age.
- 6400.43. Chief executive officer.
- 6400.44. Program specialist.
- 6400.45. Staffing.
- 6400.46. Emergency training.
- 6400.47. [Reserved].
- 6400.48. [Reserved].
- 6400.49. [Reserved].
- 6400.50. Training records.
- 6400.51. Orientation.
- 6400.52. Annual training.

**PHYSICAL SITE**

- 6400.61. Special accommodations.
- 6400.62. Poisons.
- 6400.63. Heat sources.
- 6400.64. Sanitation.
- 6400.65. Ventilation.
- 6400.66. Lighting.
- 6400.67. Surfaces.
- 6400.68. Running water.
- 6400.69. Indoor temperature.
- 6400.70. Telephone.
- 6400.71. Emergency telephone numbers.
- 6400.72. Screens, windows and doors.
- 6400.73. Handrails and railings.
- 6400.74. Nonskid surfaces.
- 6400.75. Landings.
- 6400.76. Furniture and equipment.
- 6400.77. First aid kit.
- 6400.78. Indoor living space.
- 6400.79. Elevators.
- 6400.80. Exterior conditions.
- 6400.81. Individual bedrooms.
- 6400.82. Bathrooms.
- 6400.83. Kitchens.
- 6400.84. Laundry.
- 6400.85. Swimming pools.
- 6400.86. Firearms.
- 6400.87. [Reserved].

**FIRE SAFETY**

- 6400.101. Unobstructed egress.
- 6400.102. Exits.
- 6400.103. Evacuation procedures.
- 6400.104. Notification to local fire department.
- 6400.105. Flammable and combustible materials.
- 6400.106. Furnaces.
- 6400.107. Portable space heaters.
- 6400.108. Wood and coal burning stoves.

6400-2

- 6400.109. Fireplaces.
- 6400.110. Smoke detectors and fire alarms.
- 6400.111. Fire extinguishers.
- 6400.112. Fire drills.
- 6400.113. Fire safety training for individuals.
- 6400.114. Smoking safety procedures.

### **PROGRAM**

- 6400.121. [Reserved].
- 6400.122. [Reserved].
- 6400.123. [Reserved].
- 6400.124. [Reserved].
- 6400.125. [Reserved].
- 6400.126 and 6400.127. [Reserved].
- 6400.128. [Reserved].
- 6400.129. [Reserved].
- 6400.130. [Reserved].
- 6400.131. [Reserved].
- 6400.132. [Reserved].
- 6400.133. [Reserved].
- 6400.134. [Reserved].
- 6400.135. [Reserved].
- 6400.136. [Reserved].
- 6400.137. [Reserved].

### **INDIVIDUAL HEALTH**

- 6400.141. Individual physical examination.
- 6400.142. Dental care.
- 6400.143. Refusal of treatment.
- 6400.144. Health services.
- 6400.145. Emergency medical plan.

### **STAFF HEALTH**

- 6400.151. Staff physical examination.
- 6400.152. Communicable diseases.
- 6400.153. [Reserved].
- 6400.154. [Reserved].
- 6400.155. [Reserved].
- 6400.156. [Reserved].

### **MEDICATIONS**

- 6400.161. Self-administration.
- 6400.162. Medication administration.
- 6400.162a. Labeling of medication—statement of policy.
- 6400.163. Storage and disposal of medications.
- 6400.163a. Use of prescription medication—statement of policy.

6400-3

- 6400.164. [Reserved].
- 6400.164a. Medication Log—statement of policy.
- 6400.165. Prescription medications.
- 6400.166. Medication record.
- 6400.166a. Adverse reaction—statement of policy.
- 6400.167. Medication errors.
- 6400.168. Adverse reaction.
- 6400.169. Medication administration training.

### **NUTRITION**

- 6400.171. Protection of food.
- 6400.172. Three meals a day.
- 6400.173. Quantity of food.
- 6400.174. Food groups.
- 6400.175. Serving of meals.
- 6400.176. Returned food.
- 6400.177. [Reserved].
- 6400.178. [Reserved].

### **PROGRAM**

- 6400.181. Assessment.
- 6400.182. Development, annual update and revision of the individual plan.
- 6400.183. Individual plan team.
- 6400.184. Individual plan process.
- 6400.185. Content of the individual plan.
- 6400.186. Implementation of the individual plan.
- 6400.187. [Reserved].
- 6400.188. Home services.
- 6400.189. Day services.
- 6400.190. Recreational and social activities.

### **RESTRICTIVE PROCEDURES**

- 6400.191. Definition of restrictive procedures.
- 6400.192. Written policy.
- 6400.193. Appropriate use of restrictive procedures.
- 6400.194. Human rights team.
- 6400.195. Behavior support component of the individual plan.
- 6400.196. Staff training.
- 6400.197—6400.206. [Reserved].
- 6400.207. Prohibited procedures.
- 6400.208. Physical restraint.
- 6400.209. Emergency use of a physical restraint.
- 6400.210. Access to or the use of an individual's personal property.

### **INDIVIDUAL RECORDS**

- 6400.211. Emergency information.
- 6400.212. Individual records.
- 6400.213. Content of records.

- 6400.214. Record location.
- 6400.215. Record retention.
- 6400.216. Access.
- 6400.217. Release of information.
- 6400.218. [Reserved].

### **HOMES SERVING NINE OR MORE INDIVIDUALS**

- 6400.231. Additional requirements for homes serving nine or more individuals.
- 6400.232. Awake staff persons.
- 6400.233. Sewage system approval.
- 6400.234. Indoor living furniture.
- 6400.235. Elevators and ramps.
- 6400.236. Evacuation procedures.
- 6400.237. Exit signs.
- 6400.238. Laundry.
- 6400.239. Dining area.
- 6400.240. Dishwashing.
- 6400.241. Food storage.
- 6400.242. Returned food.
- 6400.243. Menus.
- 6400.244. Bedrooms.
- 6400.245. Bathrooms.

### **EMERGENCY PLACEMENT**

- 6400.251. Exceptions.
- 6400.252. Other requirements.

### **RESPITE CARE**

- 6400.261. Exceptions for respite care.
- 6400.262. Exceptions for emergency respite care.
- 6400.263. Other requirements.

### **SEMI-INDEPENDENT LIVING**

- 6400.271. Semi-independent living abilities.
- 6400.272. Annual documentation.
- 6400.273. Exceptions.
- 6400.274. Additional requirements.
- 6400.275. Other requirements.

#### **Authority**

The provisions of this Chapter 6400 issued under the Human Services Code (62 P.S. § 1021); amended under Article X of the Human Services Code (62 P.S. §§ 1001—1080), unless otherwise noted.

6400-5

**Source**

The provisions of this Chapter 6400 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384, unless otherwise noted.

**Cross References**

This chapter cited in 55 Pa. Code § 2380.2 (relating to applicability); 55 Pa. Code § 3800.3 (relating to exemptions); 55 Pa. Code § 3800.56 (relating to exceptions for staff qualifications); 55 Pa. Code § 4305.11 (relating to exempt services); 55 Pa. Code § 6000.351 (relating to licensing criteria); 55 Pa. Code § 6000.903 (relating to licensing applicability); 55 Pa. Code § 6000.1003 (relating to definitions); 55 Pa. Code § 6100.81 (relating to HCBS provider requirements); 55 Pa. Code § 6100.445 (relating to locality of service location); 55 Pa. Code § 6350.21 (relating to respite care); and 55 Pa. Code § 6500.3 (relating to applicability).

**GENERAL PROVISIONS****§ 6400.1. Introduction.**

This chapter is based on the principle of integration and the right of the individual with an intellectual disability or autism to live a life which is as close as possible in all aspects to the life which any member of the community might choose. For the individual with an intellectual disability or autism who requires a residential service, the design of the service shall be made with the individual's unique needs in mind so that the service will facilitate the individual's ongoing growth and development.

**Authority**

The provisions of this § 6400.1 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) and 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 § 6400.1 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (397758).

**§ 6400.2. Purpose.**

The purpose of this chapter is to protect the health, safety and well-being of individuals with an intellectual disability or autism, through the formulation, implementation and enforcement of minimum requirements for the operation of community homes for individuals with an intellectual disability or autism.

**Authority**

The provisions of this § 6400.2 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) and 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 § 6400.2 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381931).

**§ 6400.3. Applicability.**

(a) This chapter applies to community homes for people with an intellectual disability or autism, except as provided in subsection (f).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance. A certificate of compliance shall be obtained prior to operation of a community home for individuals with an intellectual disability or autism.

(c) This chapter applies to profit, nonprofit, publicly funded and privately funded homes.

(d) Each home serving nine or more individuals shall be inspected by the Department each year and shall have an individual certificate of compliance specific for each building.

(e) Each agency operating one or more homes serving eight or fewer individuals shall have at least a sample of its homes inspected by the Department each year. The certificate of compliance issued to an agency shall specify the location and maximum capacity of each home the agency is permitted to operate.

(f) This chapter does not apply to the following:

(1) Private homes of persons providing care to a relative with an intellectual disability or autism.

(2) Residential facilities operated by the Department.

(3) Intermediate care facilities for individuals with an intellectual disability licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability) or intermediate care facilities for individuals with other related conditions.

(4) Foster family care homes licensed by the Office of Children, Youth and Families of the Department that serve only foster care children.

(5) Summer camps.

(6) Facilities serving exclusively personal care home, drug and alcohol, mental health or domiciliary care residents.

(7) Residential homes for three or fewer people with an intellectual disability or autism who are 18 years of age or older and who need a yearly average of 30 hours or less direct staff contact per week per home.

(8) Child residential facilities which serve exclusively children, which are regulated under Chapter 3800 (relating to child residential and day treatment facilities).

(g) This chapter does not measure or assure compliance with other applicable Federal and State statutes and regulations and local ordinances. It is the responsibility of the home to comply with other applicable statutes, regulations, codes and ordinances.

**Authority**

The provisions of this § 6400.3 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) and 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 § 6400.3 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended June 25, 1999, effective October 26, 1999, 29 Pa.B. 3295; 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 (381931) to (381932).

**Cross References**

This section cited in 55 Pa. Code § 6400.3a (relating to clarification of the applicability of this chapter to private homes—statement of policy); and 55 Pa. Code § 6400.4 (relating to definitions).

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

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

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

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

**Source**

The provisions of this § 6400.3a adopted January 11, 2013, effective January 12, 2013, 43 Pa.B. 222.

**§ 6400.4. Definitions.**

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

*Agency*—A person or legally constituted organization operating one or more community homes for people with an intellectual disability or autism serving eight or fewer individuals.

*Autism*—A developmental disorder defined by the edition of the *Diagnostic and Statistical Manual of Mental Disorders*, or its successor, in effect at the time the diagnosis is made. The term includes autistic disorder, Asperger's disorder and autism spectrum disorder.

*Community home for individuals with an intellectual disability or autism (home)*—A building or separate dwelling unit in which residential care is provided to one or more individuals with an intellectual disability or autism, except as provided in § 6400.3(f) (relating to applicability). Each apartment unit within an apartment building is considered a separate home. Each part of a duplex, if there is physical separation between the living areas, is considered a separate home.

