

Report of the Quality Assurance Programs

Report for Fiscal
Year 2022-2023



Pennsylvania
Department of Health

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Introduction

The Department of Health (Department) administers the Health Care Facilities Act of 1979 (Act) [P.L. 130, No. 48]. Section 448.804(d) of the Act requires an annual report to the General Assembly on the effectiveness of the licensing under Chapter 8 of the Act. Health care facility licensing actions are carried out through the Bureaus of Long-Term Care Programs and Health Facilities and Home Care Services. The Act defines health care facilities as: ambulatory surgical facilities, hospitals, long-term care nursing facilities, birth centers, and home health care agencies. A 1999 amendment to the Act added hospices, and in 2006, the Act was amended to require the Department to license home care agencies and home care registries. In 2011, abortion facilities became subject to ambulatory surgical facility regulations and standards. Act 128 of 2022 amended the Act, providing for the registration and regulation of temporary healthcare services agencies.

This report contains information on the issuance of licenses to health care facilities and on the status of the Department's efforts to license facilities through the survey process. The report also includes information on additional quality assurance functions performed by the Department. The health care facility pages on the Department's website contain information regarding health care facility compliance with regulatory requirements for licensure and certification.

Survey and Certification Program

The Department functions as both the state licensing agency and the state survey agency certifying facilities for the Centers for Medicare and Medicaid Services (CMS). Licensure permits a facility to operate in Pennsylvania. Certification permits a facility to claim and receive payment for services rendered under the Medicare and Medicaid programs.

The Department conducts both routine and special inspections of health care facilities to determine ongoing compliance with regulatory requirements that are a condition of licensure and certification. If during an inspection, the Department determines a facility does not meet all regulatory requirements for licensure and certification, the Department notifies the facility in a statement of deficiencies. Health care facilities are required to submit a plan of correction in response to the statement of deficiencies. The plan of correction is mandatory and is the means by which the Department monitors and ensures correction of deficiencies. Generally, as long as the facility submits a plan of correction, the facility may continue to operate and receive Medicare and Medicaid payment while deficiencies are being corrected. A plan of correction is for purposes of licensure and certification. It is not an admission of wrongdoing or liability on the part of the facility and should not be regarded as such.

In addition to surveying facilities to ensure that state licensure standards are met, the Department also surveys and certifies facilities for the federal Medicare and Medicaid

programs. Certification allows facilities to be eligible to receive reimbursement for services rendered to Medicare and Medicaid recipients. When regulatory deficiencies are identified, the Department and CMS work together to ensure that appropriate corrections are made promptly and implemented effectively.

The Department maintains a staff of approximately 275 knowledgeable and trained health care surveyors and safety inspectors who assess compliance with all the quality and safety requirements that are specified in regulation. Most health care surveyors are registered nurses; however, to ensure a comprehensive survey process, teams may be augmented with surveyors who are psychologists, nutritionists, social workers, and occupational or speech therapists.

The Department and CMS provide for regular, ongoing training for all surveyors to ensure they maintain current knowledge and thorough understanding of state and federal health care facility regulations, federal conditions of participation, and proper use of required data gathering and reporting systems.

The Department conducts health and life safety surveys according to timeframes established by state and federal regulations. In addition, the Department conducts occupancy, validation, and monitoring surveys and is responsible for responding to complaints, which often require on-site or off-site surveys, depending upon the nature of the complaint.

The following pages provide descriptive information on each facility type and state fiscal year (SFY) 2022-2023 survey and complaint data. In addition, information is provided about sanctions as defined in 28 Pa. Code § 51.41 and patient safety data reported by ambulatory surgical facilities, hospitals, and birth centers.

Ambulatory Surgical Facilities

As of June 30, 2023, there were 347 Ambulatory Surgical Facilities (ASFs) licensed or registered in Pennsylvania, an increase of 2 ASFs over the previous SFY. Abortion facilities (ABF) are included in these counts. ASFs are classified as A, B or C based on procedures performed, patient status, and anesthesia used. Class A facilities register annually with the Department but are not licensed.

