

ALLEGHENY COUNTY CHAPTER, PENNSYLVANIA ASSOCIATION FOR RETARDED CHILDREN

RESIDENTIAL CARE COMMITTEE

October 14, 1973

Questions raised concerning the proposed 9200 regulations: Residential Services Facilities subject to licensure.

I. General Concerns:

A. Licensing

1. Our overall concern is that the enforcement power of these regulations is not specified. In the past, and at this very moment, facilities have operated (do operate) without licensure.

How can the DPW allow a facility to operate legally without being inspected and licensed?

How does the DPW plan to force compliance?

2. With the proposed 9200 regulations, when is a facility in non-compliance? Clearly, some requirements must be mandatory, such as:
 - a. Meeting the Life Safety Code Standards.
 - b. Meeting the stated capacity standards.
 - c. Creating a specified program for each resident with short and long-term goals.
3. The licensing status and stages, and their requirements, should be clearly specified and should be public knowledge. (This would eliminate endless license extensions as is the present habit.)
 - a. Mandatory requirements: At anytime that this is non-compliance with mandatory requirements would mean that the license must be revoked. This might include such things as capacity, Life Safety Standards, and plans for individual residents.
 - b. Basic requirements: If the facility is not in compliance with the basic requirements, a permanent license is withheld and a provisional license issued. That facility is given a firm time limit to upgrade the services to fully comply.
 - c. Standards: The facilities should attempt, but not required, to provide services on the level suggested by the standards.
4. A permanent license should not be granted until there is written evidence from the Department of Labor and Industry and the Department of Welfare of the facility's compliance with the particular regulations of those departments.

5. It is especially disappointing to note that consumer groups, such as PARC, are not included on all licensing inspections.
 6. It is unclear which person, within the Department of Public Welfare, actually grants a license. This should be specified.
- B. The role of the Department of Public Welfare as consultant and resource agency is not mentioned in the proposed 9200 regulations. In addition to licensing facilities, the DPW has an opportunity to enrich the services to the retarded of Pennsylvania by providing, for instance, staff training sessions and specialists trained in program and administration to work with the facility.
- C. These regulations, as they are presently written, seem designed to cloud the issues rather than provide a clear concise guide. For example, of what help to an administrator is the requirement: "Grounds shall be sufficiently large to provide necessary service areas" (9212.1 Grounds) ?
- D. The general organization and grouping of the regulations is confusing. For example:
1. Why are fire drills (9218.3) not mentioned under the 9214 section with the other fire concerns?
 2. Why are the regulations in section 9219 (food and drink sanitation) and those in 9224.5 (resident meals) not combined and/or ordered so that an administrator would know with greater ease and clarify what the DPW requires?

II. Particular Concerns

9201.2 "Exceptions"

- A. Shouldn't the final determination of exceptions rest in the Regional DPW office rather than the Central office?
- B. Could the inadequacy in this section be alleviated by the addition of the following words at the end of section 9201.2:
"and copies sent to local consumer groups, such as PARC"?

9202 "Definitions" - Section O, "Residential Service Facility"

Can this be more clearly defined? Does this definition include state institutions? Can the words "Private Licensed Facilities" be added?

9206 "Capacity of Facilities"

1. The program and safety of children and adults within the present facility are endangered when emergency admissions are more. There must be a limit. Can't this section contain only the single dictate, already stated: "No residential facility shall admit more residents than the number for which it has been licensed"?

2. In fact, can the private licensed facility populations be reduced to capacity by January 1, 1975, without creating alternative residential placements? Who is doing this planning.

9207.1 "Annual Inspection"

Can consumer groups, such as PARC, be included on all licensing inspections?

9208.5 "Coroner Notification"

Shouldn't the coroner be notified in case of all deaths - not just sudden or unexplained deaths?

9213.11 "Beds and Residents' Rooms" (paragraph 5)

Is this section not inconsistent with PARC policy if it includes the word "research"? Shouldn't this word be deleted?