*Department*—The Department of Human Services of the Commonwealth.

*Direct service worker*—A person whose primary job function is to provide services to an individual who resides in the home.



*Fire safety expert*—A local fire department, fire protection engineer, State certified fire protection instructor, college instructor in fire science, county or State fire school, volunteer fire person trained by a county or State fire school or an insurance company loss control representative.

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

*Individual*—An individual with an intellectual disability or autism who resides, or receives residential respite care, in a home and who is not a relative of the owner of the home.

*Individual plan*—A coordinated and integrated description of activities and services for an individual.

*Intellectual disability*—Subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following:

- (i) Maturation.
- (ii) Learning.
- (iii) Social adjustment.

*Relative*—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew.

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

*Services*—Actions or assistance provided to the individual to support the achievement of an outcome.

*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.

#### Authority

The provisions of this § 6400.4 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) and 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 § 6400.4 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381932) to (381934).

**§ 6400.5. [Reserved].****Source**

The provisions of this § 6400.5 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131348) and (133673).

**GENERAL REQUIREMENTS****§ 6400.11. Licensure or approval of facilities and agencies.**

The requirements specified in Chapter 20 (relating to licensure or approval of facilities and agencies) shall be met.

**Source**

The provisions of this § 6400.11 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133673).

**§ 6400.12. Appeals.**

(a) Appeals related to the Department's licensure shall be made in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the 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 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 § 6400.12 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 3, 2008, effective November 3, 2008, 38 Pa.B. 5435. Immediately preceding text appears at serial page (288049).

**§ 6400.13. Maximum capacity.**

The maximum capacity specified on the certificate of compliance may not be exceeded.

**Source**

The provisions of this § 6400.13 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133674).

**Cross References**

This section cited in 55 Pa. Code § 6000.303 (relating to no license factors); and 55 Pa. Code § 6000.304 (relating to provisional license factors).

**§ 6400.14. Fire safety occupancy permit.**

(a) If the home is located outside Philadelphia, Scranton or Pittsburgh and serves four or more individuals or if the home is located in a multiple family dwelling, the home shall have a valid fire safety occupancy permit listing the appropriate type of occupancy from the Department of Labor and Industry or the Department of Health. If the home is located in Philadelphia, Scranton or Pitts-

burgh, the home shall have a valid fire safety occupancy permit from the Department of Health or the Department of Public Safety of the city of Pittsburgh, the Department of Licensing and Inspection of the city of Philadelphia or the Department of Community Development of the city of Scranton, if required by State law or regulation or local codes.

(b) If the fire safety occupancy permit is withdrawn, restricted or revised, the home shall notify the Department orally within 1 working day and in writing within 2 working days.

(c) If a building is structurally renovated or altered after the initial fire safety occupancy permit is issued, the home shall have a new occupancy permit or written approval if required from the Department of Labor and Industry, the Department of Health, the Department of Public Safety of the city of Pittsburgh, the Department of Licensing and Inspection of the city of Philadelphia or the Department of Community Development of the city of Scranton.

#### Source

The provisions of this § 6400.14 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133674).

### § 6400.15. Self-assessment of homes.

(a) The agency shall complete a self-assessment of each home the agency operates serving eight or fewer individuals, within 3 to 6 months prior to the expiration date of the agency's certificate of compliance, to measure and record compliance with this chapter.

(b) The agency shall use the Department's licensing inspection instrument for the community homes for individuals with an intellectual disability or autism regulations to measure and record compliance.

(c) A copy of the agency's self-assessment results and a written summary of corrections made shall be kept by the agency for at least 1 year.

#### Authority

The provisions of this § 6400.15 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) and 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 § 6400.15 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended November 16, 1984, effective November 17, 1984, 14 Pa.B. 4161; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381935) to (381936).

**§ 6400.16. Abuse.**

Abuse of an individual is prohibited. Abuse is an act or omission of an act that willfully deprives an individual of rights or human dignity or which may cause or causes actual physical injury or emotional harm to an individual, such as striking or kicking an individual; neglect; rape; sexual molestation, sexual exploitation or sexual harassment of an individual; sexual contact between a staff person and an individual; restraining an individual without following the requirements in this chapter; financial exploitation of an individual; humiliating an individual; or withholding regularly scheduled meals.

**Source**

The provisions of this § 6400.16 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133675).

**Cross References**

This section cited in 55 Pa. Code § 6000.403 (relating to nonapplicability).

**§ 6400.17. Child abuse.**

The home shall immediately report abuse or suspected abuse of an individual 17 years of age or younger to ChildLine (800) 932-0313.

**Source**

The provisions of this § 6400.17 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133675).

**§ 6400.18. Incident report and investigation.**

(a) The home 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 an individual in an attempt to complete suicide.
- (3) Inpatient admission to a hospital.
- (4) Abuse, including abuse to an individual by another individual.
- (5) Neglect.
- (6) Exploitation.
- (7) An individual who is missing for more than 24 hours or who could be in jeopardy if missing at all.
- (8) Law enforcement activity that occurs during the provision of a service or for which an individual is the subject of a law enforcement investigation that may lead to criminal charges against the individual.
- (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 individual funds.

(13) A violation of individual rights.

(b) The home 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 § 6400.167 (relating to medication errors), if the medication was ordered by a health care practitioner.

(c) The individual and persons designated by the individual shall be notified within 24 hours of discovery of an incident relating to the individual.

(d) The home 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 individual and the reporter, unless the reporter is the individual who receives the report, shall be available to the individual, and persons designated by the individual, upon request.

(f) The home shall take immediate action to protect the health, safety and well-being of the individual following the initial knowledge or notice of an incident, alleged incident or suspected incident.

(g) The home 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 individual or during the use of a restraint.

(3) Abuse, including abuse to an individual by another individual.

(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 individual or during the use of a restraint.

(7) Theft or misuse of individual funds.

(8) A violation of individual rights.

(i) The home 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 home notifies the Department in writing that an extension is necessary and the reason for the extension.

(j) The home 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 individual.
- (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 § 6400.18 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) and 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 § 6400.18 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381936) to (381937).

#### Cross References

This section cited in 55 Pa. Code § 6000.303 (relating to no license factors); 55 Pa Code § 6000.903 (relating to licensing applicability); 55 Pa. Code § 6400.167 (relating to medication errors); and 55 Pa. Code § 6400.273 (relating to exceptions).

### § 6400.19. Incident procedures to protect the individual.

(a) In investigating an incident, the home shall review and consider the following needs of the affected individual:

- (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 home shall monitor an individual's risk for recurring incidents and implement corrective action, as appropriate.

(c) The home shall work cooperatively with the individual plan team to revise the individual plan if indicated by the incident.

**Authority**

The provisions of this § 6400.19 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) and 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 § 6400.19 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381937) to (381938).

**§ 6400.20. Incident analysis.**

- (a) The home 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 individual.
- (b) The home shall review and analyze incidents and conduct and document a trend analysis at least every 3 months.
- (c) The home 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.
- (d) The home shall educate staff persons and the individual based on the circumstances of the incident.
- (e) The home shall monitor incident data and take actions to mitigate and manage risks.

**Authority**

The provisions of this § 6400.20 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 § 6400.20 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381938).

**§ 6400.21. Criminal history record check.**

- (a) An application for a Pennsylvania criminal history record check shall be submitted to the State Police for prospective employees of the home who will have

direct contact with individuals, including part-time and temporary staff persons who will have direct contact with individuals, within 5 working days after the person's date of hire.

(b) If a prospective employe who will have direct contact with individuals resides outside this Commonwealth, an application for a Federal Bureau of Investigation (FBI) criminal history record check shall be submitted to the FBI in addition to the Pennsylvania criminal history record check, within 5 working days after the person's date of hire.

(c) The Pennsylvania and FBI criminal history record checks shall have been completed no more than 1 year prior to the person's date of hire.

(d) A copy of the final reports received from the State Police and the FBI, if applicable, shall be kept.

(e) If the home serves primarily individuals who are 17 years of age or younger, 23 Pa.C.S. §§ 6301—6384 (relating to the Child Protective Services Law) applies.

#### Source

The provisions of this § 6400.21 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133676).

### § 6400.22. Individual funds and property.

(a) There shall be a written policy that establishes procedures for the protection and adequate accounting of individual funds and property and for counseling the individual concerning the use of funds and property.

(b) The home's policy may not prohibit the individual's right to manage the individual's own finances.

(c) Individual funds and property shall be used for the individual's benefit.

(d) The home shall keep an up-to-date financial and property record for each individual that includes the following:

(1) Personal possessions and funds received by or deposited with the home.

(2) Disbursements made to or for the individual.

(e) If the home assumes the responsibility of maintaining an individual's financial resources, the following shall be maintained for each individual:

(1) A separate record of financial resources, including the dates and amounts of deposits and withdrawals.

(2) For a withdrawal when the individual is given the money directly, the record shall indicate that funds were given directly to the individual.

(3) Documentation, by actual receipt or expense record, of each single purchase exceeding \$15 made on behalf of the individual carried out by or in conjunction with a staff person.



(f) There may be no commingling of the individual's personal funds with the home or staff person's funds.

(g) There may be no borrowing of the individual's personal funds by staff persons or by the home.

**Source**

The provisions of this § 6400.22 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.23. Grievance procedures.**

The home shall have written grievance procedures for individuals, individual's families, advocates and staff persons, that assure investigation and resolution of complaints.

**Source**

The provisions of this § 6400.23 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.24. Applicable statutes and regulations.**

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

**Authority**

The provisions of this § 6400.24 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 § 6400.24 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**§ 6400.25. Children's services.**

(a) The child, the child's parents and the child's legal guardian shall be provided the opportunity to participate in the exercise of rights, decision-making and individual plan activities, unless otherwise prohibited by court order.

(b) The provisions of this chapter regarding rights, decision-making and individual plan activities shall be implemented in accordance with generally accepted, age-appropriate parental decision-making and practices for children, including bedtimes, privacy, school attendance, study hours, visitors and access to food and property, and do not require a modification of rights in the individual plan in accordance with § 6400.185 (relating to content of the individual plan).

(c) The individual plan in § 6400.185 shall include desired outcomes relating to strengthening or securing a permanent caregiving relationship for the child.

(d) An unrelated child and adult may not share a bedroom.

(e) For purposes of this section, a child is an individual who is under 18 years of age.

**Authority**

The provisions of this § 6400.25 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 § 6400.25 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**INDIVIDUAL RIGHTS****§ 6400.31. Exercise of rights.**

(a) An individual may not be deprived of rights as provided under § 6400.32 (relating to rights of the individual).

(b) The home shall educate, assist and provide the accommodation necessary for the individual to make choices and understand the individual's rights.

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

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

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

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

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

**Authority**

The provisions of this § 6400.31 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 § 6400.31 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381940).

**§ 6400.32. Rights of the individual.**

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

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

(c) An individual may not be abused, neglected, mistreated, exploited, abandoned or subjected to corporal punishment.