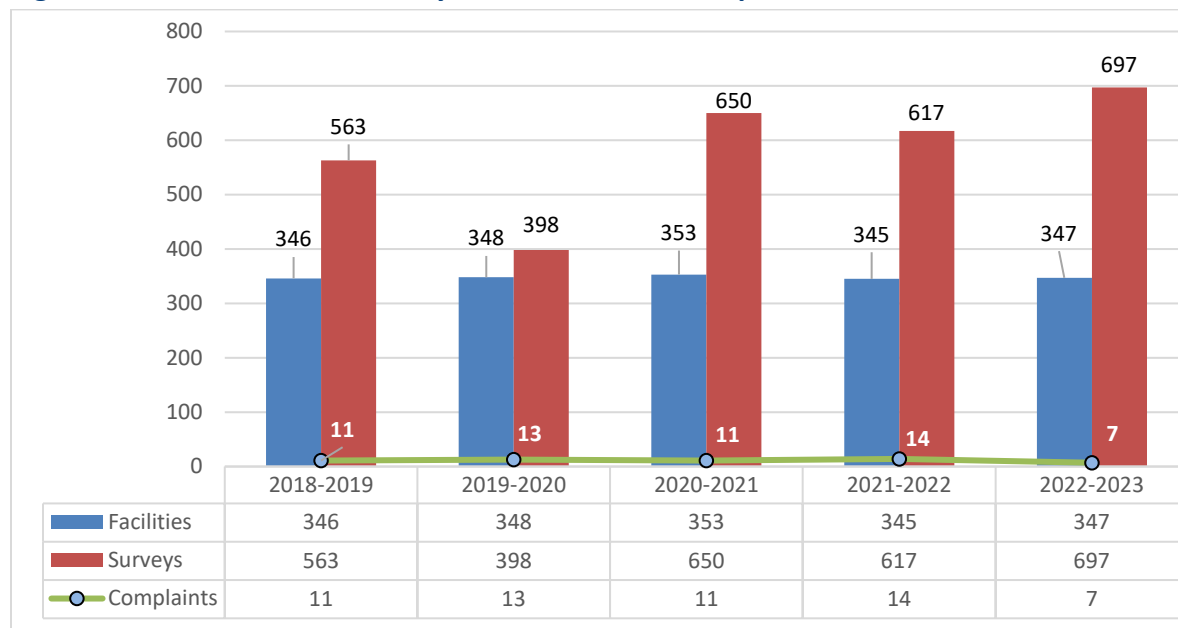
Class B and C ASFs are licensed on an annual basis through an announced on-site survey. If found to be out of compliance with the licensure regulations, ASFs must develop and submit plans of correction in response to the identified deficiencies, for review and acceptance by the Division of Acute and Ambulatory Care (DAAC). ASFs are subject to revisits to determine if the facility has achieved compliance through implementation of an acceptable plan of correction.

The Department received 7 complaints related to ASFs during the 22-23 SFY. Seven complaints were investigated during the 21-22 and 22-23 SFYs. In addition, 336 licensure/certification surveys, 130 occupancy surveys, and 175 revisits were conducted for ASFs in the 22-23 SFY,

representing a decrease of 14 licensure/certification surveys, and an increase of 38 occupancy surveys and 44 revisits over prior SFY.

The number of ASFs, surveys and complaints over the last five years are displayed in Figure 1. Additional information about serious events and infrastructure failures reported by ASFs is provided in Figure 9.

Figure 1. Number of ASFs, Surveys Conducted and Complaints Received



Source: Quality Assurance Survey Agency Information System (SAIS), 2023.

