Pennsylvania
Department of Aging

Aging Program Directive (APD)

APD#: 26-20-03

Issuance Date: September 10, 2026

Effective Date: September 10, 2026

Program Area: Bureau of Quality Assurance

Disposition: Rescinds APD 14-20-01

Origin: Bureau of Quality Assurance

Contact: Div. of Licensing (717) 214-6716

Subject: Older Adult Daily Living Centers Dually Licensed As An Adult Training Facility

To: Pennsylvania Department of Aging
Area Agencies on Aging
Pennsylvania Association of Area Agencies on Aging
Pennsylvania Council on Aging
Long Term Care Ombudsman
Deputy Secretary of the Office of Developmental Programs, DHS
Deputy Secretary of the Office of Long-Term Living, DHS

From: Jason Kavulich
Secretary

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. The Aging Program Directive will also provide additional direction to those ATF's currently in receipt of an inspection waiver as described herein.

Background: On January 15, 2026, the PDA launched an internal policy known as the Aging Program Directive Cataloguing Tool & Process to

ensure that all APDs and ATABs issued to the AAA network are reviewed on an annual basis. This internal PDA review process, as outlined in APD 26-30-02 Rescinding Department Guidance, will ensure the AAA network is able to easily identify current APDs and ATABs. It is the goal of this review process to ensure that issuance dates of APDs or ATABs do not exceed five (5) years. **This APD/ATAB has been updated with minimal changes in accordance with the internal review process and reflects current PDA policy and procedures.**

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.

There are over 100 dually licensed ATF/OADLCs in Pennsylvania, all of which are subject to multiple licensure inspections. PDA and DPW staff have 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.

Directives:

Section 1: For ATFs Requesting an Inspection Waiver

Procedure: 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 Department 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. Onsite regulatory oversight by the Commonwealth would be maintained by DPW through their inspections of ATFs.

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 a waiver request form (Attachment 1) and submit the original document along with a cover letter signed by an authorized representative of the center's legal entity to: Adult Licensing at AI, Adult Licensing, RA-AIADULTLICENSING@pa.gov.

Section 2: For ATFs with an Inspection Waiver

a. It is the policy of the Department of Aging that all OADLCs comply with Title 6, Chapter 11 to assure quality of care. To ensure that this policy is met by those OADLCs in receipt of an inspection waiver, the Department sets forth the following:

    1. OADLCs with an inspection waiver must maintain compliance with Title 6, Chapter 11 regulations. While these centers are dually licensed as an ATF and inspected by the Department of Public Welfare, there remain several regulatory requirements that are unique to Chapter 11. These requirements are detailed in Attachment 3.

    2. The Department of Aging reserves the right to inspect all licensed OADLCs, including those with an inspection waiver. This includes, but is not limited to, complaints and unusual incident investigations, and inspections to change the center's capacity

    3. OADLCs with an inspection waiver must develop or maintain an internal Quality Assurance process to ensure compliance with those areas of Title 6, Chapter 11 not monitored by the Department of Public Welfare.

    4. OADLCs with an inspection waiver shall submit an attestation letter with their annual licensure renewal paperwork affirming their compliance with Title 6, Chapter 11 regulations. The attestation letter template is found in Attachment 2.

    5. Inspection waivers can be revoked in certain circumstances. As previously stated in APD 13-20-01, the inspection waiver is revoked if the ATF loses its DPW-issued ATF license. The inspection waiver would also be void if any of the conditions of regulation 11.268(b) are met (change in ownership of the legal entity, name or structure, or change in location of the center). The inspection waiver is also void if after inspection or investigation, the Department determines there is a situation in the OADLC that jeopardizes the health or safety of clients.

b. **Procedure:** <u>Quality Assurance Plan & Attestation Statement</u>

    OADLCs with an inspection waiver are to develop or maintain an existing internal quality assurance plan that assures compliance with the Title 6, Chapter 11 regulations (Attachment 3) that are not monitored by DPW. The quality

assurance plan is to assist the OADLC in monitoring its own compliance with the Chapter 11-unique regulatory areas.

The Quality Assurance plan should describe the OADLC's process to periodically review the unique Chapter 11 regulatory areas. It should also explain how the plan's findings are documented. For example, the periodic reviews could entail a review of a sampling of client files to ensure required quarterly fire safety training was conducted and documented.

Finally, the Quality Assurance plan must contain a checklist or other means of documentation to ensure the unique Chapter 11 areas are monitored. The Department has prepared a sample checklist of the unique Chapter 11 regulatory areas. This checklist can be found in Attachment 4.

Centers with an inspection waiver will be required to submit a copy of their Quality Assurance plan to the Division of Licensing no later than one year following the issuance of this Aging Program Directive. The Division of Licensing reserves the right to periodically review the results of self-monitoring inspections that are part of the center's Quality Assurance plan.