(d) An individual shall be treated with dignity and respect.

(e) An individual has the right to make choices and accept risks.

(f) An individual has the right to refuse to participate in activities and services.

(g) An individual has the right to control the individual's own schedule and activities.

(h) An individual has the right to privacy of person and possessions.

(i) An individual has the right of access to and security of the individual's possessions.

(j) An individual has the right to voice concerns about the services the individual receives.

(k) An individual has the right to participate in the development and implementation of the individual plan.

(l) An individual has the right to receive scheduled and unscheduled visitors, and to communicate and meet privately with whom the individual chooses, at any time.

(m) An individual has the right to unrestricted access to send and receive mail and other forms of communications, unopened and unread by others, including the right to share contact information with whom the individual chooses.

(n) An individual has the right to unrestricted and private access to telecommunications.

(o) An individual has the right to manage and access the individual's finances.

(p) An individual has the right to choose persons with whom to share a bedroom.

(q) An individual has the right to furnish and decorate the individual's bedroom and the common areas of the home in accordance with § 6400.33 (relating to negotiation of choices).

(r) An individual has the right to lock the individual's bedroom door.

(1) Locking may be provided by a key, access card, keypad code or other entry mechanism accessible to the individual to permit the individual to lock and unlock the door.

(2) Access to an individual's bedroom shall be provided only in a life-safety emergency or with the express permission of the individual for each incidence of access.

(3) Assistive technology shall be provided as needed to allow the individual to lock and unlock the door without assistance.

- (4) The locking mechanism shall allow easy and immediate access by the individual and staff persons in the event of an emergency.
- (5) Direct service workers who provide services to the individual shall have the key or entry device to lock and unlock the door.
- (s) An individual has the right to have a key, access card, keypad code or other entry mechanism to lock and unlock an entrance door of the home.
  - (1) Assistive technology shall be provided as needed to allow the individual to lock and unlock the door without assistance.
  - (2) The locking mechanism shall allow easy and immediate access by the individual and staff persons in the event of an emergency.
  - (3) Direct service workers who provide services to the individual shall have the key or entry device to lock and unlock the door.
  - (t) An individual has the right to access food at any time.
  - (u) An individual has the right to make health care decisions.
  - (v) An individual's rights may only be modified in accordance with § 6400.185 (relating to content of the individual plan) to the extent necessary to mitigate a significant health and safety risk to the individual or others.

#### Authority

The provisions of this § 6400.32 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 § 6400.32 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381940).

#### Cross References

This section cited in 55 Pa. Code § 6400.31 (relating to exercise of rights).

### § 6400.33. Negotiation of choices.

- (a) An individual's rights shall be exercised so that another individual's rights are not violated.
- (b) The provider shall assist the affected individuals to negotiate choices in accordance with the provider's procedures for the individuals to resolve differences and make choices.

#### Authority

The provisions of this § 6400.33 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)).

#### 6400-20

**Source**

The provisions of this § 6400.33 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381940) to (381941).

**Cross References**

This section cited in 55 Pa. Code § 6400.32 (relating to rights of the individual).

**§ 6400.34. Informing of rights.**

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

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

**Authority**

The provisions of this § 6400.34 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 § 6400.34 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381941).

**STAFFING****§ 6400.41. Effective date of staff qualifications.**

(a) Sections 6400.43(c) and 6400.44(c) (relating to chief executive officer; and program specialist) apply to chief executive officers and program specialists hired or promoted after November 8, 1991.

(b) Sections 6400.43(c) and 6400.44(c) as published as Chapter 9054 at 12 Pa.B. 384 (January 23, 1982) and which appeared in this title of the *Pennsylvania Code* at serial pages (133677) to (133678) apply to chief executive officers and program specialists hired or promoted prior to November 8, 1991.

**Source**

The provisions of this § 6400.41 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended July 1, 1983, effective July 2, 1983, 13 Pa.B. 2064; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131354).

**§ 6400.42. Minimum age.**

A staff person counted in the staff-individual ratio shall be 18 years of age or older.

**Source**

The provisions of this § 6400.42 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131354).

**§ 6400.43. Chief executive officer.**

(a) There shall be one chief executive officer responsible for the home or agency.

(b) The chief executive officer shall be responsible for the administration and general management of the home, including the following:

- (1) Implementation of policies and procedures.
- (2) Admission and discharge of individuals.
- (3) Safety and protection of individuals.
- (4) Compliance with this chapter.

(c) A chief executive officer shall have one of the following groups of qualifications:

- (1) A master's degree or above from an accredited college or university and 2 years work experience in administration or the human services field.
- (2) A bachelor's degree from an accredited college or university and 4 years work experience in administration or the human services field.

**Source**

The provisions of this § 6400.43 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133677).

**Notes of Decisions***Qualifications*

The Department of Public Welfare did not abuse its discretion in adopting a hearing examiner's recommendation to deny a residential health care facility for children with pulmonary impairments' request for a waiver of the requirement that its chief executive officer have a college degree so that its founder and administrator could become chief executive officer even though she did not hold a college degree, where the Department chose not to compromise its clearly-written and reasonable requirement that the chief executive officer have a college degree, and where it is imperative that health care facilities maintain high standards in order to give the best care to their patients, especially when the patients are medically fragile children. *Second Breath v. Department of Public Welfare*, 731 A.2d 674 (Pa. Cmwlth. 1999).

**Cross References**

This section cited in 55 Pa. Code § 6000.1003 (relating to definitions); 55 Pa. Code § 6400.41 (relating to effective date of staff qualifications); and 55 Pa. Code § 6500.41 (relating to effective date of staff qualifications).

**§ 6400.44. Program specialist.**

(a) A minimum of 1 program specialist shall be assigned for every 30 individuals. A program specialist shall be responsible for a maximum of 30 individuals, including individuals served in other types of services.

- (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 individuals in accordance with the individual plans.
  - (4) Supporting the integration of individuals in the community.
  - (5) Supporting individual communication and involvement with families and friends.
- (c) A program specialist shall have one of the following groups of qualifications:
- (1) A master's degree or above from an accredited college or university and 1 year of work experience working directly with individuals with an intellectual disability or autism.
  - (2) A bachelor's degree from an accredited college or university and 2 years of work experience working directly with individuals with an intellectual disability or autism.
  - (3) An associate's degree or 60 credit hours from an accredited college or university and 4 years of work experience working directly with individuals with an intellectual disability or autism.

#### Authority

The provisions of this § 6400.44 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 § 6400.44 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381943) to (381944).

#### Cross References

This section cited in 55 Pa. Code § 6400.41 (relating to effective date of staff qualifications); and 55 Pa. Code § 6500.41 (relating to effective date of staff qualifications).

### § 6400.45. Staffing.

- (a) A minimum of one staff person for every eight individuals shall be awake and physically present at the home when individuals are awake at the home.
- (b) A minimum of 1 staff person for every 16 individuals shall be physically present at the home when individuals are sleeping at the home.
- (c) An individual may be left unsupervised for specified periods of time if the absence of direct supervision is consistent with the individual's assessment and is part of the individual plan, as an outcome which requires the achievement of a higher level of independence.
- (d) 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).

6400-22.1

(e) An individual may not be left unsupervised solely for the convenience of the home or the direct service worker.

**Authority**

The provisions of this § 6400.45 amended under sections 201(2), 403(b), 403.1(a) and (b), 901 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 901 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 § 6400.45 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381944) to (381945).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors); 55 Pa. Code § 6400.232 (relating to awake staff persons); and 55 Pa. Code § 6400.273 (relating to exceptions).

**§ 6400.46. Emergency training.**

(a) Program specialists and direct service workers shall be trained before working with individuals in general fire safety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the building or within the fire safe area in the event of an actual fire, smoking safety procedures if individuals or staff persons smoke at the home, the use of fire extinguishers, smoke detectors and fire alarms and notification of the local fire department as soon as possible after a fire is discovered.

(b) Program specialists and direct service workers shall be trained annually by a fire safety expert in the training areas specified in subsection (a).

(c) Program specialists and direct service workers and at least one person in a vehicle while individuals are being transported by the home shall be trained in first aid techniques before working with individuals.

(d) Program specialists, direct service workers and drivers of and aides in vehicles shall be trained within 6 months after the day of initial employment and annually thereafter, by an individual certified as a trainer by a hospital or other recognized health care organization, in first aid, Heimlich techniques and cardio-pulmonary resuscitation.

**Authority**

The provisions of this § 6400.46 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 § 6400.46 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381945) to (381946).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

6400-22.2



**§ 6400.47. [Reserved].****Source**

The provisions of this § 6400.47 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133678) to (133679).

**§ 6400.48. [Reserved].****Source**

The provisions of this § 6400.48 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133679).

**§ 6400.49. [Reserved].****Source**

The provisions of this § 6400.49 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133679).

**§ 6400.50. Training records.**

(a) Records of orientation and training, including the training source, content, dates, length of training, copies of certificates received and staff persons attending, shall be kept.

(b) The home shall keep a training record for each person trained.

**Authority**

The provisions of this § 6400.50 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 § 6400.50 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**§ 6400.51. Orientation.**

(a) Prior to working alone with individuals, 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 individuals.

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

(6) Consultants and contractors who are paid or contracted by the home and who will work alone with individuals, 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:

6400-22.3

(1) The application of person-centered practices, community integration, individual choice and supporting individuals 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) Individual rights.

(4) Recognizing and reporting incidents.

(5) Job-related knowledge and skills.

#### Authority

The provisions of this § 6400.51 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 § 6400.51 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

### § 6400.52. Annual training.

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

(1) Direct service workers.

(2) Direct supervisors of direct service workers.

(3) Program specialists.

(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 home and who work alone with individuals, 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 individuals.

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

(c) The annual training hours specified in subsections (a) and (b) must encompass the following areas:

(1) The application of person-centered practices, community integration, individual choice and supporting individuals 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) Individual rights.
- (4) Recognizing and reporting incidents.
- (5) The safe and appropriate use of behavior supports if the person works directly with an individual.
- (6) Implementation of the individual plan if the person works directly with an individual.

**Authority**

The provisions of this § 6400.52 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 § 6400.52 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**PHYSICAL SITE**

**§ 6400.61. Special accommodations.**

(a) A home serving individuals with a physical disability, blindness, a visual impairment, deafness or a hearing impairment shall have accommodations to ensure the safety and reasonable accessibility for entrance to, movement within and exit from the home based upon each individual's needs.

(b) A home serving individuals with a physical disability, blindness, a visual impairment, deafness or a hearing impairment shall have adaptive equipment necessary for the individuals to move about and function at the home.

**Source**

The provisions of this § 6400.61 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133679).



**§ 6400.62. Poisons.**

- (a) Poisonous materials shall be kept locked or made inaccessible to individuals.
- (b) Poisonous materials may be kept unlocked if all individuals living in the home are able to safely use or avoid poisonous materials. Documentation of each individual's ability to safely use or avoid poisonous materials shall be in each individual's assessment.
- (c) Poisonous materials shall be stored in their original, labeled containers.
- (d) Poisonous materials shall be kept separate from food, food preparation surfaces and dining surfaces.