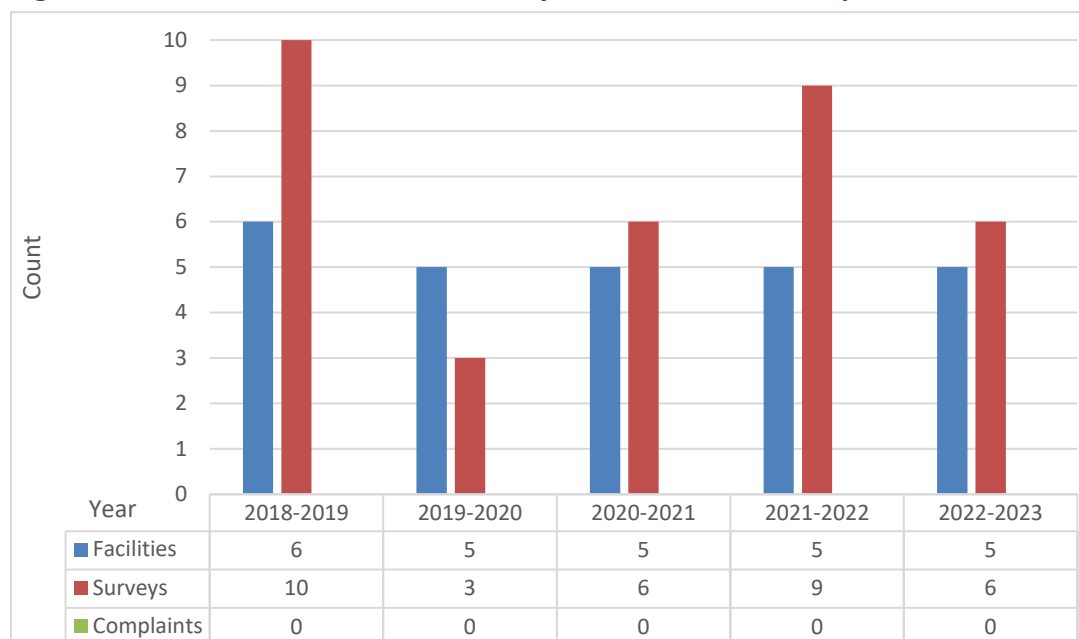
NOTE: Surveys count includes certification and licensure surveys, validation surveys, complaint surveys, revisit surveys, occupancy surveys, and special monitoring surveys, unless otherwise indicated.

Birth Centers

There are five licensed birth centers in the Commonwealth. Birth centers provide care before, during, and after delivery to patients who are low-risk for pregnancy-related complications. Unannounced birth center licensure surveys are conducted on-site annually. The Department did not receive any complaints regarding the care and services provided by birth centers during this reporting period.

The number of birth centers, all surveys conducted and complaints over the last five years are displayed in Figure 2. Additional information about serious events and infrastructure failures reported by birth centers is provided in Figure 9.

Figure 2. Number of Birth Centers Surveys Conducted and Complaints Received



Source: Quality Assurance Survey Agency Information System (SAIS), 2023

Home Health Agencies

Home Health Agencies (HHAs) must be licensed by the Department and must provide part-time, intermittent skilled nursing services plus at least one other therapeutic service (physical therapy, occupational therapy, speech therapy, medical social services or home health aides) to individuals in their homes or other independent living environments. Licensure requires a survey. HHAs choosing to participate in the Medicare program must also be certified as eligible. The Department conducts certification activities (which include surveys and complaint investigations) for the federal government. Qualified nurse surveyors conduct state licensure surveys, federal certification surveys, and complaint investigations.

During this reporting period, there were 632 licensed HHAs operating in the Commonwealth, an increase of 17 agencies from the previous reporting period. The Department recommended certification for 413 HHAs, which enables them to receive Medicare reimbursement from CMS. The remaining 219 HHAs are state licensed only because they choose not to participate in the federal reimbursement programs. The Department conducted 155 Medicare and/or state licensure on-site surveys in the 22-23 SFY, and 9 agencies were issued state provisional licenses and civil monetary penalties.

Medicare-certified HHAs must comply with federal regulations, which require an on-site survey within a 36-month period. Medicare surveys include home visits to patients by the state surveyor to observe and evaluate the quality of care provided by the agency. All on-site surveys are unannounced. The Department also conducts on-site surveys on an additional 5 percent

targeted sample of agencies that are selected based on agency performance data. Additionally, validation surveys are conducted on 5 percent of deemed agencies. An HHA that has been granted “deemed status” is one that has been accredited by a CMS-approved accrediting body and is complying with the applicable federal regulatory standards. Deemed agencies are exempt from Medicare recertification surveys from the state agency and are under the jurisdiction of the CMS-approved accreditation program for continued compliance oversight.

In order to coordinate the federal 36-month survey time frame with the state requirement for annual licensure surveys, off-site surveys are conducted for state licensure purposes. An off-site survey is based on written documentation of compliance with licensure requirements, attested to by the agency administrator as correct and submitted to the Department for review.

