

CHAPTER 6500. LIFE SHARING HOMES

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Authority

The provisions of this Chapter 6500 issued under Article X of the Human Services Code (62 P.S. §§ 1001—1080), unless otherwise noted.

Source

The provisions of this Chapter 6500 adopted August 9, 1991, effective November 8, 1991, 21 Pa.B. 3595, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 3800.3 (relating to exemptions); 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); and 55 Pa. Code § 6100.445 (relating to locality of service location).

GENERAL PROVISIONS**§ 6500.1. Introduction.**

Life sharing is based on the importance of enduring and permanent relationships as the foundation for learning life skills, developing self-esteem and learning to exist in interdependence with others; the opportunity for each individual with an intellectual disability or autism to grow and develop to their fullest potential; the provision of individualized attention based on the needs of the individual with an intellectual disability or autism; and the participation of the individual with an intellectual disability or autism in everyday community activities. Life sharing offers an opportunity for an individual with an intellectual disability or autism and a family to share their lives together.

Authority

The provisions of this § 6500.1 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), Articles IX and X); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.1 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 (397760) and (382007).

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Cross References

This section cited in 55 Pa. Code § 6500.12 (relating to waivers).

§ 6500.2. 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 life sharing.

Authority

The provisions of this § 6500.2 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), 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 § 6500.2 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 (382007).

Cross References

This section cited in 55 Pa. Code § 6500.12 (relating to waivers).

§ 6500.3. Applicability.

(a) This chapter applies to life sharing homes, 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 an individual with an intellectual disability or autism living or receiving respite care in a life sharing home.

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

(d) Each agency administering one or more life sharing homes shall have at least a sample of its homes inspected by the Department each year. Each new life sharing home administered by an agency shall be inspected by the Department prior to an individual with an intellectual disability or autism living or receiving respite care in the home. The certificate of compliance issued to an agency shall specify the location and maximum capacity of each life sharing home.

(e) A life sharing home that is not administered by an agency will be inspected by the Department each year.

(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) A community home for individuals with an intellectual disability or autism licensed by the Department in accordance with Chapter 6400 (relating to community homes for individuals with an intellectual disability or autism).

(3) A foster family care home licensed by the Office of Children, Youth and Families of the Department that serves only foster care children.

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

(5) A home providing room and board for one or two 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 training and assistance per week per home, from the agency, the county intellectual disability program or the family.

(6) A home providing 90 or fewer calendar days of respite care per calendar year.

Authority

The provisions of this § 6500.3 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), 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 § 6500.3 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 (382007) to (382008).

Cross References

This section cited in 55 Pa. Code § 6500.4 (relating to definitions); and 55 Pa. Code § 6500.12 (relating to waivers).

§ 6500.4. 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 administering one or more life sharing homes.

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.

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.

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

Individual—

(i) A person with an intellectual disability or autism who resides, or receives residential respite care, in a life sharing home and who is not a relative of the owner or the family members.

- (ii) The term does not include family members.

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.

Life sharing home or home—

- (i) The private home of an individual or a family in which residential care is provided to one or two individuals with an intellectual disability or autism, except as provided in § 6500.3(f) (relating to applicability).

- (ii) The term does not include a home if there are more than two individuals, including respite care individuals, living in the home at any one time who are not family members or relatives of the family members.

- (iii) If relatives of the individual live in the home, the total number of people living in the home at any one time who are not family members or relatives of the family members may not exceed four.

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

Respite care—Temporary care not to exceed 31 calendar days for an individual in a calendar year.

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.

Authority

The provisions of this § 6500.4 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), 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 § 6500.4 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 (382008) to (382010).

Cross References

This section cited in 55 Pa. Code § 6500.12 (relating to waivers).

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GENERAL REQUIREMENTS**§ 6500.11. 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.

§ 6500.12. Waivers.

A waiver of a specific section, subsection or paragraph of this chapter may be requested by writing to the appropriate Deputy Secretary of the Department. A waiver will be considered if the following criteria are met.