Having a strong quality assurance plan will enable an OADLC with an inspection waiver to confidently complete and submit an attestation letter (Attachment 2) with the annual license renewal paperwork.

Sixty to ninety days prior to the expiration of the current license, the OADLC with an inspection waiver will be contacted by the PDA regional licensing representative to inform the center that its license is due for renewal. The OADLC is to submit by the date specified to the Department the completed licensure renewal paperwork, licensure fee, and if the center intends to continue to receive the inspection waiver, the completed attestation letter. During the first year after issuance of this Aging Program Directive, the OADLC is to also submit a copy of its quality assurance plan.

c. <u>PDA Inspections of OADLCs with an Inspection Waiver</u>

When PDA licensing representatives conduct an onsite inspection for any reason, such as a complaint investigation or change in capacity, they have the discretion to review a sampling of the Chapter 11-unique regulatory items while at the center.

If non-compliance areas are noted during the course of an investigation, inspection, or abbreviated review of Chapter 11 items, the PDA licensing inspector will notify the OADLC program director that they will conduct a full inspection of the center. If client health or safety violations are noted, the full inspection will be initiated at that time. Otherwise, the full inspection will be scheduled for a future date.

Violations noted during the abbreviated or full inspection will be noted on a Licensing Inspection Summary. The OADLC will complete a Plan of Correction, as is the normal process. If the Plan of Correction is accepted by the Department of Aging, the OADLC will remain on the inspection waiver. If the OADLC cannot produce an acceptable plan of correction, the inspection waiver is void.

d. Revocation of an Inspection Waiver

The inspection waiver is revoked if the ATF loses its DPW-issued ATF license or if any of the conditions of regulation 11.268(b) are met (change in ownership of the legal entity, name or structure, or change in location of the center). The inspection waiver is also void if after inspection or investigation, the Department determines there is a situation in the OADLC that jeopardizes the health or safety of clients.

The Department will notify the legal entity in writing of the decision to revoke a regulatory waiver. The notification letter will explain how an inspection waiver holder can appeal a revoked waiver and the appeal process, if applicable.

Attachments:

1. Waiver Request Template
2. Attestation Letter
3. QA Plan Chapter 11 Regulation Checklist
4. Sample QA Review Checklist

Attachment 1

pennsylvania
DEPARTMENT OF AGING

OLDER ADULT DAILY LIVING CENTER
REQUEST FOR WAIVER OF REGULATION
6 PA. CODE § 11.5

NAME OF LEGAL ENTITY:	**NAME OF DIRECTOR/ADMINISTRATOR:**
ADDRESS OF LEGAL ENTITY:	**COUNTY:**
NAME OF CENTER (IF DIFFERENT FROM LEGAL ENTITY):	**LICENSE #:**
ADDRESS OF CENTER (IF DIFFERENT FROM LEGAL ENTITY):	**LICENSED CAPACITY:**
DATE OF WAIVER REQUEST:	**NAME OF PERSON COMPLETING FORM:**

6 PA. CODE CH. 11 SECTION TITLE (REGULATION HEADING): Annual Inspection and Announced Inspection

6 PA. CODE CH. 11 SECTION/SUBSECTION NUMBER (COMPLETE A SEPARATE FORM FOR EACH SECTION/SUBSECTION/PARAGRAPH): §§ 11.241 & §§ 11.242

WHAT IS THE REASON FOR THIS REQUEST?*:

(Name of ATF) is licensed by the Department of Public Welfare (DPW) Office of Developmental Programs under 55 Pa. Code Chapter 2380 as an Adult Training Facility. We are requesting a waiver of 6 Pa. Code §§ 11.241 and 11.242 per Aging Program Directive #13-20-01.

EXPLAIN WHY THERE IS NO JEOPARDY TO THE CLIENT(S) IF THIS WAIVER IS GRANTED*:

(Name of ATF) is licensed as an ATF by the DPW Office of Developmental Programs and is subject to annual inspection and licensure by Commonwealth staff. Client health & safety is monitored by authorized agents of DPW.

EXPLAIN HOW ONE OR MORE CLIENTS WILL BENEFIT FROM THE WAIVER OF THIS REGULATION*:

The center will no longer have to allocate time and resources for duplicative inspection-related requirements that are in some cases not applicable or in direct conflict with 55 Pa. Code Chapter 2380 regulations.