**Source**

The provisions of this § 6400.62 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133679) to (133680).

**Cross References**

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

**§ 6400.63. Heat sources.**

- (a) Heat sources, such as hot water pipes, fixed space heaters, hot water heaters, radiators, wood and coal-burning stoves and fireplaces, exceeding 120°F that are accessible to individuals, shall be equipped with protective guards or insulation to prevent individuals from coming in contact with the heat source.
- (b) Heat sources do not require guards or insulation if all individuals living in the home understand the danger of heat sources and have the ability to sense and move away from the heat source quickly. Documentation of each individual's understanding and ability shall be in each individual's assessment.

**Source**

The provisions of this § 6400.63 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

**Cross References**

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

**§ 6400.64. Sanitation.**

- (a) Clean and sanitary conditions shall be maintained in the home.
- (b) There may not be evidence of infestation of insects or rodents in the home.
- (c) Trash shall be removed from the premises at least once per week.
- (d) Trash in the bathroom, dining and kitchen areas shall be kept in cleanable receptacles that prevent the penetration of insects and rodents.

- (e) Trash receptacles over 18 inches high shall have lids.
- (f) Trash outside the home shall be kept in closed receptacles that prevent the penetration of insects and rodents.

**Source**

The provisions of this § 6400.64 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

**§ 6400.65. Ventilation.**

Living areas, recreation areas, dining areas, individual bedrooms, kitchens and bathrooms shall be ventilated by at least one operable window or by mechanical ventilation.

**Source**

The provisions of this § 6400.65 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

**§ 6400.66. Lighting.**

Rooms, hallways, interior stairways, outside steps, outside doorways, porches, ramps and fire escapes shall be lighted to assure safety and to avoid accidents.

**Source**

The provisions of this § 6400.66 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133680).

**§ 6400.67. Surfaces.**

- (a) Floors, walls, ceilings and other surfaces shall be in good repair.
- (b) Floors, walls, ceilings and other surfaces shall be free of hazards.
- (c) If the home serves an individual 4 years of age or younger or an individual who ingests paint or paint substances, the home shall test all layers of paint at the home for lead content. If the testing shows lead content exceeding .06%, paint shall be completely stripped and recovered with lead free paint or securely encased with other lead free material. Documentation of the lead paint testing and results shall be kept.

**Source**

The provisions of this § 6400.67 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133680) to (133681).

**§ 6400.68. Running water.**

- (a) A home shall have hot and cold running water under pressure.
- (b) Hot water temperatures in bathtubs and showers may not exceed 120°F.
- (c) A home that is not connected to a public water system shall have a coliform water test by a Department of Environmental Resources' certified laboratory stating that the water is safe for drinking purposes at least every 3 months. Written certification of the water test shall be kept.

**Source**

The provisions of this § 6400.68 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

**Cross References**

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

**§ 6400.69. Indoor temperature.**

- (a) The indoor temperature may not be less than 65°F during nonsleeping hours while individuals are present in the home.
- (b) The indoor temperature may not be less than 58°F during sleeping hours.
- (c) When the indoor temperature exceeds 85°F, mechanical ventilation, such as fans shall be used.

**Source**

The provisions of this § 6400.69 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

**§ 6400.70. Telephone.**

A home shall have an operable, noncoin-operated telephone with an outside line that is easily accessible to individuals and staff persons.

**Source**

The provisions of this § 6400.70 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

**§ 6400.71. Emergency telephone numbers.**

Telephone numbers of the nearest hospital, police department, fire department, ambulance and poison control center shall be on or by each telephone in the home with an outside line.

**Source**

The provisions of this § 6400.71 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133681).

**§ 6400.72. Screens, windows and doors.**

- (a) Windows, including windows in doors, shall be securely screened when windows or doors are open.
- (b) Screens, windows and doors shall be in good repair.
- (c) Outside doors shall have operable locks.

**Source**

The provisions of this § 6400.72 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133681) to (133682).

**§ 6400.73. Handrails and railings.**

- (a) Each ramp, and interior stairway and outside steps exceeding two steps shall have a well-secured handrail.
- (b) Each porch that has over an 18-inch drop shall have a well-secured railing.

**Source**

The provisions of this § 6400.73 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

**§ 6400.74. Nonskid surfaces.**

Interior stairs and outside steps shall have a nonskid surface.

**Source**

The provisions of this § 6400.74 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

**§ 6400.75. Landings.**

- (a) A landing shall be provided beyond each interior and exterior door that opens directly into a stairway.
- (b) A landing shall be at least as wide as the stairs leading to the landing.

**Source**

The provisions of this § 6400.75 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).



**§ 6400.76. Furniture and equipment.**

- (a) Furniture and equipment shall be nonhazardous, clean and sturdy.
- (b) Furniture and equipment shall be appropriate for the age and size of the individuals.
- (c) Furniture shall be comfortable and home-like.
- (d) In homes serving eight or fewer individuals, there shall be a sufficient amount of living and family room furniture to seat all individuals at the same time.
- (e) In homes serving eight or fewer individuals, there shall be dining tables with seating for all individuals at the same time.

**Source**

The provisions of this § 6400.76 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

**Cross References**

This section cited in 55 Pa. Code § 6000.331 (relating to repeated noncompliance areas).

**§ 6400.77. First aid kit.**

- (a) A home shall have a first aid kit.
- (b) A first aid kit shall contain antiseptic, an assortment of adhesive bandages, sterile gauze pads, a thermometer, tweezers, tape, scissors and syrup of Ipecac, if an individual 4 years of age or younger, or an individual likely to ingest poisons, is served.
- (c) A first aid manual shall be kept with the first aid kit.

**Source**

The provisions of this § 6400.77 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133682).

**§ 6400.78. Indoor living space.**

- (a) A home shall have living and dining areas that are separate from bedrooms.
- (b) A home shall have at least 30 square feet per individual and at least 90 square feet per home of common use indoor living space measured wall to wall, excluding bedrooms, hallways, kitchens, lavatories and offices. This requirement does not apply to homes licensed in accordance with this chapter prior to November 8, 1991.

**Source**

The provisions of this § 6400.78 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.79. Elevators.**

If an elevator is present in the home, there shall be a valid certificate of operation from the Department of Labor and Industry.

**Source**

The provisions of this § 6400.79 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

**§ 6400.80. Exterior conditions.**

(a) Outside walkways shall be free from ice, snow, obstructions and other hazards.

(b) The outside of the building and the yard or grounds shall be well maintained, in good repair and free from unsafe conditions.

**Source**

The provisions of this § 6400.80 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

**§ 6400.81. Individual bedrooms.**

(a) An individual's bedroom may not be located in basements. Any level from which there is a standard door leading from that level directly outside to grade level is not considered a basement.

(b) Apartment units that are located partially below ground level with windows that are at least as large as other windows in the building are permitted.

(c) An individual sharing a bedroom shall have a minimum of 60 square feet of bedroom space, measured wall to wall, including space occupied by furniture. Each individual occupying a single bedroom shall have a minimum of 80 square feet of bedroom space, measured wall to wall, including space occupied by furniture.

(d) An individual who uses a wheelchair shall have a minimum of 100 square feet of bedroom space unless there is written documentation by a licensed physical or occupational therapist that the individual has the ability to move about the bedroom within 80 square feet for single bedrooms or 60 square feet for shared bedrooms. This subsection does not apply to bedrooms occupied by an individual who uses a wheelchair in homes licensed in accordance with this chapter prior to November 8, 1991.

(e) No more than two individuals may sleep in one bedroom. This subsection does not apply to bedrooms occupied by more than two individuals in homes licensed in accordance with this chapter prior to November 8, 1991.

(f) Each bedroom shall have direct access to a corridor, living area, dining area or outdoors.

(g) A bedroom may not be used by other individuals or staff persons as a regular or frequent passageway to another part of the home or to the outdoors.

(h) Each bedroom shall have at least one exterior window that permits a view of the outside.

(i) Bedroom windows shall have drapes, curtains, shades, blinds or shutters.

(j) A bedroom shall have doors at all entrances for privacy.

(k) In bedrooms, each individual shall have the following:

(1) A bed of size appropriate to the needs of the individual. Cots and portable beds are not permitted. Bunkbeds are not permitted for individuals 18 years of age or older.

(2) A clean, comfortable mattress and solid foundation.

(3) Bedding, including pillow, linens and blankets appropriate for the season.

(4) A chest of drawers.

(5) Closet or wardrobe space with clothing racks and shelves accessible to the individual.

(6) A mirror.

(l) Beds and cribs, with solid sides over 12 inches high or with closed domes or tops, are not permitted.

(m) An individual 10 years of age or older may not be required to share a bedroom with a person of the opposite sex.

#### Source

The provisions of this § 6400.81 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

#### Cross References

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

### § 6400.82. Bathrooms.

(a) There shall be at least one toilet for every four individuals for homes opened on or after March 15, 1982. There shall be at least one toilet for every six individuals for homes opened on or before March 14, 1982.

(b) There shall be at least one bathtub or shower for every four individuals for homes opened on or after March 15, 1982. There shall be at least one bathtub or shower for every six individuals for homes opened on or before March 14, 1982.

(c) For homes serving one or more individuals who have physical disabilities, at least one sink, one toilet and one tub or shower shall be adapted so that individuals who have physical disabilities have easy access and use.

(d) Privacy shall be provided for toilets, showers and bathtubs by partitions or doors. Curtains are acceptable dividers if the bathroom is used only by one sex or only by individuals 9 years of age or younger.

(e) Bathtubs and showers shall have a nonslip surface or mat.

(f) Each bathroom and toilet area that is used shall have a sink, wall mirror, soap, toilet paper, individual clean paper or cloth towels and trash receptacle.

(g) An individual washcloth, bath towel and toothbrush shall be provided for each individual.

**Source**

The provisions of this § 6400.82 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133683).

**§ 6400.83. Kitchens.**

(a) A home shall have a kitchen area with a refrigerator, sink, cooking equipment and cabinets for storage.

(b) Special provisions shall be made and adaptive equipment shall be provided, when necessary, to assist individuals in eating at the table.

(c) Utensils used for eating, drinking and preparation of food or drink shall be washed and rinsed after each use.

**Source**

The provisions of this § 6400.83 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended April 25, 1986, effective July 1, 1987, as the provisions apply to community residential facilities that were licensed as semi-independent living under this chapter prior to April 26, 1986, 16 Pa.B. 1487; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133683) to (133684).

**§ 6400.84. Laundry.**

(a) Bed linens, towels, washcloths and individual clothing shall be laundered at least weekly.

(b) Clean laundry shall be stored in an area separate from soiled laundry.

**Source**

The provisions of this § 6400.84 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133684).

**§ 6400.85. Swimming pools.**

(a) An in-ground swimming pool shall be fenced with a gate that is locked when the pool is not in use.

(b) An aboveground swimming pool that is under 4 feet in height shall be made inaccessible to individuals when the pool is not in use.