- (1) The waiver does not jeopardize the health, safety or well-being of any of the individuals in the home.
- (2) The waiver is based on the best interests and needs of the individuals.
- (3) Noncompliance with the regulation is of greater benefit to the individuals than compliance with the regulation.
- (4) There is an alternative method for meeting the intent of the regulation.
- (5) There are special circumstances that make this home different from other homes complying with the regulation.
- (6) The waiver does not violate any other State regulation or statute.
- (7) The waiver is not requested for §§ 6500.1—6500.4 (relating to general provisions).

Authority

The provisions of this § 6500.12 amended under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).

Source

The provisions of this § 6500.12 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial pages (352227) to (352228).

§ 6500.13. Appeals.

(a) Appeals related to the Department's licensure or waiver decisions 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 or waiver decisions 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 § 6500.13 amended October 3, 2008, effective October 4, 2008, 38 Pa.B. 5435. Immediately preceding text appears at serial page (251475).

§ 6500.14. Maximum capacity.

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

§ 6500.15. Responsibility for compliance.

(a) If an agency is the legal entity administering the home, the agency is responsible for compliance with this chapter.

(b) If the life sharing home is the legal entity, the home is responsible for compliance with this chapter.

Authority

The provisions of this § 6500.15 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 § 6500.15 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382011).

§ 6500.16. Fire safety occupancy permit.

If the home is located outside the cities of Philadelphia, Scranton and Pittsburgh and 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. If the home is located in the cities of Philadelphia, Scranton or Pittsburgh, the home shall have a valid fire safety occupancy permit from 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 local codes.

§ 6500.17. Self-assessment of homes.

(a) If an agency is the legal entity for the home, the agency shall complete a self-assessment of each home the agency is licensed to operate 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 this chapter 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 for at least 1 year.

Authority

The provisions of this § 6500.17 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 § 6500.17 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382012).

§ 6500.18. 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 harrasment of an individual; sexual contact between a family member or an agency 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.

§ 6500.19. Child abuse.

Abuse or suspected abuse of an individual 17 years of age or younger shall be immediately reported to ChildLine at 1 (800) 932-0313.

§ 6500.20. Incident report and investigation.

(a) The agency and 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 for any period of time.
- (8) Law enforcement activity that occurs during the provision of a service or for which the 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 agency and 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 § 6500.137 (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) Documentation of the notification in subsection (c) shall be kept.

(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) Immediate action shall be taken 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) An investigation of an incident, alleged incident or suspected incident shall be initiated 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 incident report shall be finalized 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 agency or home notifies the Department in writing that an extension is necessary and the reason for the extension.

(j) The following information shall be provided 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 § 6500.20 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 § 6500.20 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 (382012) to (382013).

Cross References

This section cited in 55 Pa. Code § 6000.903 (relating to licensing applicability); and 55 Pa. Code § 6500.137 (relating to medication errors).

§ 6500.21. Incident procedures to protect the individual.

- (a) In investigating an incident, the following needs of the affected individual shall be reviewed and considered:
 - (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 agency shall monitor an individual's risk for recurring incidents and implement corrective action, as appropriate.
- (c) The agency shall work cooperatively with the individual plan team to revise the individual plan if indicated by the incident investigation.

Authority

The provisions of this § 6500.21 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 § 6500.21 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 (382013) to (382014).

§ 6500.22. Incident analysis.

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

Authority

The provisions of this § 6500.22 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 § 6500.22 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382014).

§ 6500.23. Criminal history record check.

- (a) An application for a Pennsylvania criminal history record check shall be submitted to the State Police for individuals 18 years of age or older who reside in the home, prior to an individual living or receiving respite care in the home.
- (b) If a person 18 years of age or older who resides in the home is not a Pennsylvania resident, 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 record check, prior to an individual living or receiving respite care in the home.
- (c) The requirements in subsections (a) and (b) apply for any person 17 years of age or older who moves into the home and any person who reaches the age of 18 years, after the individual lives in the home.
- (d) Pennsylvania and FBI criminal history record checks shall have been completed no more than 1 year prior to an individual living or receiving respite care in the home.
- (e) A copy of the final reports received from the State Police, and the FBI if applicable, shall be kept.
- (f) If the home serves primarily children, 23 Pa.C.S. §§ 6301—6384 (relating to Child Protective Services Law) applies.

