

FREQUENTLY ASKED QUESTIONS

OLDER ADULT DAILY LIVING CENTERS DUALY LICENSED AS AN ADULT TRAINING FACILITY AGING PROGRAM DIRECTIVE 12-20-01

1. Question: What is the purpose of this Aging Program Directive?

Answer: There are approximately 90 older adult daily living centers dually-licensed as an adult training facility that are inspected by staff from both the Pennsylvania Department of Aging (PDA) and the Department of Public Welfare (DPW). The majority of these dually-licensed day programs are adult training facilities that have begun to serve older adults age 60 and over. Their primary mission is to serve adults who do not have a dementia-related condition as a primary diagnosis. It is not an efficient use of limited Commonwealth resources, or center staff time, to conduct multiple onsite inspections that are governed by similar regulatory standards.

Adult training facilities that receive an approved regulatory waiver will be exempt from the requirement to be inspected by PDA licensing inspectors. Onsite monitoring will be accomplished by DPW inspectors.

2. Question: My Adult Training Facility (ATF) just received an approved waiver. Does this mean I am now exempt from following the Chapter 11, Older Adult Daily Living Center (OADLC) regulations?

Answer: No. This regulatory waiver exempts the ATF from the requirement to be inspected by PDA inspectors only, not the rest of the requirements of Chapter 11. The ATF must still submit unusual incident reports and annually submit the OADLC application paperwork and licensure fee. PDA will issue a new license on an annual basis that must continue to be posted in the center.

3. Question: Will Department of Aging licensing inspectors come to my ATF anymore?

Answer: An approved waiver exempts the ATF from the annual licensure renewal inspection. PDA reserves the right to monitor and inspect the ATF to ensure consumer health and safety.

4. Question: My center is dually licensed as both and ATF and an OADLC, but primarily serves older adults with a dementia-related condition. Can I apply for this regulatory waiver?

Answer: This APD does not apply to dually-licensed centers that primarily serve older adults (age 60 and over). DPW is responsible for inspecting and licensing ATFs, which serve a different population than the traditional OADLC. Most ATF clients are between the ages of 18-59.

5. Question: My ATF received an approved waiver. Are we still subject to the Older Adults Protective Services Act?

Answer: Yes. The Older Adults Protective Services Act (OAPSA) still applies because ATFs that receive an approved regulatory waiver still receive an OADLC license and therefore fall under the provisions of OAPSA.

6. Question: Must I post a copy of the regulatory waiver approval with the license in the center?

Answer: OADLC's are only required to post the license. However it is recommended that you post a copy of the approved regulatory waiver with the license as the approval letter will be posted on the Department's online OADLC directory.

7. Question: What happens if I lose or withdraw my ATF license?

Answer: The regulatory waiver would become void if the ATF license is withdrawn, revoked, or not renewed. The day program would no longer be considered dually-licensed and therefore be subject to inspection by PDA staff for its OADLC license.

8. Question: My ATF begins to serve four or more consumers age 60 and over after this Aging Program Directive is published. Can I apply for this waiver with my initial application for an OADLC license?

Answer: In order to apply for this regulatory waiver, the ATF must be licensed as an OADLC. When an ATF applies for an OADLC for the first time, it must submit all of the required application paperwork and supporting documentation like any other new OADLC. It must then be inspected and issued a Regular License. When it is time to renew that first Regular License, the ATF may then request a waiver of regulations 11.241 & 11.242. The purpose of the PDA inspection with the initial application is to ensure the ATF does meet all of the applicable OADLC regulations, especially those that are different than the ATF regulations.

9. Question: What happens if my ATF relocates?

Answer: The waiver is void, along with the license if any of the conditions found in regulation 11.268(b) occur, such as a relocation. Department of Aging licensing representatives must conduct a relocation inspection. After the ATF is issued a license for the new location, it could reapply for the waiver.