

# 2018 PADSA Conference

## Updates from the Division of Licensing

Division of Licensing

04/27/2018

# 2018 PADS A Conference

## Topics:

- General Licensing & PDA Updates
- 2017 Regulatory Citations
- Citation Report Overview
- 2017 Incident Reports
- Regulation Update Status
- Regulatory Guidance & Best Practices
- Questions

## Department of Aging Update

- Personnel Changes with the Division of Licensing
- Updates on Licensing & Department Initiatives
- Final Rule Surveys for Dually Licensed Centers in Non-Traditional Settings
- LIFE Program Status.

## Department of Aging Update

- LIFE program status, Act 40, 2017 (House Bill 118)..

“A facility that provides services only to individuals enrolled in a program of all-inclusive care for the elderly operated in accordance with an agreement between the program provider, the Department of Human Services and the Centers for Medicare and Medicaid Services shall not be subject to the provisions of the Act of July 11, 1990 (P.L.499, NO.118), known as the Older Adult Daily Living Centers Licensing Act.”

## Department of Aging Update

- LIFE program status
- LIFE Center Licenses Returned 24
- LIFE Center Licenses Retained 14
- LIFE Center Awaiting Guidance 3
- LIFE Centers Undecided 6

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## Adult Day – By the Numbers

	<u>2018</u>	<u>2017</u>	<u>2016</u>
• Traditional	125	126	128
• LIFE	47	41	36
• Dual Licensed	118	116	112
• Total	290	283	274

as of 3/13/2018

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## Adult Day – By the Numbers

- Licensed Capacity & Enrollment

	<u>2018</u>	<u>2017</u>	<u>2016</u>
• Capacity	20533	19,954	18,635
• Enrollment	16838	16,820	15,006

As of 3/26/2018

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## Regulatory Citations

2017 continues the trend of decreasing regulatory citations.

<u>Year</u>	<u># Citations</u>
2017	252
2016	297
2015	494



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## Citation Report & Trends

### Most Cited Items

- Storage of poisons
- We have seen an increase in overdue fire safety inspections.
- Intake screenings
- Content of both staff and client physical exams continue to be the most common citations.
- 11.123(2), which covers quarterly infection control trainings, and client assessments.
- Overall we have seen positive improvements and proactive measures which have lead to the steady decline in citations.

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## Incident Reporting

### Type of Incidents:

		<u>Degree of Change</u>			<u>Degree of Change</u>
• Medical or Trauma	648	^	20	Falls	151 ^ 35
• Abuse/Neglect	117	^	18	Police Action	16 ^ 03
• Fire Department	07	v	05	Elopement	19 ^ 01
• Violation of Rights	11	v	01	Closures	09 ^ 03
• Comm. Disease	22	^	12	Client Deaths	1 v 03
• Others	03	^	02		
• 2017 Total # Incidents	1,004				
• 2016 Total # Incidents	919				
• 2015 Total # Incidents	954				

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## Incident Reporting

### Breakdown by Center Type:

	<u>S</u>	<u>L</u>	<u>D</u>		<u>S</u>	<u>L</u>	<u>D</u>
• Medical or Trauma	264	273	111	Falls	87	30	34
• Abuse/Neglect	43	33	41	Police Action	07	08	01
• Fire Department	01	04	02	Elopement	13	04	02
• Violation of Rights	04	03	04	Closures	08	01	00
• Comm. Disease	01	19	02	Client Deaths	00	01	00
• Others	02	01	00				
• Standard Centers			430				
• LIFE Centers			377				
• Dually Licensed Centers			197				

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## Regulation Updates

- Aging's regulation revision process started in December 2015.
- The current chapter 11 regulatory revisions, as well as the proposed chapter 12 CARS regulations are still being reviewed internally by Aging policy.

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## Regulation Update – Process

- Once the policy review has been completed the Department will draft a formal draft of the revised regulations.
- The next step involves submission for public review and external review.
- Following internal approvals (Legal & Policy), the draft version will be published in the PA Bulletin and open a 30 day public comment period.