§ 6500.24. 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 advising the individual concerning the use of funds and property.

- (b) The policy may not prohibit or interfere with the individual's right to manage the individual's own finances.
- (c) An individual's funds and property shall be used for the individual's benefit.
- (d) An up-to-date financial and property record shall be kept for each individual that includes the following:
 - (1) Personal possessions and funds received by or deposited with the family or agency.
 - (2) Disbursements made to or for the individual.
- (e) If the agency or family assumes the responsibility for 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 family members or agency staff.
- (f) There may not be commingling of the individual's personal funds with agency or household funds.
- (g) There may not be borrowing of the individual's personal funds by family members or agency staff.

§ 6500.25. Applicable statutes and regulations.

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

Authority

The provisions of this § 6500.25 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 § 6500.25 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 6500.26. 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 § 6500.155 (relating to content of the individual plan).
- (c) The individual plan in § 6500.155 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 § 6500.26 adopted 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 § 6500.26 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

INDIVIDUAL RIGHTS

§ 6500.31. Exercise of rights.

(a) An individual may not be deprived of rights as provided under § 6500.32 (relating to rights of the individual).

(b) An individual shall be provided the assistance necessary for the individual to 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 § 6500.31 adopted 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 § 6500.31 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382015).

§ 6500.32. 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 in accordance with § 6500.33 (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) The primary caregiver 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.
- (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 § 6500.155 (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 § 6500.32 adopted 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 § 6500.32 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382015).

Cross References

This section cited in 55 Pa. Code § 6500.31 (relating to exercise of rights).

§ 6500.33. Negotiation of choices.

(a) An individual's rights shall be exercised so that another individual's or household member's rights are not violated.

(b) The home shall assist the affected individuals and household members to negotiate choices in accordance with the home's practices to resolve differences and make choices.

Authority

The provisions of this § 6500.33 adopted 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 § 6500.33 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382015) to (382016).

Cross References

This section cited in 55 Pa. Code § 6500.32 (relating to rights of the individual).

§ 6500.34. Informing of rights.

(a) Individual rights and the process to report a rights violation shall be explained to the individual, and persons designated by the individual, prior to moving into the home and annually thereafter.

(b) 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 shall be kept.

Authority

The provisions of this § 6500.34 adopted 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 § 6500.34 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382016).

STAFFING**§ 6500.41. Effective date of staff qualifications.**

(a) Sections 6500.42(c) and 6500.43(e) (relating to chief executive officer; and life sharing specialist) apply to chief executive officers and life sharing specialists hired or promoted after November 8, 1991.

(b) Sections 6400.43(c) and 6400.44(c) (relating to chief executive officer; and program specialist) 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 life sharing specialists hired or promoted prior to November 8, 1991.

Authority

The provisions of this § 6500.41 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 § 6500.41 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382016).

§ 6500.42. Chief executive officer.

(a) If an agency is the legal entity administering the home, there shall be one chief executive officer responsible for the life sharing program or agency.

(b) The chief executive officer shall be responsible for the administration and general management of the agency, 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.

Authority

The provisions of this § 6500.42 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 § 6500.42 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382016) to (382017).

Cross References

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

§ 6500.43. Life sharing specialist.

- (a) There shall be a life sharing specialist for each individual.
- (b) A life sharing specialist shall be assigned to no more than eight homes.
- (c) A life sharing specialist shall be responsible for a maximum of 16 people, including people served in other types of services.
- (d) The life sharing 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 plan.
 - (4) Supporting the integration of individuals in the community.
 - (5) Supporting individual communication and involvement with families and friends.
- (e) A life sharing 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 persons 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 persons 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 persons with an intellectual disability or autism.
 - (4) A high school diploma or general education development certificate and 6 years of work experience working directly with persons with an intellectual disability or autism.

Authority

The provisions of this § 6500.43 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 § 6500.43 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 (382017) to (382018).

Cross References

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

§ 6500.44. Supervision.

(a) 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's individual plan, as an outcome which requires the achievement of a higher level of independence.

(b) An individual requiring direct supervision may not be left under the supervision of a person under 18 years of age.

(c) There shall be a life sharing specialist or designee accessible when the individual is in the home.