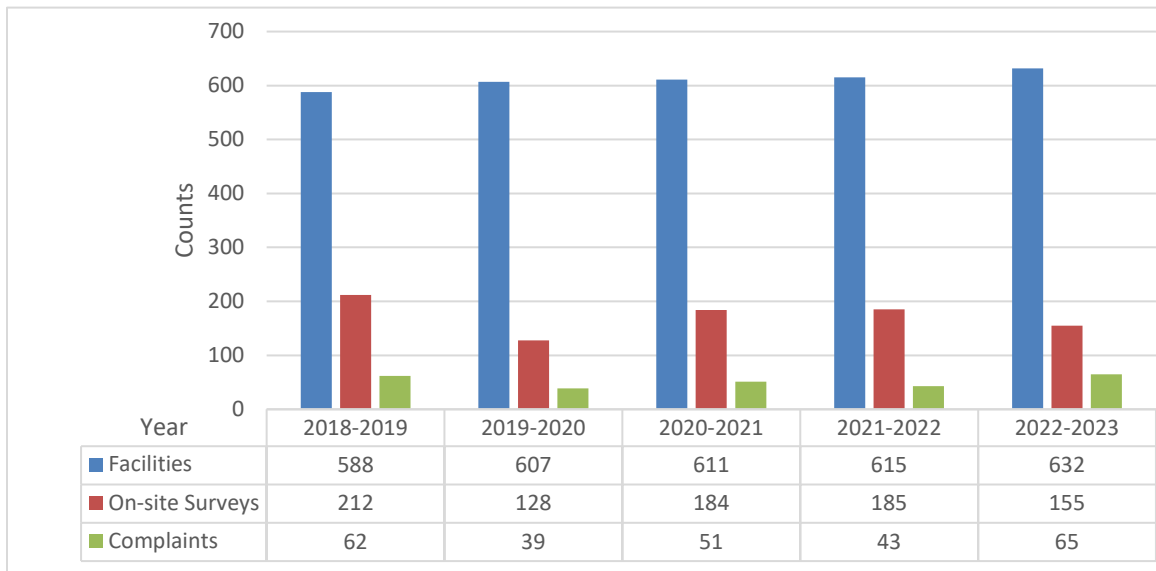
During the 22-23 SFY, the HHAs survey schedule was one on-site survey and two off-site surveys conducted in a three-year period. This survey schedule is consistent with state and federal home health care survey requirements.

The Department received and investigated 65 HHA complaints, an increase of 22 complaint investigations from the previous reporting period. Of the 65 complaints investigated, 23 were substantiated and provisional licenses and civil monetary penalties were imposed.

In addition to complaints, the Department tracks events that are reported by HHAs through a mandatory web-based electronic event report system (ERS) in accordance with 28 PA Code, Chapter 51. The system is designed to give facilities the ability to generate and analyze their reported event data for use in process improvement efforts and outcome monitoring.

The number of HHAs, Licensure and Certification surveys and complaints over the last five years are displayed in Figure 3.

Figure 3. Number of Home Health Agencies Surveys Conducted and Complaints Received



