

ISSUE DATE
July 15, 2019

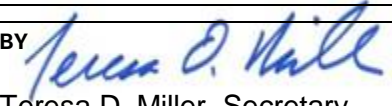
EFFECTIVE DATE
October 1, 2019

NUMBER
14-Bul-107

SUBJECT

Timeframes for Issuance of Licensing Inspection Summary, Plan of Correction, and Verification

BY


Teresa D. Miller, Secretary
Department of Human Services

PURPOSE:

The Department is issuing guidance for all entities licensed by the Department of Human Services (DHS). Unless otherwise consistent with existing practice, this guidance will be applicable starting with any on-site inspection or investigation that occurs on or after October 1, 2019. Nothing in this guidance limits DHS in any way from taking any licensing action, as DHS determines appropriate, pursuant to applicable law.

SCOPE:

Individuals and Families
DHS Licensed Entities
Administrative Entities

BACKGROUND:

Licensed providers play a critical role in providing supports to individuals with varying needs and in different settings across the Commonwealth. DHS licenses many of those providers. Regardless of the type of facility or the individuals served, DHS-licensed providers must promote the health, safety and well-being of individuals in their care. Those providers must demonstrate to DHS not only compliance with requirements, but also the ability to remain in compliance and to ensure corrective actions are timely implemented for any deficient practices to prevent recurrence.

DHS created this guidance to provide a consistent approach to licensing throughout DHS and to assure that all plans of correction are implemented timely to protect ongoing safety and well-being of those being served by a licensee.

PROCEDURE:

1. DHS will attempt to commence all annual license inspections at least three months prior to the expiration/renewal date of the current License/Certificate of Compliance (COC). DHS will attempt to achieve this goal no later than October 1; however, it may take approximately one

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The appropriate DHS Licensing Representative or Licensing Supervisor in your regional office

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year for each program office to achieve this goal. DHS may conduct complaint investigations and monitoring inspections at any time.

2. If DHS finds any violations of applicable statutes or regulations (licensing violations) during the on-site inspection, then DHS will issue a Licensing Inspection Summary (LIS). DHS will attempt to issue the LIS within 15 business days of the date of the exit conference.
3. In response to the LIS, the licensee shall return an acceptable plan of correction (POC) to the program office. The licensee should return the POC to DHS no later than 10 calendar days after DHS sent the LIS to the licensee. Based upon the violations, DHS may request the POC be submitted earlier than 10 calendar days after the program office sent the LIS to the licensee.
4. An acceptable POC must include, at a minimum, concrete and measurable corrective actions to address each specific licensing violation, including any measures or systemic changes to ensure that the licensing violation will not reoccur.
5. DHS either accepts or does not accept the POC. DHS will attempt to accept or not to accept the POC within 10 business days of DHS's receipt of the POC.
6. If DHS does not accept the POC, then the licensee shall submit a second, revised POC. The licensee should submit the second, revised POC within five business days (or less if DHS determines it necessary) of the date of the notice from DHS that the first POC was unacceptable.
7. Upon receipt of the second, revised POC, DHS either accepts or does not accept the POC. DHS will attempt to accept or not accept the second, revised POC within 5 business days of DHS's receipt of the second, revised POC.
8. If DHS does not accept the second, revised POC, then DHS may direct the POC, or may take further licensing action, which could include revocation or refusal to renew the COC, or issuance of a provisional COC. DHS will attempt to notify the licensee within 10 business days from the date the second plan of correction was determined not acceptable.
9. Upon acceptance of the POC, DHS will send a written notification to the licensee that the POC is acceptable. DHS's acceptance of a POC only serves as DHS's acknowledgement of the licensee's willingness to adequately and timely correct the licensing violations. Acceptance of a POC did not and does not absolve the licensee of the obligation to achieve and maintain compliance, nor does it confirm that the licensee is compliant with licensing requirements. This notification will be posted to the web.
10. DHS verifies compliance by an onsite reinspection or by reviewing documentation that was submitted by the licensee and that conclusively demonstrates the POC was implemented, compliance was achieved and is being maintained. Documentation may include written policies, sign-in sheets for staff training attendance, resident assessments and support plans, maintenance logs, and other internal documents. Photographs and videos may also serve to demonstrate corrective action with repairs or improvements to the physical site and grounds.

11. The timeframe for verification of compliance should be based upon how the regulatory violations may impact the health and safety to individuals. DHS will attempt to re-inspect those violations that pertain to serious health and safety issues within five business days after the implementation date of the POC for that specific violation. For all other compliance issues, DHS will attempt to re-inspect or review documents within 30 calendar days after the last implementation date specified in the POC. By way of further explanation on the 30-day timeframe, if a POC contains multiple items and plans responsive to a LIS, then the latest date should be used when determining the timeframe for completing the re-inspection. Nothing in this guidance precludes DHS licensing staff from conducting on-site monitoring visits before the specific implementation date of the POC or any item within the POC.
12. If, upon reinspection or document review, DHS finds that the licensee has achieved and is maintaining compliance, then DHS will notify the licensee in writing and issue a new annual COC. The program office will also update, accordingly, any documents posted to the web to indicate that the plan of correction has been implemented and the licensee has achieved compliance.
13. If DHS finds that a POC has not been fully implemented or the licensee has not achieved and maintained compliance with any licensing requirements, then the program office should issue a provisional COC unless there is an extraordinary circumstance.
14. Nothing in this guidance limits DHS in any way from taking other licensing action, as DHS determines appropriate, pursuant to applicable law.