(d) Supervision as specified in the individual plan shall be implemented as written when the supervision specified in the individual plan is greater than required under subsections (a), (b) and (c).

(e) The staff qualifications and staff ratio as specified in the individual plan shall be implemented as written, including when the staff ratio is greater than required under subsections (a), (b) and (c).

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

Authority

The provisions of this § 6500.44 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 § 6500.44 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 (382018) to (382019).

Cross References

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

§ 6500.45. CPR, first aid and Heimlich maneuver training.

(a) The primary caregiver shall be trained by an individual certified as a trainer by a hospital or other recognized health care organization, in first aid and Heimlich techniques prior to an individual living in the home and annually thereafter.

(b) The primary caregiver shall be trained and certified by an individual certified as a trainer by a hospital or other recognized health care organization in cardiopulmonary resuscitation, if indicated by the medical needs of the individual, prior to the individual living in the home and annually thereafter.

Authority

The provisions of this § 6500.45 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 § 6500.45 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 (382019) to (382020).

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.46. [Reserved].**Authority**

The provisions of this § 6500.46 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 § 6500.46 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382020).

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.47. Orientation.

(a) Prior to an individual living in the home, the primary caregiver and the life sharing specialist shall complete the orientation as described in subsection (b).

(b) The orientation 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) Job-related knowledge and skills.

Authority

The provisions of this § 6500.47 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 § 6500.47 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382020).

§ 6500.48. Annual training.

(a) The primary caregiver and the life sharing specialist shall complete 24 hours of training related to job skills and knowledge each year.

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

(1) The application of person-centered practices, rights, facilitating 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.

(6) Implementation of the individual plan.

Authority

The provisions of this § 6500.48 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.48 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 6500.49. Training records.

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

(b) A training record for each person trained shall be kept.

Authority

The provisions of this § 6500.49 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.49 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

PHYSICAL SITE**§ 6500.61. Special accommodations.**

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

§ 6500.62. Poisons.

- (a) Poisonous materials shall be kept locked or made inaccessible to individuals.
- (b) Poisonous materials may be kept unlocked and accessible to individuals 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.

§ 6500.63. 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.

§ 6500.64. Sanitation.

- (a) Clean conditions shall be maintained in all areas of 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 on a routine basis.

§ 6500.65. Ventilation.

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

§ 6500.66. Lighting.

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

§ 6500.67. Surfaces.

Floors, walls, ceilings and other surfaces shall be free of hazards.

§ 6500.68. Running water.

- (a) A home shall have hot and cold running water under pressure.
- (b) Hot water temperatures in bathtubs and showers that are accessible to individuals may not exceed 120°F.
- (c) Hot water temperatures in bathtubs and showers may exceed 120°F if all individuals in the home understand the danger of hot water and have the ability to sense and move away from the hot water quickly. Documentation of each individual's understanding and ability shall be in each individual's assessment.

§ 6500.69. Indoor temperature.

(a) The indoor temperature in individual bedrooms and life sharing areas may not be less than 62°F during nonsleeping hours while individuals are present in the home.

(b) The indoor temperature in individual bedrooms and life sharing areas may not be less than 55°F during sleeping hours.

(c) When the indoor temperature in individual bedrooms or life sharing areas exceeds 85°F, mechanical ventilation such as fans shall be used.

(d) If an individual's medical needs indicate an indoor temperature that is different from that required under subsections (a)—(c), the medical recommendations for temperature shall be met.

Authority

The provisions of this § 6500.69 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 § 6500.69 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382022).

§ 6500.70. Telephone.

A home shall have an operable telephone that is easily accessible.

§ 6500.71. 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.

§ 6500.72. 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.

§ 6500.73. Handrails.

An interior stairway exceeding two steps that is accessible to individuals, ramp and outside steps exceeding two steps, shall have a well-secured handrail.

§ 6500.74. Nonskid surfaces.

Interior stairs and outside steps that are accessible to individuals shall have a nonskid surface.

§ 6500.75. 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.

§ 6500.76. Furniture.

Furniture in individual bedrooms and life sharing areas shall be nonhazardous, clean and sturdy.

Authority

The provisions of this § 6500.76 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 § 6500.76 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382023).