**Source**

The provisions of this § 6400.85 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended April 25, 1986, effective April 26, 1986, with the exceptions of a family living facility approved by the Department as a family living facility prior to July 6, 1985 is exempt from the provisions of § 6400.85(b) and (e), 16 Pa.B. 1487. Immediately preceding text appears at serial pages (133684) to (133685).

**Cross References**

This section cited in 55 Pa. Code § 6000.342 (relating to indoor floor space).

**§ 6400.86. Firearms.**

Firearms and ammunition are not permitted in the home or on the property of the home.

**Source**

The provisions of this § 6400.86 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133685).

**§ 6400.87. [Reserved].**

**Source**

The provisions of this § 6400.87 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133685) to (133686).

**FIRE SAFETY**

**§ 6400.101. Unobstructed egress.**

Stairways, halls, doorways, passageways and exits from rooms and from the building shall be unobstructed.

**Source**

The provisions of this § 6400.101 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133686).

**§ 6400.102. Exits.**

If four or more individuals sleep above the ground floor, there shall be a minimum of two interior or exterior exits from each floor. If a fire escape is used as an exit it shall be permanently installed.

**Source**

The provisions of this § 6400.102 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133686).

**§ 6400.103. Evacuation procedures.**

There shall be written emergency evacuation procedures that include individual and staff responsibilities, means of transportation and an emergency shelter location.

**Source**

The provisions of this § 6400.103 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133686) to (133687).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors); and 55 Pa. Code § 6400.236 (relating to evacuation procedures).

**§ 6400.104. Notification to local fire department.**

The home shall notify the local fire department in writing of the address of the home and the exact location of the bedrooms of individuals who need assistance evacuating in the event of an actual fire. The notification shall be kept current.

**Source**

The provisions of this § 6400.104 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133687).

**§ 6400.105. Flammable and combustible materials.**

Flammable and combustible supplies and equipment shall be utilized safely and stored away from heat sources.

**Source**

The provisions of this § 6400.105 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133687).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

**§ 6400.106. Furnaces.**

Furnaces shall be inspected and cleaned at least annually by a professional furnace cleaning company. Written documentation of the inspection and cleaning shall be kept.

**Source**

The provisions of this § 6400.106 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133688).

**§ 6400.107. Portable space heaters.**

Portable space heaters, defined as heaters that are not permanently mounted or installed, are not permitted in any room including staff rooms.

**Source**

The provisions of this § 6400.107 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133688).

**§ 6400.108. Wood and coal burning stoves.**

(a) The use of wood and coal burning stoves is permitted only if the stove is inspected and approved for safe installation by a fire safety expert. Written documentation of the inspection and approval shall be kept.

(b) Wood and coal burning stoves, including chimneys and flues, shall be cleaned at least every year if used more frequently than once per week during the winter season. Written documentation of the cleaning shall be kept.

**Source**

The provisions of this § 6400.108 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.109. Fireplaces.**

(a) A fireplace shall be securely screened or equipped with protective guards while in use.

(b) A fireplace chimney and flue shall be cleaned at least once a year if used more frequently than once per week during the winter season. Written documentation of the cleaning shall be kept.

**Source**

The provisions of this § 6400.109 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.110. Smoke detectors and fire alarms.**

(a) A home shall have a minimum of one operable automatic smoke detector on each floor, including the basement and attic.

(b) There shall be an operable automatic smoke detector located within 15 feet of each individual and staff bedroom door.

(c) The smoke detectors specified in subsections (a) and (b) shall be located in common areas or hallways.

(d) Smoke detectors and fire alarms shall be of a type approved by the Department of Labor and Industry or listed by Underwriters Laboratories.

(e) If the home serves four or more individuals or if the home has three or more stories including the basement and attic, there shall be at least one smoke detector on each floor interconnected and audible throughout the home or an automatic fire alarm system that is audible throughout the home. The requirement for homes with three or more stories does not apply to homes licensed in accordance with this chapter prior to November 8, 1991.

(f) If one or more individuals or staff persons are not able to hear the smoke detector or fire alarm system, all smoke detectors and fire alarms shall be equipped so that each person with a hearing impairment will be alerted in the event of a fire.

(g) If a smoke detector or fire alarm is inoperative, notification for repair shall be made within 24 hours and repairs completed within 48 hours of the time the detector or alarm was found to be inoperative.

(h) There shall be a written procedure for fire safety monitoring in the event the smoke detector or fire alarm is inoperative.

**Source**

The provisions of this § 6400.110 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.111. Fire extinguishers.**

(a) There shall be at least one operable fire extinguisher with a minimum 2-A rating for each floor, including the basement and attic.

(b) If the indoor floor area on a floor including the basement or attic is more than 3,000 square feet, there shall be an additional fire extinguisher with a minimum 2-A rating for each additional 3,000 square feet of indoor floor space.

(c) A fire extinguisher with a minimum 2A-10BC rating shall be located in each kitchen. The kitchen extinguisher meets the requirements for one floor as required in subsection (a).

(d) A fire extinguisher shall be listed by Underwriters Laboratories or approved by Factory Mutual Systems.

(e) A fire extinguisher shall be accessible to staff persons and individuals.

(f) A fire extinguisher shall be inspected and approved annually by a fire safety expert. The date of the inspection shall be on the extinguisher.

**Source**

The provisions of this § 6400.111 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.112. Fire drills.**

(a) An unannounced fire drill shall be held at least once a month.



(b) Fire drills shall be held during normal staffing conditions and not when additional staff persons are present.

(c) A written fire drill record shall be kept of the date, time, the amount of time it took for evacuation, the exit route used, problems encountered and whether the fire alarm or smoke detector was operative.

(d) Individuals shall be able to evacuate the entire building, or to a fire safe area designated in writing within the past year by a fire safety expert, within 2 1/2 minutes or within the period of time specified in writing within the past year by a fire safety expert. The fire safety expert may not be an employe of the home or agency. Staff assistance shall be provided to an individual only if staff persons are always present at the home while the individual is at the home.

(e) A fire drill shall be held during sleeping hours at least every 6 months.

(f) Alternate exit routes shall be used during fire drills.

(g) Fire drills shall be held on different days of the week and at different times of the day and night.

(h) Individuals shall evacuate to a designated meeting place outside the building or within the fire safe area during each fire drill.

(i) A fire alarm or smoke detector shall be set off during each fire drill.

**Source**

The provisions of this § 6400.112 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.113. Fire safety training for individuals.**

(a) An individual, including an individual 17 years of age or younger, shall be instructed in the individual's primary language or mode of communication, upon initial admission and reinstructed annually in general fire safety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the building or within the fire safe area in the event of an actual fire and smoking safety procedures if individuals smoke at the home.

(b) If an individual is medically or functionally unable to participate in the fire safety training, documentation shall be kept specifying why the individual could not participate.

(c) A written record of fire safety training, including the content of the training and a list of the individuals attending, shall be kept.

**Source**

The provisions of this § 6400.113 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.114. Smoking safety procedures.**

(a) If an individual or staff person smokes at the home, there shall be written smoking safety procedures.

(b) Written smoking safety procedures shall be followed.

**Source**

The provisions of this § 6400.114 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**PROGRAM****§ 6400.121. [Reserved].****Authority**

The provisions of this § 6400.121 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.121 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251433) to (251434).

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.122. [Reserved].****Authority**

The provisions of this § 6400.122 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.122 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251434) to (251435).

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.123. [Reserved].****Authority**

The provisions of this § 6400.123 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.123 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251435) to (251436).

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.124. [Reserved].****Authority**

The provisions of this § 6400.124 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.124 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251436).

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.125. [Reserved].****Authority**

The provisions of this § 6400.125 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.125 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251436).

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§§ 6400.126 and 6400.127. [Reserved].****Authority**

The provisions of these §§ 6400.126 and 6400.127 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

6400-37

**Source**

The provisions of these §§ 6400.126 and 6400.127 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251437).

**Cross References**

These sections cited in 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.128. [Reserved].****Authority**

The provisions of this § 6400.128 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.128 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251437).

**§ 6400.129. [Reserved].****Authority**

The provisions of this § 6400.129 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.129 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251437) to (251438).

**§ 6400.130. [Reserved].****Authority**

The provisions of this § 6400.130 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.130 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251438).

**§ 6400.131. [Reserved].****Source**

The provisions of this § 6400.131 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133690).

**§ 6400.132. [Reserved].****Source**

The provisions of this § 6400.132 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133690).

**§ 6400.133. [Reserved].****Source**

The provisions of this § 6400.133 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133690) to (133691).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

**§ 6400.134. [Reserved].****Source**

The provisions of this § 6400.134 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133691).

**§ 6400.135. [Reserved].****Source**

The provisions of this § 6400.135 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133691).

**§ 6400.136. [Reserved].****Source**

The provisions of this § 6400.136 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133692).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

**§ 6400.137. [Reserved].****Source**

The provisions of this § 6400.137 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133692).

**INDIVIDUAL HEALTH****§ 6400.141. Individual physical examination.**

(a) An individual shall have a physical examination within 12 months prior to admission and annually thereafter.

(b) The physical examination shall be completed, signed and dated by a licensed physician, certified nurse practitioner or licensed physician's assistant.

(c) The physical examination shall include:

(1) A review of previous medical history.

(2) A general physical examination.

(3) Immunizations for individuals 18 years of age or older as recommended by the United States Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333.

(4) Vision and hearing screening for individuals 18 years of age or older, as recommended by the physician.

(5) Immunizations and screening tests for individuals 17 years of age or younger, as recommended by the Standards of Child Health Care of the American Academy of Pediatrics, Post Office Box 1034, Evanston, Illinois 60204.

(6) Tuberculin skin testing by Mantoux method with negative results every 2 years for individuals 1 year of age or older; or, if tuberculin skin test is positive, an initial chest x-ray with results noted.

(7) A gynecological examination including a breast examination and a Pap test for women 18 years of age or older, unless there is documentation from a licensed physician recommending no or less frequent gynecological examinations.

(8) A mammogram for women at least every 2 years for women 40 through 49 years of age and at least every year for women 50 years of age or older.

(9) A prostate examination for men 40 years of age or older.

(10) Specific precautions that must be taken if the individual has a communicable disease, to prevent spread of the disease to other individuals.

(11) An assessment of the individual's health maintenance needs, medication regimen and the need for blood work at recommended intervals.

(12) Physical limitations of the individual.

(13) Allergies or contraindicated medications.

(14) Medical information pertinent to diagnosis and treatment in case of an emergency.

(15) Special instructions for the individual's diet.

(d) Immunizations, vision and hearing screening and tuberculin skin testing may be completed, signed and dated by a registered nurse or licensed practical nurse instead of a licensed physician, certified nurse practitioner or licensed physician's assistant.

**Source**

The provisions of this § 6400.141 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**Cross References**

This section cited in 55 Pa. Code § 6400.251 (relating to exceptions); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.142. Dental care.**

(a) An individual 17 years of age or younger shall have a dental examination performed by a licensed dentist semiannually. An individual 18 years of age or older shall have a dental examination performed by a licensed dentist annually.