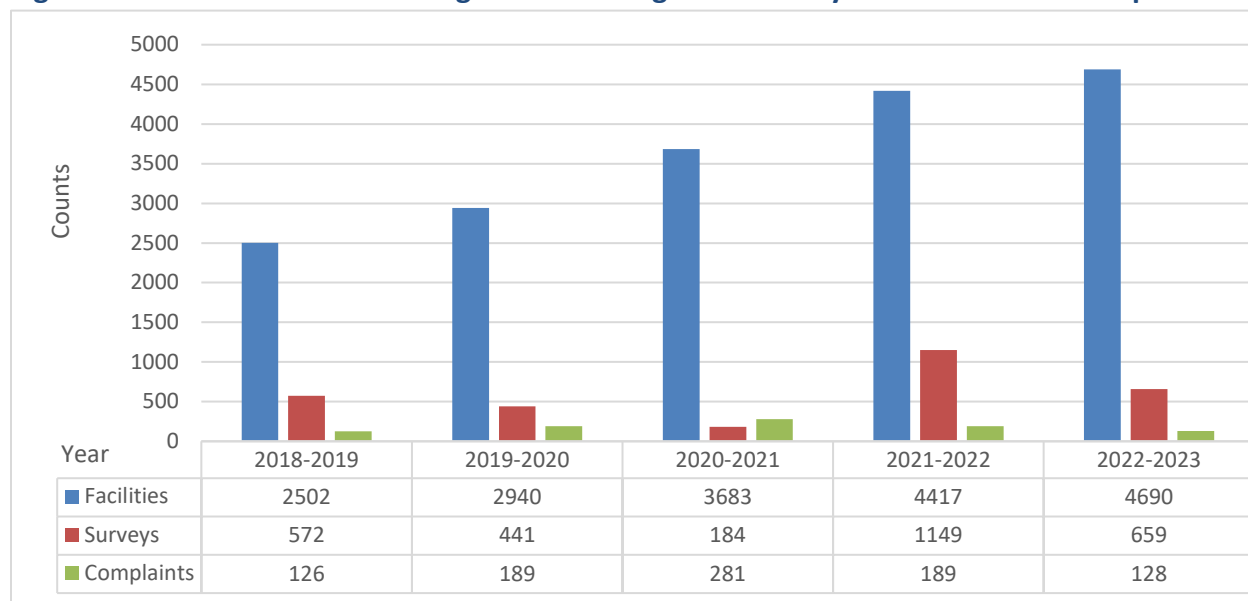
Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Home Care Agencies

Home care agencies and home care registries provide non-skilled services to individuals in their homes or other independent living environments.

State licensure regulations for home care agencies and registries became effective in December 2009. Newly licensed home care agencies are surveyed within five months after initial licensure. Those agencies serving three or more clients are surveyed. Over the last year, the number of agencies and registries increased by 273 from 4,417 to 4,690. The four-year growth rate for home care agencies and registries is approximately 25 percent. The number of agencies and registries, surveys conducted, and complaints are displayed in Figure 4. Thirteen agencies were issued a provisional license and monetary penalty.

Figure 4. Number of Home Care Agencies and Registries Surveys Conducted and Complaints



Received

Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Hospices

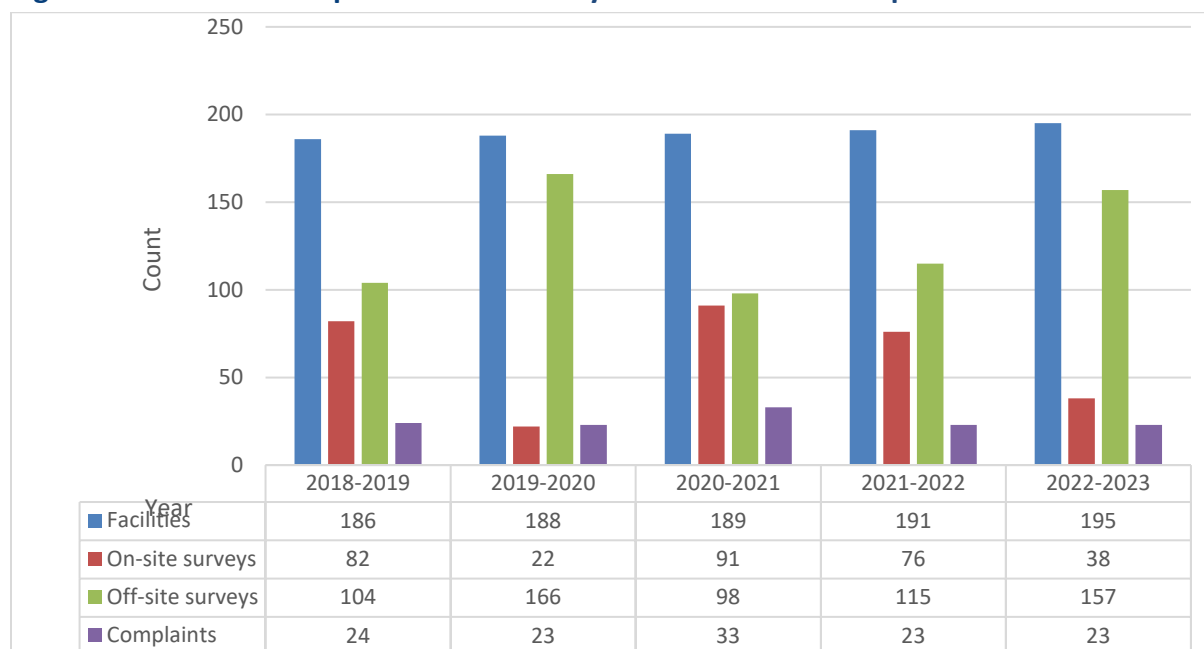
The Department uses Medicare standards to license hospices. There are currently 195 hospices that are licensed and Medicare-certified. There are no facilities that are state licensed only.

