

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF MENTAL HEALTH

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SUBJECT: REQUIREMENTS FOR LICENSURE OF
RESIDENTIAL TREATMENT FACILITIES FOR ADULTS

TO: County Mental Health Administrators
Single County Authorities

FROM: Charles Curran
Deputy Secretary for Mental Health

PURPOSE:

To state requirements for the licensure of Residential Treatment Facilities for Adults (RTFAs)

DEFINITION:

An RTFA is a highly structured therapeutic residential mental health treatment facility designed to serve persons 18 years of age or older who do not need hospitalization but who require mental health treatment and supervision on an ongoing 24 hour per day basis. Typically the length of stay in an RTFA is short term (less than 30 days). Admission may occur voluntarily under section 201 of the Mental Health Procedures Act (50 P.S. §7201), or involuntarily pursuant to Sections 303 or 304 (50 P.S. §7303-7304).

RTFAs may be freestanding facilities or may exist as a unit of a larger entity. The goal of an RTFA is to provide psychiatric stabilization which will facilitate reintegration into the community.

BACKGROUND:

Under Article X of the Public Welfare Code, 62 P.S. Section 1001 et seq., the Department of Public Welfare has a responsibility to ensure the public safety by licensing mental health establishments.

LICENSING REQUIREMENTS:

Effective immediately, programs meeting the above definition must obtain a license as an RTFA unless they are part of a hospital in which case the RTFA would operate under the hospital's license and be approved by the Office of Mental Health. There are a few facilities that meet the RTFA definition which are currently licensed under regulations developed for other programs. These facilities must apply for licensure or

approval as an RTFA when their current license or approval expires.

The following statutory and regulatory provisions apply to RTFAs and shall be used to license or approve these programs.

62 P.S. Section 1001 et seq.

RTFAs shall comply with Article X of the Public Welfare Code, 62 P.S. Section 1001 et seq. (relating to Departmental powers and duties as to licensing).

55 Pa. Code Chapter 20

RTFAs shall comply with Chapter 20 of the Pennsylvania Code, 55 PA Code Chapter 20, relating to licensure or approval of facilities and agencies.

55 Pa. Code Chapter 5100

RTFAs shall comply with 55 PA Code Chapter 5100, relating to mental health procedures, which also requires compliance with 55 PA Code Chapter 13 relating to seclusion and restraints. See 55 PA Code §5100.54, Article VI 2. (c).

ACCREDITATION

RTFAs must have accreditation by the Joint Commission on Accreditation of Healthcare Organizations.

DUAL DIAGNOSIS PROGRAMS

Programs meeting the definition of an RTFA and providing concurrent Drug and Alcohol treatment must be licensed by the Department of Health in the appropriate category of D&A service, (i.e., Residential Inpatient Non-hospital Treatment programs, Partial Hospitalization, Outpatient).

APPLICATION FOR LICENSURE:

For information on application for licensure of an RTFA, contact the Area Office of Mental Health as prescribed in Mental Health Bulletin OMH-95-08, License/Approval Process for Community Based Mental Health Service Programs.

For information on application for a Drug and Alcohol license, contact the Director, Division of Drug and Alcohol Programs Licensing, 132 Kline Plaza Suite A, HBG., Pa. 17104 (717-783-8675).

DEVELOPMENT OF PROGRAM SPECIFIC REGULATIONS

Currently the Office of Mental Health is developing program specific regulations for RTFAs. The attached addendum provides information on the probable content of these regulations.

FOR MORE INFORMATION ON THIS BULLETIN, PLEASE CONTACT YOUR AREA DIRECTOR.

Attachment

ADDENDUM

PROBABLE CONTENT OF PROGRAM SPECIFIC REGULATIONS FOR RTFAS:

The Department is developing program specific regulations for RTFAs which will supersede this memorandum when promulgated in final form. The following are some of the key requirements that we believe will be included in the final regulations. They are indicative of the conditions which the Office of Mental Health believes relate to the health and safety of the residents under Article X of the Public Welfare Code. This information is being provided to assist in program design and development in anticipation of program specific regulations.

A. Involvement of the County MH/MR Administrator

1. The RTFA should establish a written agreement with the county administrator's office which describes the information to be shared by both and describes the means by which continuity-of-care will be ensured. The written agreement should include:
 - a. basic statistics on the aggregate units of service provided by the RTFA;
 - b. the extent the RTFA will participate in planning for community mental health services;
 - c. the extent the RTFA will participate in the continuity of care system of the county MH/MR program.

B. Admission Criteria

To be eligible for admission to an RTFA, a person should:

1. Be 18 years of age or older
2. Qualify for either voluntary treatment under Section 201 of the Mental Health Procedures Act (50 P.S. §7201), or involuntary treatment under Sections 303 or 304 of the Act (50 P.S. §7303-7304). [Involuntary emergency treatment under §302 of the Mental Health Procedures Act should not be provided in an RTFA. Persons requiring involuntary emergency treatment services should be admitted to an approved inpatient facility under Section 302 of the Act (50 P.S. §7302). Letters of agreement should be established between RTFAs and inpatient psychiatric facilities to enable the transfer of persons requiring involuntary emergency treatment services.]

3. Have a physician's certification that the person:
 - a. has a diagnosis of mental illness listed in DSM-IV (excluding senility, Mental Retardation, Substance Abuse).
 - b. does not require hospitalization.
 - c. cannot be served in a less than 24 hour program because of the need for treatment and 24 hour supervision.

C. Access

The provider should permit community legal services, advocacy organizations, consumer and family organizations, and authorized federal, state or local government agents reasonable access to the facility and its residents.

The provider should permit reasonable access by employees and legal counsel of Pennsylvania Protection and Advocacy (PP&A) Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988 (42 U.S.C.A. §§10801-10851).

D. Seclusion and Restraints

1. The use of seclusion is generally prohibited in RTFAs. An exception exists when the resident's behavior requires transfer to a hospital to prevent injury to self or others. Seclusion must be under a physician's order which must be renewed every two hours.
2. The use of restraints for behavior management is generally prohibited in RTFAs. An exception exists when the resident's behavior requires transfer to a hospital. Restraint must be under a physician's order which must be renewed every thirty minutes.
3. The use of restraints to promote body alignment, positioning and physical functioning shall be allowable in an RTFA only when the following conditions are met:
 - a. Compliance with 55 PA Code Chapter 13.4 (Use of restraints to control involuntary movement due to organic causes or conditions), and
 - b. Compliance with state or local standards for Hospital, Nursing Home, and Residential Care Occupancy governing facilities when a resident's mobility is compromised by the use of a restraint.

4. Individuals who are determined to require restrictive procedures such as seclusion or restraint due to their behaviors to prevent injury to self or others, should be transferred to a hospital setting. Letters of agreement should exist between the RTFA and the hospital to ensure continuity of care.

E. National Accreditation

1. RTFAs must have accreditation by either The Joint Commission on Accreditation of Healthcare Organizations or the Commission on Accreditation of Rehabilitation Facilities.

In addition to the above, we believe requirements may be established for facility and unit size.