HAVE ANY OTHER WAIVERS BEEN GRANTED TO YOUR CENTER UNDER CHAPTER 11 REGULATIONS? ☐ **YES** ☐ **NO**	**SECTION(S) OR SUBSECTION(S) PREVIOUSLY WAIVED:** **IS (ARE) WAIVER(S) STILL VALID?** ☐ **YES** ☐ **NO**

***ATTACH ADDITIONAL PAGES IF NECESSARY**

Attachment 2

SUBJECT: ATTESTATION STATEMENT OF COMPLIANCE WITH TITLE 6, CHAPTER 11 OLDER ADULT DAILY LIVING CENTERS (OADLC) WITH A WAIVER OF 11.241 & 11.242

OADLC NAME:
OADLC ADDRESS:

OADLC LICENSE NUMBER:
OADLC LEGAL ENTITY NAME:

The above-named OADLC affirms the following:

1. [OADLC NAME] is licensed in good standing with the Department of Public Welfare as an Adult Training Facility.
2. [OADLC NAME] remains fully in compliance with Title 6, Chapter 11, Older Adult Daily Living Center regulations.
3. [OADLC NAME] remains fully in compliance with the Older Adults Protective Services Act (OAPSA) and the Title 6, Chapter 15, Protective Services for Older Adults regulations.
4. [OADLC NAME] has implemented a Quality Assurance plan to monitor and maintain compliance with Title 6, Chapter 11 Older Adult Daily Living Center regulations.

[Legal Entity Name] will continue to be responsible for renewing its OADLC license through the submission of the required application forms and licensure fee. [OADLC NAME] understands that the waiver of regulations 11.241 and 11.242 is not transferable and is void should [OADLC] lose or withdraw its ATF license. These waivers are also void if any of the conditions identified in regulation 11.268(b) occur, or if the Department of Aging determines that health and/or safety violations exist in the center.

LEGAL ENTITY AUTHORIZED REPRESENTATIVE SIGNATURE

LEGAL ENTITY AUTHORIZED REPRESENTATIVE PRINTED NAME AND TITLE

DATE

This attestation statement is required with the issuance of each license.

Older Adult Daily Living Center Regulatory Requirements Unique to Title 6, Chapter 11

Date of Compliance Review _____

Regulation	Title	Description
11.8(d)	Responsible Party Designation	If a client has a Power of Attorney, the OADLC shall have a copy of the Power of Attorney in the client's file.
General Requirements		
11.9(a)	Client Rights	OADLC clients have additional client rights beyond those found in Adult Training Facilities
11.9(b)	Posting Client Rights	The OADLC client rights are to be posted in the center
11.9(c)	Explaining Client Rights	Client rights are to be explained to clients and responsible parties
11.13(b)	Written Policies and Procedures	OADLCs require additional policies and procedures beyond those found in Adult Training Facilities
11.16(c)	Reporting of Unusual Incidents	Oral reporting requirements of unusual incident reports
11.16(d)	Reporting of Unusual Incidents	Written reporting requirements of unusual incident reports
11.16(e)	Incident Report Filing	A copy of an unusual incident report relating to an individual shall be kept in the client's record
11.16(f)	Incident Report Filing	Incident reports relating to the center itself, such as fire department response, shall be kept on file for 4 years
11.17(b)	Death Reporting	Reporting requirements for Death Reports
11.18(d)	Criminal History Background Checks	This regulation is superseded by the Older Adult Protective Services Act. See regulation Title 6, Chapter 15.141-15.146
11.18(e)	Criminal History Background Checks	A copy of an employee's criminal history background check shall be kept on file by the center operator
11.20(b)	Grievances	The OADLC shall provide clients and responsible parties with contact information for the local Long-Term Care Ombudsman
11.21(a)	Emergency Procedures	The OADLC shall have written procedures for handling emergencies
11.21(b)	Emergency Procedures Training	The written emergencies procedures shall be reviewed with staff quarterly
Staffing		
11.31(a)	Minimum Staff Requirements	OADLC staff are to meet these minimum requirements
11.33(a)	Staff Orientation Training	The OADLC must ensure the OADLC unique orientation training topics are covered for all new staff
11.33(c)	Training Curriculum and Trainer Qualifications	The OADLC must have the training curriculum for orientation and annual training, and ensure the trainers are qualified in those areas