Hospices are surveyed by on-site and off-site methods. An off-site survey is based on written documentation of compliance with licensure requirements, attested to by the agency administrator as correct and submitted to the Department for review. In the 22-23 SFY, the Department surveyed 38 facilities on-site, and 157 were licensed through off-site surveys.

During the 22-23 SFY, 23 hospice complaints were investigated. Of the 23 complaints investigated, ten were substantiated. All providers with substantiated complaints submitted acceptable plans of correction.

The number of hospices, on-site surveys conducted, and complaints received for the past five years are displayed in Figure 5. The Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014 mandated surveys of Medicare certified hospices no less frequently than every 36 months; previously, these facilities were surveyed every six years.

Figure 5. Number of Hospices On-Site Surveys Conducted and Complaints Received

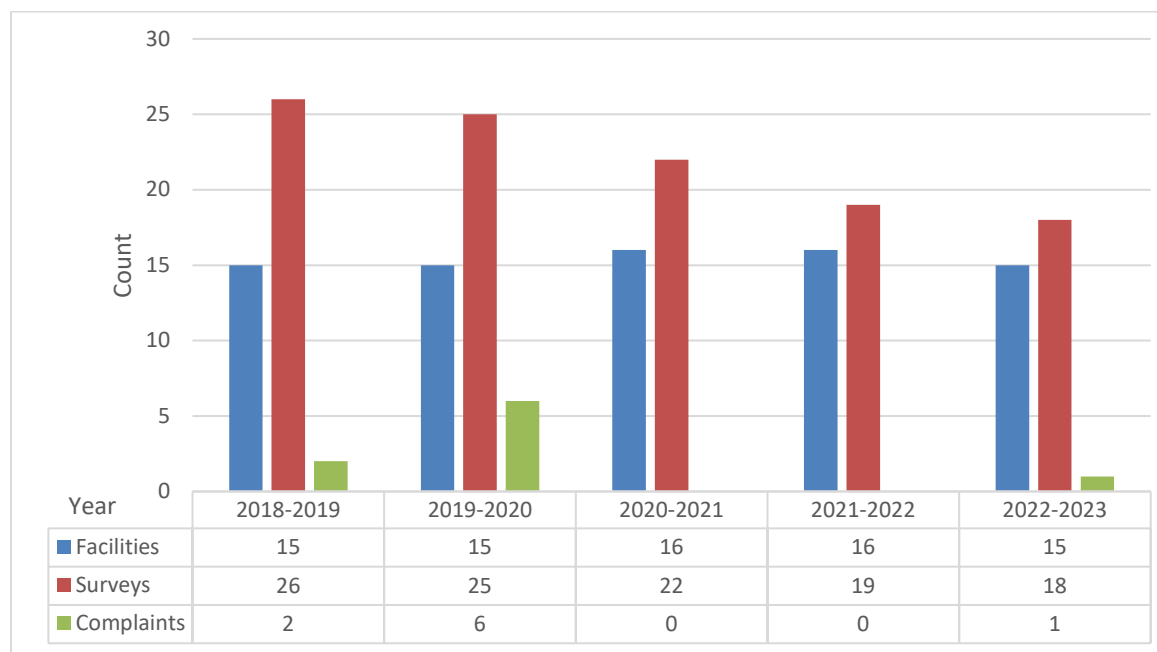


Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Pediatric Extended Care Centers

