




**OFFICE OF
DEVELOPMENTAL
PROGRAMS BULLETIN**

ISSUE DATE February 3, 2020	EFFECTIVE DATE February 3, 2020	NUMBER 00-20-01
SUBJECT Regulatory Compliance Guide for Community Homes for Individuals with an Intellectual Disability or Autism		BY  Kristin Ahrens Deputy Secretary for Developmental Programs

SCOPE:

Providers licensed to operate community homes for individuals with an intellectual disability or autism pursuant to 55 Pa.Code Chapter 6400.

PURPOSE:

The purpose of this bulletin is to announce the release of the Chapter 6400 *Regulatory Compliance Guide (RCG)* (6400) for implementation starting February 3, 2020.

BACKGROUND:

The Department of Human Services, Office of Developmental Programs (Department) has used the *Licensing Inspection Instrument (LII)* since July 2011 as an interpretive guide to measure compliance and provide clarification on Chapter 6400 regulations. There have been significant advances in the field of human services licensing and regulatory administration since the release of the LII, especially in the area of best practices in developing interpretive guides. For example, in August of 2019, the National Association for Regulatory Administration (NARA), whose members are internationally-recognized as the foremost experts in regulatory theory and best practices in regulatory administration, released a position paper that established best practices in interpretive guide development.

Additionally, the ODP regulatory package published in Volume 49, Number 40 of the *Pennsylvania Bulletin* on October 5, 2019 changed multiple requirements in Chapter 6400 such that the information in the LII is no longer consistent with all regulatory requirements. These changes take effect on February 3, 2020.

Furthermore, on July 31, 2019, Governor Wolf issued Executive Order 2019-05, *Protection of Vulnerable Populations*. Many elements of the Order mandate that the Department take actions to protect the health, safety, and welfare of the Commonwealth's most vulnerable citizens.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Office of Developing Programs Regulatory Administration Unit, RA-PW6100REGADMIN@pa.gov.

Visit the Office of Developmental Programs Web site at
<http://www.dhs.pa.gov/provider/developmentalprograms/index.htm>

In October 2018, the Department initiated the development of the 6400 RCG. The development process included extensive internal review by Department staff, subject matter experts, and a 90-day public comment period. Many modifications to the original draft were made as a result of these reviews. In addition, the RCG conforms to the best practices in interpretive guide development established by NARA.

Effective February 3, 2020, this bulletin obsoletes and replaces the LII in its entirety with the 6400 RCG as the official Chapter 6400 interpretive guide.

DISCUSSION:

The minimum requirements to operate a community home for individuals with intellectual disabilities or autism in the Commonwealth of Pennsylvania are established in 55 Pa.Code Ch. 6400 (relating to community homes for individuals with intellectual disabilities or autism).

The 6400 RCG is a companion piece to the Chapter 6400 regulations; it should be used along with the regulations, not instead of them. The explanatory information in 6400 RCG are not “new regulations” and do not create compliance requirements beyond the regulations as promulgated.

The 6400 RCG has been developed to provide clear explanations of the regulatory requirements of Chapter 6400 to assist providers ensure safe environments and effective services to individuals through regulatory compliance, and to help regulators protect individuals by conducting consistent and comprehensive inspections. It provides a detailed explanation of each regulatory requirement, including expectations for compliance, guidelines for measuring compliance, and the primary purpose for the requirement. In addition, the 6400 RCG includes general regulatory requirements and procedures as well as overviews of complex regulatory issues to provide a more global understanding of the chapter and its purpose.

UPDATES TO THE 6400 RCG:

The practice of licensing and regulatory administration regularly results in the identification of previously-unknown circumstances and situations that require clarification. Beginning with the release of this bulletin, the Department will collect and review questions and comments received from providers, licensing staff, and other stakeholders about regulatory compliance that may require revisions to the 6400 RCG. The Department will use this information to modify the RCG and release an updated version of it on a biannual basis. Updated versions of the 6400 RCG will include a crosswalk document to highlight sections that have been modified since the last version.

CONTACT:

Providers, stakeholders, and all other interested parties may send questions, comments, and recommendations relating to the 6400 RCG to the Department’s Regulatory Administration Unit at RA-PW6100REGADMIN@pa.gov.

ATTACHMENT:

Chapter 6400 *Regulatory Compliance Guide*, February 3, 2020 Edition