9213.14 "Educational Space"

Isn't the intention of this section that the facility is required to provide space for Home Bound Instruction which is the "least desirable" of the educational alternatives according to the Right to Education Consent Agreement? The present wording is labored.

9213.16 "Laundry"

Would the end goal of self-independence for every resident be furthered by the addition of the following to this section?: "Whenever possible, residents should use laundry equipment similar to that found in the community."

9213.18 "Toilets and Lavatories" (point 7)

Isn't the addition of the words at the end of the sentence "as well as the inside" - an important safeguard to residents' rights?

9214.1 "Fire Protection"

Why is it not suggested in this section that "Able residents should be taught how to report fires"?

9216.3 "Admission Policies" (point 4)

The deletion of the words "or at the time of" at the end of the first sentence would insure that a resident's records would arrive at the facility before the resident arrived. Is that not important?

9217.1 "Individual Records" (point 19)

Would the addition of the words "with short and long-term goals" make this point more meaningful?

9219.2 "Menu Planning"

Isn't the following right missing from this section?: "A resident shall be offered an interesting variety of foods - even if he is not able to make this demand"?

9222.3 "Interpretation of Admission and Periodic Evaluation"

Shouldn't an interpretation of the evaluation, in action terms, be made to the resident also?

9223.3 "Educational Services"

Is the confusion of this section alleviated by the following changes?

1. Delete at the end of the first sentence the words "and the facility shall make all necessary arrangements with the responsible Intermediate Unit."
2. The facility should act as a parent would, obtaining the best possible education for the resident. This will include advocating for better conditions and, in some cases, may mean challenging the Intermediate Unit in a Due Process Hearing. This idea is not contained in the present section 9223.3.

9223.6 "Recreational Services"

Shouldn't mention be made in this recreation section of encouraging normal co-educational experiences?

9223.8 "Volunteer Services"

Would the following substitution, for the entire section, strengthen this important service?

"Community volunteers provide residents with varied and normal human relationships. These relationships should be encouraged and actively sought. Volunteers should be recruited, trained, supervised, nurtured and honored."

9223.10 "Physical Therapy and Occupational Therapy"

Why are the words "under the direction of a licensed therapist" not included at the end of the first sentence?

9223.11 "Dental Services"

1. The number of this section in the proposed 9200 regulations is incorrectly listed as 9223.1.
2. Do the dental services as outlined in the 9200 regulations seem adequate?

Dental services to all residents should include:

- a. An examination and cleaning by a dentist at least twice a year.
- b. Treatment as often as is necessary.
- c. Daily oral hygiene.

9224.2 "Resident's Rights"

The rights outlined in this section pertain principally to the resident's communication rights. The Western Region has developed, through the Regional Review Team, a comprehensive Bill of Rights. Why are the results of this effort not reflected in the regulations?

9224.6.1 "Discipline"

Wouldn't this section be strengthened by deleting the words "Office of Mental Retardation" and substituting the words "DPW Regional Deputy Secretary"?

9224.6.2 "Mechanical Restraints and Seclusion"

Wouldn't this section be strengthened by deleting the words "Office of Mental Retardation" and substituting the words "DPW Regional Deputy Secretary"?

9224.6.4.2 "Enclosed Cribs and Barred Enclosures?"

1. Is nylon netting on top of a crib prohibited under this section?
2. Does the DPW believe that section 9224.6.4 is an enforceable regulation?

9224.6.4.4 "Chemical Restraint"

Wouldn't this section be strengthened by one, deleting the word "excessively" and two, in place of the words "in quantities that interfere", substituting the word "interfering"? (Then the section would read: "Chemical restraint shall not be used as punishment, for the convenience of staff, as a substitute for program or interfering with a resident's habilitation program.")

9225.3 "Residents Physical Examination"

Why is the following procedure not required within this section:

"The family or guardian of the resident shall receive a full report of the physical examination and shall be additionally informed if there is a major medication change prescribed."

Respectfully submitted,

ACC-PARC
Residential Care Committee
Virginia Thornburgh, Chairperson