Pediatric Extended Care Centers (PECCs) are a non-residential childcare facility staffed by nurses and therapists who provide day care and clinical intervention to medically dependent or technologically dependent children. The Department is authorized to license, inspect, and sanction PECCs under the Prescribed Pediatric Extended Care Centers Act (PECC Act), 35 P.S. §§ 449.61-449.71. PECCs do not provide 24-hour care, and the children do not stay overnight in the facility. Their goal is to provide comprehensive and coordinated care to benefit families and to realize a significant cost saving. Communication with the child’s physician allows for the appropriate medical care and intervention while the child is at the PECC, up to 12 hours in each 24-hour period. Act 11 of 2012 increased the PECC service eligibility age from 8 to 21 years. PECCs are licensed annually using an unannounced on-site survey. During the 22-23 SFY reporting period, there were 15 PECC facilities licensed in the Commonwealth. One provisional license and one civil monetary penalty were imposed. The Department received zero complaints regarding the care and services provided by these PECCs. Figure 6 demonstrates the number of PECCs, the number of surveys conducted, and complaints received over the past five years.

Figure 6. Number of Pediatric Extended Care Centers, Surveys Conducted and Complaints Received



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Hospitals

The Department conducts state licensure surveys of general acute care hospitals, long-term acute care hospitals, and specialty hospitals. The Department does not license federal VA Medical Centers as they are licensed by the federal government. Psychiatric hospitals are licensed by the Pennsylvania Department of Human Services.

As of June 30, 2023, the Department licensed 141 acute care hospitals, 18 rehabilitation hospitals, 5 children’s hospitals, 13 long-term acute care hospitals and 16 critical access hospitals, for a total of 193 licensed acute care facilities. There are 249 hospital campuses that make up the 193 licensed hospitals. Included in the 193 licensed hospitals are 2,236 outpatient locations for which the Department has regulatory oversight.

The hospital licensure process begins with the scheduling of an announced on-site survey based on the licensure cycle. During the 22-23 SFY, the Department issued 120 hospital licenses. Surveys are required for regular state licensure, bed increases, occupancy surveys for adding outpatient locations, complaint and event investigations, and facility closures. The Department may conduct surveys for bed decreases, change of ownership, and mergers. The Department completed 40 licensure surveys during the 22-23 SFY.

When deficient practices are identified during inspection and investigation activities, the facility is required by the Department to develop and submit a plan of correction. Unannounced

revisits are conducted to assess facility success in implementing and monitoring the plan of correction and compliance with licensure regulations. In the 22-23 SFY, the Department completed 259 revisits, an increase of 44 revisits over the prior SFY.

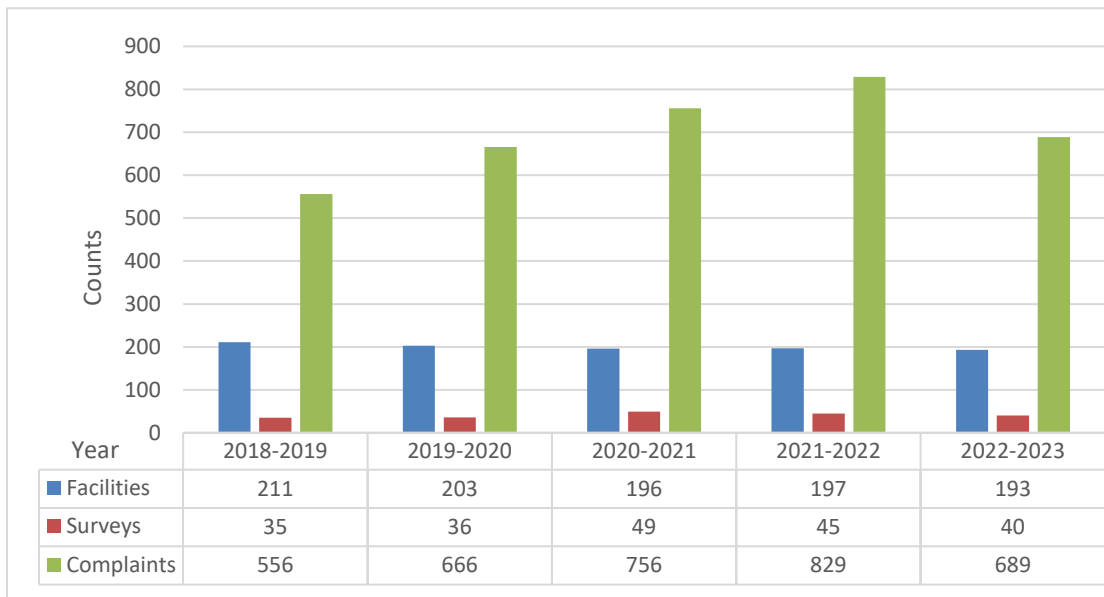
In accordance with Act 60 of 2013, the Department permits approved accreditation organization surveys to be used in lieu of state licensure surveys for hospitals. Sixty-five hospitals chose this option for the 22-23 SFY. Surveys are conducted to the standards developed by the accreditation organization unless state law standards are stricter, in which case the state law standards are applicable.