§ 6500.77. First aid materials.

Each home shall have antiseptic, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors and syrup of Ipecac if any individual 4 years of age or younger, or an individual likely to ingest poisons, is served.

§ 6500.78. Exterior conditions.

(a) An outside walkway that is used by individuals shall be free from ice, snow, obstructions and other hazards.

(b) The yard and outside of the home shall be well maintained and free from unsafe conditions.

§ 6500.79. 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) An individual sharing a bedroom shall have a minimum of 50 square feet of bedroom space, measured wall to wall, including space occupied by furniture. An individual with a single bedroom shall have a minimum of 60 square feet of bedroom space, measured wall to wall, including space occupied by furniture.

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

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

(e) Bedrooms shall have doors at all entrances for privacy.

(f) 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 a 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.

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

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

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.80. Bathrooms.

- (a) There shall be at least one toilet and one bathtub or shower in the home.
- (b) Privacy shall be provided for toilets, showers and bathtubs by partitions or doors.
- (c) At least one bathroom area shall have a sink, wall mirror, soap, toilet paper, individual clean paper or cloth towels and trash receptacle.
- (d) An individual washcloth, bath towel and toothbrush shall be provided for each individual.

§ 6500.81. Kitchens.

- (a) Each home shall have a kitchen area with a refrigerator, sink, cooking equipment and cabinets for storage.
- (b) Utensils used for eating, drinking and preparation of food or drink shall be washed and rinsed after each use.

§ 6500.82. Laundry.

Individual bed linens, towels, washcloths and clothing shall be kept clean.

§ 6500.83. 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 shall be made inaccessible to individuals when the pool is not in use.
- (c) A swimming pool does not need to be locked or inaccessible if all individuals in the home understand water safety and can swim. Documentation of each individual's understanding and ability shall be in each individual's assessment.

§ 6500.84. Firearms.

Firearms shall be kept unloaded in a locked cabinet. Ammunition shall be kept in a locked cabinet that is separate from firearms.

FIRE SAFETY**§ 6500.101. Unobstructed stairways, halls, doorways and exits.**

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

§ 6500.102. Flammable and combustible materials.

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

§ 6500.103. Furnaces.

Furnaces shall be cleaned at least annually. Written documentation of the cleaning shall be kept.

§ 6500.104. Portable space heaters.

Portable space heaters defined as heaters that are not permanently mounted or installed, may not be used while individuals are in the home.

§ 6500.105. 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.

§ 6500.106. Fireplaces.

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

(b) Fireplace 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.

§ 6500.107. Smoke detectors.

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

(b) Smoke detectors shall be located in common areas or hallways.

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

(d) A smoke detector shall be tested each month to determine if the detector is operative.

§ 6500.108. 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) Fire extinguishers 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).

(c) Fire extinguishers shall be listed by Underwriters Laboratories or approved by Factory Mutual Systems.

(d) A fire extinguisher shall be accessible.

§ 6500.109. Fire drills.

(a) A fire drill shall be held at least every 3 months, until all individuals demonstrate the ability to evacuate within 2 1/2 minutes, or within the period of time specified in writing within the past year by a fire safety expert, without family assistance, or with family assistance if the individual is never alone in the home. The fire safety expert may not be a family member or employee of the agency.

(b) A fire drill shall be held at least every 6 months if all individuals have the ability to evacuate as specified in subsection (a).

(c) Documentation of the individual's ability to evacuate shall be specified in the individual's assessment.

(d) 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 smoke detector was operative.

(e) A fire drill shall be held during sleeping hours at least every 12 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 home during each fire drill.

(i) At least one smoke detector shall be set off during each fire drill.

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.110. Fire safety training.

(a) A written fire safety training plan shall be developed for all family members and individuals including children.

(b) The training plan shall include training in general fire safety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the home, smoking safety procedures if any individuals or family members smoke in the home, the use of fire extinguishers and smoke detectors and notification of the local fire department as soon as possible after a fire is discovered.

(c) Family members and individuals, including children, shall be trained within 31 calendar days of an individual living in the home and retrained annually, in accordance with the training plan specified in subsection (a).

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

PROGRAM

§ 6500.111. [Reserved].