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## Regulation Update – Process

- An internal workgroup will write formal responses to all public comment. The responses will be published in the PA Bulletin.
- During this process the Department presents the draft regulations to the appropriate Aging committees in the State House and Senate for review.
- Following any edits made to the draft regulations based on public comment, a final version is drafted.

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## Regulation Update – Process

- The final version goes through multiple, internal reviews:
  - Department of Aging approval
  - Attorney General's approval
  - Governor's Policy Office
- The Department presents the final Regulations to IRRC (Intergovernmental Regulatory Review Commission) at a public hearing.
- Once approved by IRRC, the final version is published in the PA Bulletin with a future implementation date.

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## Regulatory Guidance & Best Practices

- Plan of corrections
- Tuberculin testing
- Notification of change



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## Plan of correction

The plan should contain:

- Plan of corrections should include all of the required elements listed in the interpretive guide.
- The purpose of an effective plan of correction is to ensure non-compliance issues are corrected, and to put policies, and procedures in place to ensure ongoing compliance.
- The absence of an acceptable plan of correction can hold up the reissue, and receipt of your license.

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## Plan of Corrections

- 1. A concise plan to correct each area of non-compliance.**
  - 2. The person(s) responsible for the implementation and continued compliance of the plan.**
  - 3. The date the plan was completed and implemented.**
  - 4. The method(s) implemented to ensure the violation will not occur again.**
  - 5. An indication that support documentation is attached, if applicable. Examples of supporting documentation include, but are not limited to: (1) staff in-service trainings, (2) policy, procedure and form revisions, (3) physical examination forms, (4) photographs, (5) work orders and receipts.**
- For detail on how to create an effective plan of correction please reference pages 118 and 119 of the License Inspection Guide (LIG).**

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## Plan of Corrections

Example of a thorough plan:

- Tag Number – 11.102 (c)
- Correction – It was found that the disease statement for client #1 was not completed as required. Client has Chronic Hepatitis C, but disease statement stated client was free of disease. Corrected physical examination was received from physician on 4/27/2018. The physician clarified that the participant is not free of disease, but, can participate in day program if universal precautions are followed.

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## Plan of Corrections

- Responsible party & ongoing compliance – Ongoing, the center Director will be responsible for reviewing the physical exam when received to ensure it is complete. The Director will give the physical examination to the center Nurse, who will then review the form to ensure it is complete, and file in the client record, and in the portable emergency file if there are no corrections needed. If errors are found either party will return to the physician to correct. The plan was implemented on 4/28/2018.
- Attachment - A copy of the corrected physical examination, and physician statement was included as attachment #1.

## Tuberculin Testing Process

11.102 (c)(4) - An indication that a tuberculin skin test has been administered with negative results within 2 years; or, if tuberculin skin test is positive, the results of a chest X-ray.

Acceptable tuberculin skin test: One step Mantoux (TST), two step Mantoux(TST), Quantiferon Gold, and T-Spot blood test.

## Tuberculin Testing Process

- The tuberculin skin test, and the blood test detect latent tuberculosis by detecting the bacteria in the tissue or blood.
- The only time a center should not have the tuberculin skin test or blood test, would be if the client has a documented history of positive results from one of these test, then an X-ray would be allowed.

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## Plan of Corrections

### Tuberculin Testing Process

#### BCG Vaccine

- BCG (bacilli Calmette-Guérin) vaccine was used in countries with a high prevalence of TB.
- The CDC recommends that clients who have received the BCG vaccine, should use an IGRA if a positive PPD is produced.

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## Notification of Change

- These regulations cover notifications of changes to be made to the Department by providers under chapter 11 regulations; 11.14 (b), 11.269, and 11.270
  - a.) 11.14 (b) – Occupancy permit
  - b.) 11.269 - Change in ownership, name or structure
  - c.) 11.270 – Notification of change



# Open Discussion & Questions