(b) An individual who is using medication known to cause dental problems shall have a dental examination by a licensed dentist at intervals recommended in writing by the dentist.

(c) A written record of the dental examination, including the date of the examination, the dentist's name, procedures completed and follow-up treatment recommended, shall be kept.

(d) The dental examination shall include teeth cleaning or checking gums and dentures.

(e) Follow-up dental work indicated by the examination, such as treatment of cavities, shall be completed.

(f) An individual shall have a written plan for dental hygiene, unless the interdisciplinary team has documented in writing that the individual has achieved dental hygiene independence.

(g) A dental hygiene plan shall be rewritten at least annually.

(h) The dental hygiene plan shall be kept in the individual's record.

**Source**

The provisions of this § 6400.142 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**Cross References**

This section cited in 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

**§ 6400.143. Refusal of treatment.**

(a) If an individual refuses routine medical or dental examination or treatment, the refusal and continued attempts to train the individual about the need for health care shall be documented in the individual's record.

(b) If an individual has a serious medical or dental condition, reasonable efforts shall be made to obtain consent from the individual or substitute consent in accordance with applicable law. See section 417(c) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4417(c)).

**Authority**

The provisions of this § 6400.143 amended under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).

**Source**

The provisions of this § 6400.143 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (352185).

**§ 6400.144. Health services.**

Health services, such as medical, nursing, pharmaceutical, dental, dietary and psychological services that are planned or prescribed for the individual shall be arranged for or provided.

**Source**

The provisions of this § 6400.144 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.145. Emergency medical plan.**

The home 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) An emergency staffing plan.

**Source**

The provisions of this § 6400.145 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**STAFF HEALTH****§ 6400.151. Staff physical examination.**

(a) A staff person who comes into direct contact with the individuals or who prepares or serves food, for more than 5 days in a 6-month period, including temporary, substitute and volunteer staff, shall have a physical examination within 12 months prior to employment and every 2 years thereafter.

(b) The physical examination shall be completed, signed and dated by a licensed physician, certified nurse practitioner or licensed physician's assistant.

(c) The physical examination shall include:

- (1) A general physical examination.
- (2) Tuberculin skin testing by Mantoux method with negative results every 2 years; or, if tuberculin skin test is positive, an initial chest x-ray with results noted. Tuberculin skin testing may be completed and certified in writing by a



registered nurse or a licensed practical nurse instead of a licensed physician, licensed physician's assistant or certified nurse practitioner.

(3) A signed statement that the staff person is free of communicable diseases or that the staff person has a communicable disease but is able to work in the home if specific precautions are taken that will prevent the spread of the disease to individuals.

(4) Information of medical problems which might interfere with the health of the individuals.

**Source**

The provisions of this § 6400.151 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133692) to (133693).

**§ 6400.152. Communicable diseases.**

(a) If a staff person or volunteer has a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions) or a medical problem which might interfere with the health, safety or well-being of the individuals, written authorization from a licensed physician is required for the person to be present at the home.

(b) Written authorization from a licensed physician shall include a statement that the person will not pose a serious threat to the health, safety or well-being of the individuals and specific instructions and precautions to be taken for the protection of the individuals at the home.

(c) The physician's written instructions and precautions shall be followed.

**Source**

The provisions of this § 6400.152 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133693).

**§ 6400.153. [Reserved].**

**Source**

The provisions of this § 6400.153 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133693).

**§ 6400.154. [Reserved].**

**Source**

The provisions of this § 6400.154 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133693).

**§ 6400.155. [Reserved].****Source**

The provisions of this § 6400.155 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133693) to (133694).

**§ 6400.156. [Reserved].****Source**

The provisions of this § 6400.156 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended July 1, 1983, effective July 2, 1983, 13 Pa.B. 2064; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133694) to (133695).

**Cross References**

This section cited in 55 Pa. Code § 6000.304 (relating to provisional license factors).

**MEDICATIONS****§ 6400.161. Self-administration.**

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

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

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

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

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

(1) Recognize and distinguish the individual'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 individual of the schedule and to offer the medication at the prescribed times as specified in subsection (b).

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

**Authority**

The provisions of this § 6400.161 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 § 6400.161 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381968).

**Cross References**

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

**§ 6400.162. Medication administration.**

(a) A home whose staff persons or others are qualified to administer medications as specified in subsection (b) may provide medication administration for an individual who is unable to self-administer the individual'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 § 6400.169 (relating to medication administration training) for the 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 individual:

- (1) Identify the correct individual.
- (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 in the individual'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 § 6400.162 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 § 6400.162 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381969).

**Cross References**

This section cited in 55 Pa. Code § 6400.169 (relating to medication administration training).

**§ 6400.162a. Labeling of medication—statement of policy.**

Prescriptions for medications may be written by a certified registered nurse practitioner as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners). The label on the original container must include the name of the prescribing practitioner.

**Source**

The provisions of this § 6400.162a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

**§ 6400.163. 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 a pharmacy.

(b) A prescription medication may not be removed from its original labeled container in advance of the scheduled administration, except for the purpose of packaging the medication for the individual to take with the individual to a community activity for administration the same day the medication is removed from its original container.

(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 individual if the epinephrine is self-administered or to the staff person who is with the individual 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 applicable Federal and State statutes and regulations.

(i) This section does not apply for an individual who self-administers medication and stores the medication in the individual's private bedroom or personal belongings.

**Authority**

The provisions of this § 6400.163 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 § 6400.163 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 page (381969).

**§ 6400.163a. Use of prescription medication—statement of policy.**

The review of documentation, including the reason for prescribing the medication, the need to continue the medication and the necessary dosage, may be conducted by a certified registered nurse practitioner (CRNP) as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners) when the medication was prescribed by a CRNP.

**Source**

The provisions of this § 6400.163a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

**§ 6400.164. [Reserved].**

**Authority**

The provisions of this § 6400.164 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 § 6400.164 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381970).

**§ 6400.164a. Medication log—statement of policy.**

The medication log must identify the prescribing certified registered nurse practitioner (CRNP) when a medication was prescribed by a CRNP as authorized

under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

**Source**

The provisions of this § 6400.164a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

**§ 6400.165. 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 individual 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 individual's medication record shall be updated as soon as a written notice of the change is received.

(f) If a medication is prescribed to treat symptoms of a diagnosed psychiatric illness, there shall be a written protocol as part of the individual plan to address the social, emotional and environmental needs of the individual related to the symptoms of the psychiatric illness.

(g) If a medication is prescribed to treat symptoms of a psychiatric illness, there shall be a review by a licensed physician at least every 3 months that includes documentation of the reason for prescribing the medication, the need to continue the medication and the necessary dosage.

**Authority**

The provisions of this § 6400.165 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 § 6400.165 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381970).

**§ 6400.166. Medication record.**

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

(1) Individual'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 an individual 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 individual.

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

#### Authority

The provisions of this § 6400.166 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 § 6400.166 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381971).

### § 6400.166a. Adverse reaction—statement of policy.

Notification of an adverse reaction to a medication may be made to the prescribing certified registered nurse practitioner (CRNP) when the medication was prescribed by a CRNP as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

#### Source

The provisions of this § 6400.166a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

**§ 6400.167. 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 individual 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 individual's record.
- (c) A medication error shall be reported as an incident as specified in § 6400.18(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 individual.

**Authority**

The provisions of this § 6400.167 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 § 6400.167 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381971).

**Cross References**

This section cited in 55 Pa. Code § 6400.18 (relating to incident report and investigation).

**§ 6400.168. Adverse reaction.**

- (a) If an individual has a suspected adverse reaction to a medication, the home 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 § 6400.168 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 § 6400.168 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381972).

**§ 6400.169. 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 § 6400.162 (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 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 § 6400.169 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 § 6400.169 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381972).

**NUTRITION****§ 6400.171. Protection of food.**

Food shall be protected from contamination while being stored, prepared, transported and served.

**Source**

The provisions of this § 6400.171 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

**§ 6400.172. Three meals a day.**

At least three meals a day shall be available to the individuals.

**Source**

The provisions of this § 6400.172 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

**§ 6400.173. Quantity of food.**

The quantity of food served for each individual shall meet minimum daily requirements as recommended by the United States Department of Agriculture, unless otherwise recommended in writing by a licensed physician.

**Source**

The provisions of this § 6400.173 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

**§ 6400.174. Food groups.**

At least one meal each day shall contain at least one item from the dairy, protein, fruits and vegetables and grain food groups, unless otherwise recommended in writing by a licensed physician for individuals.

**Source**

The provisions of this § 6400.174 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

**§ 6400.175. Serving of meals.**

Meals shall be served at tables seating 12 or fewer people with additional portions available, unless prohibited by individual needs.

**Source**

The provisions of this § 6400.175 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (133696).

**§ 6400.176. Returned food.**

Uneaten food from a person's dish may not be served again or used in the preparation of other dishes.

**Source**

The provisions of this § 6400.176 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

**§ 6400.177. [Reserved].****Source**

The provisions of this § 6400.177 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

**§ 6400.178. [Reserved].****Source**

The provisions of this § 6400.178 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

**PROGRAM****§ 6400.181. Assessment.**

(a) Each individual shall have an initial assessment within 1 year prior to or 60 calendar days after admission to the residential home and an updated assessment annually thereafter. The initial assessment must include an assessment of adaptive behavior and level of skills completed within 6 months prior to admission to the residential home.

(b) If the program specialist is making a recommendation to revise a service or outcome in the individual plan, the individual 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 individual.

(2) The likes, dislikes and interest of the individual.

(3) The individual's current level of performance and progress in the following areas:

(i) Acquisition of functional skills.

(ii) Communication.

(iii) Personal adjustment.

- (iv) Personal needs with or without assistance from others.
- (4) The individual's need for supervision.
- (5) The individual's ability to self-administer medications.
- (6) The individual's ability to safely use or avoid poisonous materials, when in the presence of poisonous materials.
- (7) The individual'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 individual's ability to evacuate in the event of a fire.
- (9) Documentation of the individual's disability, including functional and medical limitations.
- (10) A lifetime medical history.
- (11) Psychological evaluations, if applicable.
- (12) Recommendations for specific areas of training, programming and services.
- (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) Activities of residential living.
  - (iv) Personal adjustment.
  - (v) Socialization.
  - (vi) Recreation.
  - (vii) Financial independence.
  - (viii) Managing personal property.
  - (ix) Community-integration.
- (14) The individual's knowledge of water safety and ability to swim.
- (f) The program specialist shall provide the assessment to the individual plan team members at least 30 calendar days prior to an individual plan meeting.

#### Authority

The provisions of this § 6400.181 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 § 6400.181 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 (381974) to (381976).

#### Cross References

This section cited in 55 Pa. Code § 6400.213 (relating to content of records).

### **§ 6400.182. 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 individual and the individual plan team.
- (b) The initial individual plan shall be developed based on the individual assessment within 90 days of the individual's date of admission to the home.

(c) The individual plan shall be initially developed, revised annually and revised when an individual's needs change based upon a current assessment.