Authority

The provisions of this § 6500.111 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 6500.111 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251488) to (251489).

Cross References

This section cited in 55 Pa. Code § 6500.191 (relating to exceptions); 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.112. [Reserved].**Authority**

The provisions of this § 6500.112 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 6500.112 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251489).

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.113. [Reserved].**Authority**

The provisions of this § 6500.113 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 6500.113 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251489) to (251490).

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§§ 6500.114 and 6500.115. [Reserved].**Authority**

The provisions of these §§ 6500.114 and 6500.115 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of these §§ 6500.114 and 6500.115 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251490).

Cross References

These sections cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.116. [Reserved].**Authority**

The provisions of this § 6500.116 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 6500.116 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial pages (251490) to (251491).

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.117. [Reserved].**Authority**

The provisions of this § 6500.117 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 6500.117 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251491).

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.118. [Reserved].**Authority**

The provisions of this § 6500.118 reserved under sections 911 and 1021 of the Public Welfare Code (62 P.S. §§ 911 and 1021).

Source

The provisions of this § 6500.118 reserved August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935. Immediately preceding text appears at serial page (251491).

HEALTH**§ 6500.121. Individual physical examination.**

- (a) An individual shall have a physical examination within 12 months prior to living in the home 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 a 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.

Cross References

This section cited in 55 Pa. Code § 6500.191 (relating to exceptions); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.122. Dental care.

- (a) An individual 17 years of age or younger, shall have a dental examination performed by a licensed dentist semiannually. Each 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 by the dentist.
- (c) A written record of the dental examination, including the date of the examination, 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.

Cross References

This section cited in 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.123. 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 § 6500.123 amended under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088).

Source

The provisions of this § 6500.123 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (352246).

§ 6500.124. 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.

§ 6500.125. Family physical examination.

(a) Family members and persons living in the home shall have a physical examination within 12 months prior to the individual living in the home.

(b) The physical examination documentation 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 for family members 1 year of age or older; or, if a 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 licensed practical nurse instead of a licensed physician.

(3) A signed statement that the person is free of communicable diseases or specific precautions to be taken if the person has a communicable disease.

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

§ 6500.126. Communicable diseases.

(a) If an individual or family member has a serious communicable diseases 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, specific instructions and precautions to be taken for the protection of the individuals shall be specified in writing by a licensed physician.

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

MEDICATIONS**§ 6500.131. Self-administration.**

(a) An individual who has a prescribed medication shall be provided 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) Assistive technology shall be provided to support the individual's self-administration of 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 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 own medication with or without the use of assistive technology.

Authority

The provisions of this § 6500.131 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 § 6500.131 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382032).

§ 6500.132. Medication administration.

(a) Staff persons or others who 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 § 6500.139 (relating to medication administration training) for the medication administration of the following:

(i) Oral medications.

(ii) Topical medications.

(iii) Eye, nose and ear drop medications.

(iv) Insulin injections.

(v) Epinephrine injections for insect bites or other allergies.

(vi) Medications, injections, procedures and treatments as permitted by applicable statutes and regulations.

(c) Medication administration includes the following activities, based on the needs of the 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 § 6500.132 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 § 6500.132 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382032).

Cross References

This section cited in 55 Pa. Code § 6500.139 (relating to medication administration training).

§ 6500.132a. 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 § 6500.132a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

§ 6500.133. 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 § 6500.133 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 § 6500.133 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 (382033).

§ 6500.133a. Use of prescription medications—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 § 6500.133a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

§ 6500.134. [Reserved].

Authority

The provisions of this § 6500.134 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 § 6500.134 reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382033).

§ 6500.134a. 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 § 6500.134a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

§ 6500.135. 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 diagnosed psychiatric illness.

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

Authority

The provisions of this § 6500.135 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 § 6500.135 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382034).

§ 6500.136. 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 § 6500.136 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 § 6500.136 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382034).

§ 6500.136a. 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 § 6500.136a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

§ 6500.137. 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 § 6500.20(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 § 6500.137 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 § 6500.137 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382034).

Cross References

This section cited in 55 Pa. Code § 6500.20 (relating to incident report and investigation).

§ 6500.138. 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 § 6500.138 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 § 6500.138 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382034) to (382035).

