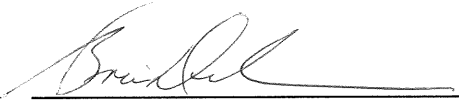
 COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF AGING Harrisburg, PA 17101	PENNSYLVANIA DEPARTMENT OF AGING	
	1. File Number: APD # 13-20-01	2. Disposition: Note well and file for reference
	3. Issuance Date: January 31, 2013	4. Effective Date: Immediately
	5. Program Area: Older Adult Daily Living Centers	
6. Origin: Bureau of Quality Assurance		7. Contact: Division of Licensing (717) 214-6716

AGING PROGRAM DIRECTIVE

SUBJECT: OLDER ADULT DAILY LIVING CENTERS DUALY LICENSED AS AN ADULT TRAINING FACILITY

TO: ADULT TRAINING FACILITIES LICENSED BY DPW
DEPUTY SECRETARY FOR OFFICE OF DEVELOPMENTAL PROGRAMS, DPW
DEPUTY SECRETARY FOR OFFICE OF LONG-TERM LIVING, DPW
AREA AGENCIES ON AGING
LONG-TERM CARE OMBUDSMAN

FROM: 
Brian Duke
Secretary
Pennsylvania Department of Aging

PURPOSE: The purpose of this Aging Program Directive is to set forth policy and procedure for an Older Adult Daily Living Center (OADLC), licensed by the Department of Aging (PDA), that is also licensed by the Department of Public Welfare (DPW) as an Adult Training Facility (ATF), to request a regulatory waiver to exempt it from the requirement to be inspected by PDA.

BACKGROUND: An OADLC is defined as a premises operated for profit or non-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day. Clients served in an OADLC are predominantly 60 years of age or older, or who are under 60 years of age but who have a dementia-related disease, such as Alzheimer's disease, as a primary diagnosis.

ATFs are defined as a building or portion of a building in which services are provided to four or more individuals, who are 59 years of age or

younger and who do not have a dementia-related disease as a primary diagnosis, for part of a 24-hour day, excluding care provided by relatives.

ATFs are licensed by DPW under 55 Pa. Code Chapter 2380 regulations. If an ATF serves four or more clients age 60 and over it is required to also be licensed as an OADLC by PDA per 6 Pa. Code Chapter 11 regulations. These dually-licensed centers are inspected separately by both DPW and PDA licensing staff at least once per year.

At present, there are over 90 dually-licensed ATF/OADLCs in Pennsylvania, all of which are subject to multiple licensure inspections. PDA and DPW staff has discussed the duplicative nature of these inspections in an attempt to find a solution that ensures the health and safety of clients, reduces the number of onsite inspections for providers, and improves operational efficiency for the Commonwealth. PDA, in consultation with DPW has developed a solution that will meet these goals.

CONTENT:

An ATF that primarily serves individuals who do not have a dementia-related disease as a primary diagnosis may apply for a waiver of 6 Pa Code §§ 11.241 and 11.242 to exempt it from the requirement to be inspected by PDA.

If approved by the Secretary of Aging, this would waive the requirement that the ATF be inspected by PDA. The waiver would be subject to annual review by PDA to ensure the center is still licensed by DPW as an ATF and that there are no circumstances that would warrant revocation of the waiver or other action by PDA.

PDA may exercise the right to monitor and inspect an ATF with an approved regulatory waiver to ensure the health and safety of older adults at any time. This waiver would not exempt the ATF from other OADLC licensure requirements found in Chapter 11. For example, the ATF is still required to submit unusual incident reports to the Department of Aging for clients age 60 and over.

Onsite regulatory oversight by the Commonwealth would be maintained by DPW through ATF licensure inspections. Should the ATF lose its license through DPW and continues to operate as an OADLC, this waiver would be void and it would be subject to licensure inspections by PDA. In addition, the waiver would also be void if any of the circumstances identified in regulation §§ 11.268(b) were to occur.

ATFs that currently do not serve four or more individuals 60 years of age or older but do so after the publication of this Aging Program Directive are required to be licensed as an OADLC. However, those ATFs may also request this waiver after they have been inspected at least once by PDA, receiving a Regular License.

In order for ATFs that receive this waiver from PDA to maintain and have their OADLC license issued, the ATF must still submit the application forms and licensure fee on an annual basis. In addition, these centers must also take into consideration any additional compliance requirements through their funding systems (for example the Veteran's Administration or the County Mental Health/Mental Retardation Agency, etc.).

IMPORTANT: This Aging Program Directive does not apply to dually-licensed centers that serve clients the majority of whom are predominantly 60 years of age or older, or who are under 60 years of age but have a dementia-related disease, as a primary diagnosis.

NEXT STEPS: Dually-licensed ATFs interested in requesting this regulatory waiver must complete the attached waiver request form and submit the original document along with a cover letter signed by an authorized representative of the center's legal entity to:

Pennsylvania Department of Aging
Division of Licensing
555 Walnut Street, 5th Floor
Harrisburg, PA 17101

ATFs requesting a waiver will receive a written response from PDA either approving or denying the regulatory waiver request. Please contact the Division of Licensing at (717) 772-2570 if you have any questions. Thank you for your services to older Pennsylvanians.

Attachment