(d) The individual and persons designated by the individual shall be involved and supported in the initial development and revisions of the individual plan.

**Authority**

The provisions of this § 6400.182 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 § 6400.182 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 (381976) to (381977).

**§ 6400.183. Individual plan team.**

(a) The individual plan shall be developed by an interdisciplinary team, including the following:

- (1) The individual.
- (2) Persons designated by the individual.
- (3) The individual's direct service workers.
- (4) The program specialist.
- (5) The support coordinator, targeted support manager or a program representative from the funding source, if applicable.
- (6) The program specialist for the individual's day program, if applicable.
- (7) Other specialists such as health care, behavior management, speech, occupational and physical therapy as appropriate for the individual's needs.

(b) At least three members of the individual plan team, in addition to the individual and persons designated by the individual, 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 § 6400.183 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) and 901—922 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b) and 901—922); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

**Source**

The provisions of this § 6400.183 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 (381977) to (381978).

**§ 6400.184. Individual plan process.**

The individual plan process shall:

- (1) Provide information and support to ensure that the individual directs the individual plan process to the extent possible.

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

#### Authority

The provisions of this § 6400.184 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 § 6400.184 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 (381978).

### § 6400.185. Content of the individual plan.

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

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

#### Authority

The provisions of this § 6400.185 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 § 6400.185 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 (381979).

**Cross References**

This section cited in 55 Pa. Code § 6400.25 (relating to children's services); 55 Pa. Code § 6400.32 (relating to rights of the individual); and 55 Pa. Code § 6400.195 (relating to behavior support component of the individual plan).

**§ 6400.186. Implementation of the individual plan.**

The home shall implement the individual plan, including revisions.

**Authority**

The provisions of this § 6400.186 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 § 6400.186 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 (381979) to (381980).

**§ 6400.187. [Reserved].****Authority**

The provisions of this § 6400.187 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 § 6400.187 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 (381980).

**§ 6400.188. Home services.**

(a) The home shall provide services, including assistance, training and support for the acquisition, maintenance or improvement of functional skills, personal needs, communication and personal adjustment.

(b) The home shall provide opportunities and support to the individual for participation in community life, including volunteer or civic-minded opportunities and membership in National or local organizations.

(c) The home shall provide services to the individual as specified in the individual plan.

(d) The home shall provide services that are age and functionally appropriate to the individual.

**Authority**

The provisions of this § 6400.188 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 § 6400.188 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 (381980) to (381981).

**§ 6400.189. Day services.**

(a) Day services such as competitive community-integrated employment, education, vocational training, volunteering, civic-minded and other meaningful opportunities shall be provided to the individual.

(b) Day services shall be provided at a location other than the residential home where the individual lives, unless one of the following applies:

(1) There is written annual documentation by a licensed physician that it is medically necessary for the individual to complete day services at the residential home.

(2) There is written annual documentation by the plan team that it is in the best interest of the individual to complete day services at the residential home.

**Authority**

The provisions of this § 6400.189 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.189 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935.

**§ 6400.190. Recreational and social activities.**

(a) The residential home shall provide recreational and social activities, including volunteer or civic-minded opportunities and membership in National or local organizations at the following locations:

(1) At the residential home.

(2) Away from the residential home.

(b) Time away from the residential home may not be limited to time in school, work or vocational, developmental and volunteer facilities.

(c) Documentation of recreational and social activities shall be kept in the individual's record.

**Authority**

The provisions of this § 6400.190 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021).

**Source**

The provisions of this § 6400.190 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935.

**RESTRICTIVE PROCEDURES****§ 6400.191. Definition of restrictive procedures.**

A restrictive procedure is a practice that limits an individual's movement, activity or function; interferes with an individual's ability to acquire positive reinforcement; results in the loss of objects or activities that an individual values;



or requires an individual to engage in a behavior that the individual would not engage in given freedom of choice.

**Source**

The provisions of this § 6400.191 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131375).

**§ 6400.192. Written policy.**

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

**Authority**

The provisions of this § 6400.192 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 § 6400.192 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381982).

**Cross References**

This section cited in 55 Pa. Code § 6400.273 (relating to exceptions).

**§ 6400.193. 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 the program or in a way that interferes with the individual's developmental program.

(b) For each incident requiring restrictive procedures:

(1) Every attempt shall be made to anticipate and de-escalate the behavior using methods of intervention less intrusive than restrictive procedures.

(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 § 6400.193 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 § 6400.193 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381983).

**§ 6400.194. Human rights team.**

(a) If a restrictive procedure is used, the home shall use a human rights team. The home 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 individual.

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

**Authority**

The provisions of this § 6400.194 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 § 6400.194 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381983).

**Cross References**

This section cited in 55 Pa. Code § 6400.195 (relating to behavior support component of the individual plan); and 55 Pa. Code § 6400.209 (relating to emergency use of a physical restraint).

**§ 6400.195. Behavior support component of the individual plan.**

(a) For each individual 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 § 6400.194 (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 individual's physical and social environment, changes in the individual'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 an individual's rights in § 6400.185(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 § 6400.195 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 § 6400.195 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381983) to (381984).

**Cross References**

This section cited in 55 Pa. Code § 6400.209 (relating to emergency use of a physical restraint).

**§ 6400.196. 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 § 6400.196 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 § 6400.196 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381984) to (381985).

**§ 6400.197. [Reserved].**

**Authority**

The provisions of this § 6400.197 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 § 6400.197 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381985).

**§ 6400.198. [Reserved].****Authority**

The provisions of this § 6400.198 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 § 6400.198 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381985).

**§ 6400.199. [Reserved].****Authority**

The provisions of this § 6400.199 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 § 6400.199 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381985) to (381986).

**§ 6400.200. [Reserved].****Authority**

The provisions of this § 6400.200 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 § 6400.200 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381986) to (381987).

**§ 6400.201. [Reserved].****Authority**

The provisions of this § 6400.201 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 § 6400.201 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381987).

**§ 6400.202. [Reserved].****Authority**

The provisions of this § 6400.202 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 § 6400.202 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (381987) to (381988).

**§ 6400.203. [Reserved].****Authority**

The provisions of this § 6400.203 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 § 6400.203 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381988).

**§ 6400.204. [Reserved].****Authority**

The provisions of this § 6400.204 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 § 6400.204 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381988).

**§ 6400.205. [Reserved].****Authority**

The provisions of this § 6400.205 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 § 6400.205 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381989).

**§ 6400.206. [Reserved].****Authority**

The provisions of this § 6400.206 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 § 6400.206 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (381989).

**§ 6400.207. Prohibited procedures.**

The following procedures are prohibited:

6400-63

(1) Seclusion, defined as involuntary confinement of an individual in a room or area from which the individual 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 individual to control the individual's own behavior.

(5) A mechanical restraint, defined as a device that restricts the movement or function of an individual or portion of an individual's body. A mechanical restraint includes a geriatric chair, a bedrail that restricts the movement or function of the individual, 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 individual can easily remove the device or if the device is removed by a staff person immediately upon the request or indication by the individual, 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 individual can easily remove the device or if the device is removed by a staff person immediately upon the request or indication by the individual, and if the individual plan includes periodic relief of the device to allow freedom of movement.

#### **Authority**

The provisions of this § 6400.207 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 § 6400.207 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

6400-64

**§ 6400.208. Physical restraint.**

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

(b) Verbal redirection, physical prompts, escorting and guiding an individual 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 § 6400.208 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 § 6400.208 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**§ 6400.209. Emergency use of a physical restraint.**

If a physical restraint is used on an unanticipated, emergency basis, §§ 6400.194 and 6400.195 (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 individual twice in a 6-month period.

**Authority**

The provisions of this § 6400.209 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 § 6400.209 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**§ 6400.210. Access to or the use of an individual's personal property.**

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

(b) An individual's personal funds or property may not be used as payment for damages unless the individual 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 individual or a person designated by the individual.

(3) The home may not coerce the individual to provide consent.

**Authority**

The provisions of this § 6400.210 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 § 6400.210 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

**INDIVIDUAL RECORDS****§ 6400.211. Emergency information.**

- (a) Emergency information for an individual shall be easily accessible at the home.
- (b) Emergency information for each individual shall include the following:
  - (1) The name, address, telephone number and relationship of a designated person to be contacted in case of an emergency.
  - (2) The name, address and telephone number of the individual's physician or source of health care.
  - (3) The name, address and telephone number of the person able to give consent for emergency medical treatment, if applicable.
  - (4) A copy of the individual's most recent annual physical examination.

**Source**

The provisions of this § 6400.211 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131377).

**§ 6400.212. Individual records.**

- (a) A separate record shall be kept for each individual.
- (b) Entries in an individual's record shall be legible, dated and signed by the person making the entry.

**Source**

The provisions of this § 6400.212 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131377).

**§ 6400.213. Content of records.**

Each individual's record must include the following information:

- (1) Personal information, including:
  - (i) The name, sex, admission date, birthdate and Social Security number.
  - (ii) The race, height, weight, color of hair, color of eyes and identifying marks.
  - (iii) The language or means of communication spoken or understood by the individual and the primary language used in the individual's natural home, if other than English.
  - (iv) The religious affiliation.
  - (v) The next of kin.
  - (vi) A current, dated photograph.
- (2) Incident reports relating to the individual.
- (3) Physical examinations.
- (4) Dental examinations.
- (5) Dental hygiene plans.
- (6) Assessments as required under § 6400.181 (relating to assessment).



- (7) Individual plan documents as required by this chapter.
- (8) Copies of psychological evaluations, if applicable.

#### Authority

The provisions of this § 6400.213 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 § 6400.213 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; 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 (381990) to (381991).

#### Cross References

This section cited in 55 Pa. Code § 6400.214 (relating to record location); 55 Pa. Code § 6400.261 (relating to exceptions for respite care); and 55 Pa. Code § 6400.262 (relating to exceptions for emergency respite care).

### § 6400.214. Record location.

- (a) Record information required in § 6400.213(1) (relating to content of records) shall be kept at the home.
- (b) The most current copies of record information required in § 6400.213(2)—(14) shall be kept at the residential home.
- (c) Record information required in § 6400.213(2)—(14) that is not current shall be kept at the residential home or the administrative office.

#### Authority

The provisions of this § 6400.214 amended under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021).

#### Source

The provisions of this § 6400.214 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595; amended August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251457).

### § 6400.215. Record retention.

- (a) Information in the individual's record shall be kept for at least 4 years or until any audit or litigation is resolved.
- (b) An individual's records shall be kept for at least 4 years following the individual's departure or until any audit or litigation is resolved.

**Source**

The provisions of this § 6400.215 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131379).

**§ 6400.216. Access.**

- (a) An individual's records shall be kept locked when unattended.
- (b) The individual, and the individual's parent, guardian or advocate, shall have access to the records and to information in the records. If the interdisciplinary team documents that disclosure of specific information constitutes a substantial detriment to the individual or that disclosure of specific information will reveal the identity of another individual or breach the confidentiality of persons who have provided information upon an agreement to maintain their confidentiality, that specific information identified may be withheld.