§ 6500.139. Medication administration training.

(a) A 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 § 6500.132 (relating to medication administration).

(b) A 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 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 § 6500.139 adopted 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 § 6500.139 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

Cross References

This section cited in 55 Pa. Code § 6500.132 (relating to medication administration).

NUTRITION

§ 6500.141. Protection of food.

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

§ 6500.142. Three meals a day.

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

§ 6500.143. 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.

§ 6500.144. 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.

PROGRAM

§ 6500.151. Assessment.

(a) Each individual shall have an initial assessment within 1 year prior to or 60 calendar days after admission to the 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 home.

(b) If the life sharing 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 life sharing 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 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 life sharing 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 § 6500.151 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.151 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382035) to (382037).

Cross References

This section cited in 55 Pa. Code § 6500.182 (relating to content of records).

6500-40

§ 6500.152. Development, annual update and revision of the individual plan.

(a) The life sharing 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 § 6500.152 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 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 § 6500.152 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 (382037) to (382038).

§ 6500.153. 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 life sharing 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 § 6500.153 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.153 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382038) to (382039).

§ 6500.154. 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 § 6500.154 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.154 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382039).

§ 6500.155. 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 § 6500.155 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.155 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382039) to (382040).

Cross References

This section cited in 55 Pa. Code § 6500.26 (relating to children's services); 55 Pa. Code § 6500.32 (relating to rights of the individual); and 55 Pa. Code § 6500.165 (relating to behavior support component of the individual plan).

§ 6500.156. Implementation of the individual plan.

The home and the agency shall implement the individual plan, including revisions.

Authority

The provisions of this § 6500.156 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); and 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 § 6500.156 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382040) to (382041).

§ 6500.157. [Reserved].**Authority**

The provisions of this § 6500.157 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); reserved under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.157 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382041).

§ 6500.158. Life sharing services.

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

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

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

Authority

The provisions of this § 6500.158 issued under sections 911 and 1021 of the Human Services Code (62 P.S. §§ 911 and 1021); amended under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.158 adopted August 27, 2010, effective August 28, 2010, 40 Pa.B. 4935; amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382041) to (382042).

§ 6500.159. Day services.

- (a) Day services such as employment, education, training, volunteer, civic-minded and other meaningful opportunities shall be provided to the individual.
- (b) Day services and activities shall be provided at a location other than the home where the individual lives, unless one of the following exists:
 - (1) There is written annual documentation by a licensed physician that it is medically necessary for the individual to complete day services at the 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 home.

Authority

The provisions of this § 6500.159 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 § 6500.159 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 (382042).

§ 6500.160. Recreational and social activities.

- (a) The 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) The home.
 - (2) Away from the home.
- (b) Time away from the 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 § 6500.160 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 § 6500.160 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 (382042) to (382043).

RESTRICTIVE PROCEDURES**§ 6500.161. 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.

Authority

The provisions of this § 6500.161 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 § 6500.161 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382043).

§ 6500.162. Written policy.

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 persons who may authorize the use of restrictive procedures, a mechanism to monitor and control the use of restrictive procedures, and a process for the individual and family to review the use of restrictive procedures shall be kept.

§ 6500.163. Appropriate use of restrictive procedures.

(a) A restrictive procedure may not be used as retribution, for the convenience of the family, 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.

§ 6500.164. Human rights team.

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

(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 § 6500.164 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 § 6500.164 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382043) to (382044).

Cross References

This section cited in 55 Pa. Code § 6500.165 (relating to behavior support component of the individual plan); and 55 Pa. Code § 6500.179 (relating to emergency use of a physical restraint).

§ 6500.165. 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 § 6500.164 (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 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 § 6500.155(6) (relating to content of the individual plan), the behavior support component of the individual plan shall be developed by a professional who has a recognized degree, certification or license relating to behavioral support.

Authority

The provisions of this § 6500.165 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 § 6500.165 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382044) to (382045).

Cross References

This section cited in 55 Pa. Code § 6500.179 (relating to emergency use of a physical restraint).

§ 6500.166. Staff training.

(a) A 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 § 6500.166 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 § 6500.166 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382045).