Physical Site		
11.52(c)	Indoor Floor Space	The OADLC capacity will be based on this regulation
11.62	Posted Phone Numbers	The center shall post, by each phone with an outside line, the numbers listed in this regulation with the exception of the Governor's Action Center number, which is no longer active
11.69(1)	Bathrooms	The bathroom to client ratio of 1:14 applies to OADLCs
Fire Safety		
11.82(b)	Evacuation Procedures	Written evacuation procedures shall be posted in program areas
11.90(a)	Fire Safety Training for Clients	Clients are to be trained upon admission and quarterly on fire safety and smoking.
11.90(b)	Extent of Participation	Document the extent of the client's participation in fire safety training
11.90(c)	Fire Safety Documentation	Center shall document the training as described in regulation
Program Components		
11.101(a)	Intake Screening	Intake Screening is to be done for each participant within 60 days prior to admission
11.101(b)	Intake Screening	The information listed in this regulation is to be addressed in the client intake screening
11.101(c)	Determination of Appropriateness for Center Admission	Determination, based on the intake screening, that the client is appropriate for the OADLC
11.101(d)	Notification When Not Admitting	The OADLC must notify a client who is determined to not be appropriate for the OADLC
11.102(c)(5)	Medical Report	The client medical report must also contain a statement affirming the client is free of communicable disease
11.104(c)(5)	Individual Care Plan	The care plan/ISP must identify the staff person(s) responsible for the implementation of the plan, or specific components of the plan
11.105(b)	Review of Individual Care Plan	Each semi-annual review must be conducted with the client and/or responsible party. The OADLC must document the review occurred
11.109	Service Documentation	Client progress notes shall be written at least monthly and shall cover those areas addressed in this regulation
Discharge Policy		
11.110(a)	Written Discharge Policy	The discharge policy shall be available to client upon admission
11.110(b)	Discharge Policy Components	The discharge policy must address at least the items noted in this regulation
11.110(c)	Discharge Procedure	The OADLC must have a discharge procedure that addresses recommendations for continuing care and referrals to community services
11.110(d)	Discharge Procedure	The OADLC shall document the date and reason for discharge or transfer and the client's destination, if known

11.111(a)	Notification of Discharge	The center must give oral and written notice at least 30 days prior to discharge
Center Services		
11.122	Assurance of Service Quality	The OADLC shall assure the quality of services it makes available to clients to include proof an any professional licensure or certification, and proof of professional liability insurance
11.123(2)	Nursing Services	The OADLC must provide the nursing services described in this regulation
11.123(4)	Therapeutic Activities	The OADLC must prepare and post a monthly activities calendar and these activities must be coordinated with other services offered in the center
Health		
11.132(a)	Staff Physical Examination	OADLC staff shall have a physical exam within 12 months prior to employment and every 2 years thereafter
11.132(c)(3)	Staff Physical Examination	The staff medical report must include a statement affirming the staff person is free of communicable disease
11.133	Communicable Disease	If a staff person or volunteer has a communicable disease, the requirements in this regulation must be followed
Medications		
11.147	Self-Administration of Medications	If an OADLC client self-administers medications, this regulation must be followed
Nutrition		
11.151	Dining Area	The OADLC shall have a dining area as described in this regulation
11.152	Food Provided or Arranged by Center	If the OADLC provides meals, the provisions of this regulation must be followed
Protective Devices		
11.171(a)	Use of Restraints, Seclusion, and Adverse Conditioning is prohibited	The use of these devices in an OADLC is prohibited
Client Records		
11.193(1)(v)	Content of Records	A photograph, taken with the last 5 years, must be in the client record
Application		
11.231	Application Form	The OADLC shall apply for a license as described in this regulation
11.232	Reapplication	The legal entity shall apply for a renewal of its OADLC license at least 60 days prior to the expiration of its OADLC license
Inspection		
11.243	Other Inspections	The OADLC is subject to announced and unannounced inspections as described in this regulation
11.244	Access	OADLCs shall provide authorized agents of the Department of Aging full access to its records during all inspections. The Department has the right to enter and inspect as described in this regulation

Fees		
11.251	Payment of Fees	The legal entity shall pay the applicable license fee prior to the issuance of a license
Licensure		
11.267	Posting of the License	The OADLC license must be posted in a public place in the center
11.268	Restriction on the License	This regulation lists the conditions that cause an OADLC license to become void
11.269	Change in Ownership, Name, or Structure	The Department shall be notified in advance of these changes as described in this regulation
11.270	Notification of Change	The OADLC must notify the Department per the timeframes noted in this regulation

SAMPLE

Older Adult Daily Living Center Regulatory Requirements Unique to Title 6, Chapter 11

Date of Compliance Review _____

Regulation	Title	Description	Compliant Y/N	Corrective Action (If Required)
General Requirements				
11.8(d)	Responsible Party Designation	If a client has a Power of Attorney, the OADLC shall have a copy of the Power of Attorney in the client's file.		
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11.90(b)	Extent of Participation	Document the extent of the client's participation in fire safety training		
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11.101(d)	Notification When Not Admitting	The OADLC must notify a client who is determined to not be appropriate for the OADLC		
11.102(c)(5)	Medical Report	The client medical report must also contain a statement affirming the client is free of communicable disease		
11.104(c)(5)	Individual Care Plan	The care plan/ISP must identify the staff person(s) responsible for the implementation of the plan, or specific components of the plan		
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11.268	Restriction on the License	This regulation lists the conditions that cause an OADLC license to become void		
11.269	Change in Ownership, Name, or Structure	The Department shall be notified in advance of these changes as described in this regulation		
11.270	Notification of Change	The OADLC must notify the Department per the timeframes noted in this regulation		