**Source**

The provisions of this § 6400.216 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

**§ 6400.217. Release of information.**

Written consent of the individual, or the individual's parent or guardian if the individual is 17 years of age or younger or legally incompetent, is required for the release of information, including photographs, to persons not otherwise authorized to receive it.

**Source**

The provisions of this § 6400.217 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

**§ 6400.218. [Reserved].****Source**

The provisions of this § 6400.218 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

**HOMES SERVING NINE OR MORE INDIVIDUALS****§ 6400.231. Additional requirements for homes serving nine or more individuals.**

Sections 6400.232—6400.245 apply to homes serving nine or more individuals. These provisions are in addition to the other provisions of this chapter.

**Source**

The provisions of this § 6400.231 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131380).

**§ 6400.232. Awake staff persons.**

A staff person counted in the ratio as specified in § 6400.45(b) (relating to staffing) shall be awake.

**Source**

The provisions of this § 6400.232 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131380) to (131381).

**Cross References**

This section cited in 55 Pa. Code § 6000.342 (relating to indoor floor space).

**§ 6400.233. Sewage system approval.**

A home that is not connected to a public sewer system shall have a written sanitation approval for its sewage system by the sewage enforcement official of the municipality in which the home is located.

**Source**

The provisions of this § 6400.233 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

**§ 6400.234. Indoor living furniture.**

There shall be a sufficient amount of living and recreation furniture, excluding furniture in bedrooms, to seat all the individuals at the same time.

**Source**

The provisions of this § 6400.234 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

**§ 6400.235. Elevators and ramps.**

If the home serves an individual who is nonambulatory in a multistoried building, there shall be an elevator or a ramp between each floor.

**Source**

The provisions of this § 6400.235 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

**§ 6400.236. Evacuation procedures.**

Written emergency evacuation procedures as specified in § 6400.103 (relating to evacuation procedures) and an evacuation diagram specifying directions for egress in the event of an emergency, shall be posted in a conspicuous place.

**Source**

The provisions of this § 6400.236 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131381).

**§ 6400.237. Exit signs.**

(a) Signs bearing the word "EXIT" in plain legible letters shall be placed at exits.

(b) If the exit or way to reach the exit is not immediately visible to the individuals, access to exits shall be marked with readily visible signs indicating the direction of travel.

(c) Exit sign letters shall be at least 6 inches in height with the principal strokes of letters not less than 3/4 inch wide.

**Source**

The provisions of this § 6400.237 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131382).

**§ 6400.238. Laundry.**

(a) There shall be a laundry area which is separate from the kitchen and other living areas.

(b) The laundry area shall have an entrance that does not require transportation of soiled linen through food preparation and food storage areas or soiled linen shall be covered while being transported through food preparation and food storage areas.

**Source**

The provisions of this § 6400.238 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 24, 1984, effective May 14, 1983, 14 Pa.B. 3091; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131382).

**§ 6400.239. Dining area.**

(a) A dining area shall be available to accommodate the maximum number of individuals scheduled for meals at any one time.

(b) A dining table may not seat more than 12 individuals.

**Source**

The provisions of this § 6400.239 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131382).

**§ 6400.240. Dishwashing.**

(a) Utensils used for eating, drinking, preparation and serving of food or drink shall be washed, sanitized and rinsed after each use by a mechanical dishwasher or by a method approved by the Department of Environmental Resources.

(b) A mechanical dishwasher 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.

(c) A mechanical dishwasher shall be operated in accordance with the manufacturer's instructions.

**Source**

The provisions of this § 6400.240 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131382) to (131383).

**§ 6400.241. Food storage.**

(a) Food shall be stored in covered containers.

(b) Food shall be kept at the proper temperature. Cold food shall be kept at or below 45°F. Hot food shall be kept at or above 140°F. Frozen food shall be kept at or below 0°F.

**Source**

The provisions of this § 6400.241 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131383).

**§ 6400.242. Returned food.**

Food returned from dining tables or individual plates may not be served again or used in preparation of other food dishes.

**Source**

The provisions of this § 6400.242 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial page (131383).

**§ 6400.243. Menus.**

(a) A written daily menu shall be prepared and accessible to an individual.

(b) The menu shall be accessible to an individual at least 1 day prior to the menu date.

- (c) A change to a menu shall be accessible to an individual in advance of the meal.
- (d) A written menu and changes to the menu shall be followed.
- (e) A written menu shall be retained for at least 3 months.

**Source**

The provisions of this § 6400.243 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended July 1, 1983, effective July 2, 1983, 13 Pa.B. 2064; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131383) to (131384).

**§ 6400.244. Bedrooms.**

An individual's bedroom may not be more than 200 feet from a bathtub or shower and a toilet.

**Source**

The provisions of this § 6400.244 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.245. Bathrooms.**

(a) For a home serving nine or more individuals, subsections (b)—(d) supersede § 6400.82(a)—(c) (relating to bathrooms).

(b) For a home serving nine through 14 individuals 18 months of age or older, there shall be at least two bathtubs or showers and at least two toilets.

(c) For a home serving 15 or more individuals 18 months of age or older, except those homes previously licensed under the Departmental publication entitled "Residential Mental Retardation Facilities Subject to Licensing" issued as section 5100 on April 1, 1967, there shall be at least one bathtub or shower for every 15 individuals and at least one toilet for every eight individuals. For a home that was licensed prior to March 15, 1982 under the Departmental publication entitled "Residential Mental Retardation Facilities Subject to Licensure" issued as section 5100 on April 1, 1967, that serve 15 or more individuals, there shall be at least one bathtub or shower for every 20 individuals and at least one toilet for every 10 individuals.

(d) For a home serving an individual who has physical disabilities 18 months of age or older, at least one bathtub or shower and at least one toilet for every eight individuals who have physical disabilities shall have assist bars or lifts. If eight or fewer individuals who have physical disabilities are served, there shall be at least one bathtub or shower and at least one toilet equipped with assist bars or lifts.

**Source**

The provisions of this § 6400.245 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**EMERGENCY PLACEMENT****§ 6400.251. Exceptions.**

(a) Emergency placement is placement prior to which 2 weeks or less notice is given to the home.

(b) If an emergency placement occurs, § 6400.141 (relating to individual physical examination) shall be met within 31 calendar days after placement.

**Source**

The provisions of this § 6400.251 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (131384) and (146947).

**Notes of Decisions**

The use of a homeowner's house in respite care program, which provides temporary short period residential care for mentally retarded persons, was not permitted in single family residential zone because providing the mentally retarded persons with short term residential care was not within the definition of "family" as a "single, nonprofit housekeeping unit." *In re of Summers*, 551 A.2d 1134 (Pa. Cmwlth. 1988); appeal denied 565 A.2d 1169 (Pa. 1989).

**§ 6400.252. Other requirements.**

Other requirements in this chapter apply for emergency placements.

**Source**

The provisions of this § 6400.252 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**RESPITE CARE****§ 6400.261. Exceptions for respite care.**

(a) Respite care is temporary community home care not to exceed 31 calendar days in a calendar year.

(b) The following sections do not apply for individuals receiving respite care:

- (1) Section 6400.78 (relating to indoor living space).
- (2) Sections 6400.81(g) and (h) (relating to individual bedrooms).
- (3) Sections 6400.121—6400.127 (relating to program).
- (4) Section 6400.142 (relating to dental care).
- (5) Section 6400.213(4), (5), (7) and (8) (relating to content of records).

**Source**

The provisions of this § 6400.261 amended through January 22, 1982, effective March 1, 1982, 12 Pa.B. 384; amended April 25, 1986, effective April 26, 1986, except subsection (f) shall be effective July 1, 1987, 16 Pa.B. 1487; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (146947) to (146948).

**§ 6400.262. Exceptions for emergency respite care.**

(a) Emergency respite care is respite care placement prior to which 2 weeks or less notice is given to the home.

(b) The following sections do not apply for individuals receiving emergency respite care:

- (1) Section 6400.78 (relating to indoor living space).
- (2) Subsections 6400.81(g) and (h) (relating to individual bedrooms).
- (3) Sections 6400.121—6400.127.
- (4) Sections 6400.141 and 6400.142 (relating to individual physical examination; and dental care).
- (5) Paragraphs 6400.213(3)—(8) (relating to content of records).

**Source**

The provisions of this § 6400.262 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.263. Other requirements.**

Other requirements in this chapter apply for respite care and emergency respite care.

**Source**

The provisions of this § 6400.263 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**SEMI-INDEPENDENT LIVING****§ 6400.271. Semi-independent living abilities.**

An individual is considered to have semi-independent living abilities if the individual:

- (1) Is capable of evacuating the entire building or to a fire safe area designated in writing within the past year by the local fire department, without assistance from another person, within 2 1/2 minutes or within the period of time specified in writing within the past year by the local fire department.
- (2) Requires only intermittent training to maintain basic daily living skills in the areas of hygiene, cooking, cleaning, eating, nutrition, money management, use of telephone, understanding the concept of time, communication, socialization, self protection, first aid, fire safety, sexuality, community mobility, general safety and emergency procedures.
- (3) Is 18 years of age or older.



**Source**

The provisions of this § 6400.271 adopted April 25, 1986, effective April 26, 1986, except subsection (j) shall be effective July 6, 1985, 16 Pa.B. 1487; amended August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (146948) and (133697) to (133698).

**Cross References**

This section cited in 55 Pa. Code § 6400.272 (relating to annual documentation).

**§ 6400.272. Annual documentation.**

There shall be annual written documentation of each individual's semi-independent living abilities based on assessment of the individual's skills in each of the areas specified in § 6400.271 (relating to semi-independent living abilities), signed and dated by the program specialist.

**Source**

The provisions of this § 6400.272 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.273. Exceptions.**

The following sections do not apply if all individuals in the home or separate wing or floor of the home have semi-independent living abilities:

- (1) Section 6400.45 (relating to staffing).
- (2) Sections 6400.62(a) and (b), 6400.63 and 6400.68(b) (relating to poisons; heat sources; and running water).
- (3) Section 6400.161(b) and (c) (relating to storage of medications).
- (4) Sections 6400.18(b) and 6400.192 (relating to reporting of unusual incident policies; and written policy) as these sections relate to location of policies.

**Source**

The provisions of this § 6400.273 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.274. Additional requirements.**

(a) There shall be at least one staff member available while individuals are at the home. This staff person need not be physically present at the home.

(b) An individual shall be instructed upon initial admission and reinstructed annually in the use of fire extinguishers, smoke detectors and fire alarms and to notify the local fire department as soon as possible after a fire is discovered.

**Source**

The provisions of this § 6400.274 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**§ 6400.275. Other requirements.**

Other requirements in this chapter apply for semi-independent living.

**Source**

The provisions of this § 6400.275 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595.

**APPENDIX A. [Reserved]**

**Source**

The provisions of this Appendix A adopted December 9, 1988, effective January 1, 1989, 18 Pa.B. 5497; reserved August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595. Immediately preceding text appears at serial pages (133699) to (133722).

[Next page is 6401-1.]

6400-76