§§ 6500.167—6500.176. [Reserved].**Authority**

The provisions of these §§ 6500.167—6500.176 reserved 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 these §§ 6500.167—6500.176 reserved October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial pages (382045) to (382048).

§ 6500.177. Prohibited procedures.

The following procedures are prohibited:

(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 § 6500.177 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.177 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 6500.178. 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 § 6500.178 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.178 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 6500.179. Emergency use of a physical restraint.

If a physical restraint is used on an unanticipated, emergency basis, §§ 6500.164 and 6500.165 (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 § 6500.179 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.179 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

§ 6500.180. 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 or agency may not coerce the individual to provide consent.

Authority

The provisions of this § 6500.180 issued under sections 201(2), 403(b), 403.1(a) and (b), 911 and 1021 of the Human Services Code (62 P.S. §§ 201(2), 403(b), 403.1(a) and (b), 911 and 1021); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 6500.180 adopted October 4, 2019, effective in 120 days, 49 Pa.B. 5777.

INDIVIDUAL RECORDS**§ 6500.181. Emergency information.**

- (a) Emergency information for an individual shall be easily accessible at the home.
- (b) Emergency information for an individual shall include the following:
 - (1) The name, address, telephone number and relationship of a designated person to be contacted in case of 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.

§ 6500.182. Content of records.

- (a) A separate record shall be kept for each individual.
- (b) Entries in an individual's record must be legible, dated and signed by the person making the entry.
- (c) 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) Assessments as required under § 6500.151 (relating to assessment).
 - (6) Individual plan documents as required by this chapter.
 - (7) Copies of psychological evaluations and assessments of adaptive behavior, as necessary.

Authority

The provisions of this § 6500.182 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 § 6500.182 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 (382049) to (382050).

Cross References

This section cited in 55 Pa. Code § 6500.183 (relating to record location); 55 Pa. Code § 6500.201 (relating to exceptions for respite care); and 55 Pa. Code § 6500.202 (relating to exceptions for emergency respite care).

§ 6500.183. Record location.

Copies of the most current record information required in § 6500.182(c)(1)—(7) (relating to content of records) shall be kept in the home.

Authority

The provisions of this § 6500.183 amended under sections 201(2), 403(b), 403.1(a) and (b), 901—922 and 1001—1088 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 § 6500.183 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 (382050).

§ 6500.184. 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) Individual records shall be retained for at least 4 years following the individual's departure or until any audit or litigation is resolved.

§ 6500.185. Access.

The individual, and the individual's parent, guardian or designated person shall have access to the records and to information in the records. If the life sharing specialist documents, in writing, 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.

Authority

The provisions of this § 6500.185 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 § 6500.185 amended October 4, 2019, effective in 120 days, 49 Pa.B. 5777. Immediately preceding text appears at serial page (382050).

§ 6500.186. 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.

EMERGENCY PLACEMENT**§ 6500.191. Exceptions.**

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

(b) If an emergency placement occurs, the following sections shall be met within 31 calendar days after the individual is living in the home:

- (1) Section 6500.111 (relating to assessment).
- (2) Section 6500.121 (relating to individual physical examination).

§ 6500.192. Other requirements.

Other requirements in this chapter apply for emergency placements.

RESPITE CARE**§ 6500.201. Exceptions for respite care.**

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

- (1) Sections 6500.45 and 6500.46 (relating to training; and annual training).
- (2) Section 6500.79 (relating to individual bedrooms).
- (3) Section 6500.109 (relating to fire drills).
- (4) Sections 6500.111—6500.117.
- (5) Section 6500.122 (relating to dental care).
- (6) Section 6500.182(c)(4), (5) and (6) (relating to individual records).

§ 6500.202. 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 and agency.

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

- (1) Sections 6500.45 and 6500.46 (relating to training; and annual training).
- (2) Section 6500.79 (relating to individual bedrooms).
- (3) Section 6500.109 (relating to fire drills).
- (4) Sections 6500.111—6500.117.
- (5) Sections 6500.121 and 6500.122 (relating to individual physical examination; and dental care).
- (6) Section 6500.182(c)(3)—(6) (relating to individual records).

§ 6500.203. Other requirements.

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

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