Any hospital that plans to offer services to the public must be approved by the Department for new services and/or the use of new or renovated space. Two types of surveys are required, one to assess the physical plant (life safety) and the other to assess the clinical program. The Department conducted 511 program occupancy surveys in the 22-23 SFY for new or renovated sites in hospitals. The attestation tool was developed in June of 2020 to expedite the process for hospitals seeking to add a new service or add new/replace equipment. Through this form, hospitals attest that they are in compliance with all of the elements needed to add the new service or equipment, which allows them to move forward without waiting for a survey to be scheduled. Department staff then conduct a validation survey on their next scheduled visit, thus reducing facility wait-time and conserving staff resources. In the 22-23 SFY, the Department processed 1,182 attestations.

The Department received a total of 689 complaints related to hospitals during this reporting period, a decrease of 140 complaints over the prior SFY. All complaints are thoroughly investigated. If an on-site investigation of a complaint is warranted, the investigation is unannounced. In addition to complaints, the Department tracks events reported by hospitals in compliance with parts of Chapter 51 of the Health Care Facilities Regulations. Chapter 51 events of the Health Care Facilities Regulations for the past five years are displayed in Figure 8.

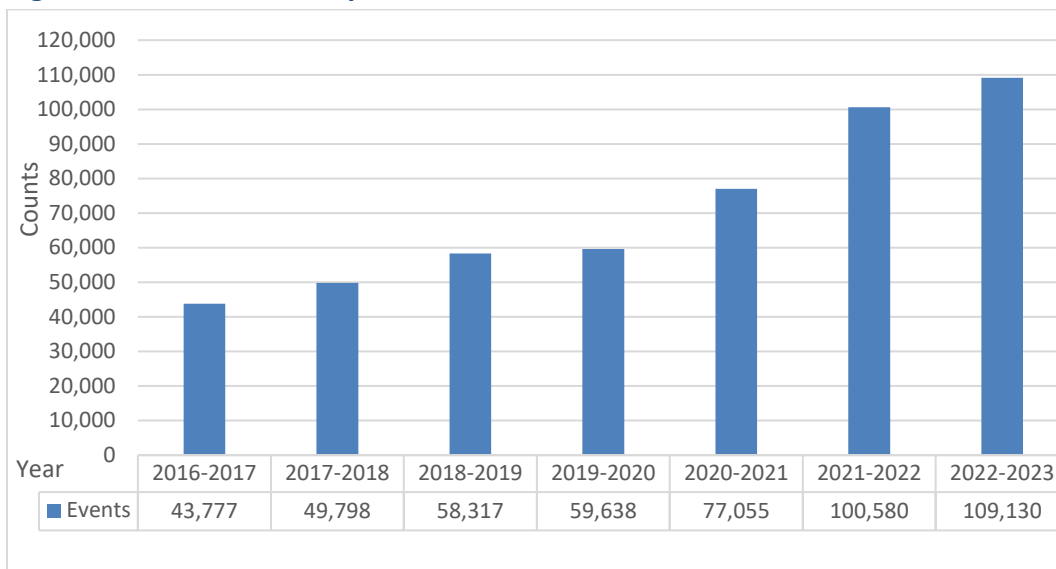
The numbers of licensed hospitals, surveys and complaints are displayed in Figure 7.

Figure 7. Number of Licensed Hospitals Surveys Conducted and Complaints Received



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Figure 8. Serious Event Reports in Health Care Facilities



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

NOTE: Serious Events are occurrences involving the clinical care of a patient that results in death or compromises patient safety and results in an unanticipated injury requiring the delivery of additional health care services to the patient.

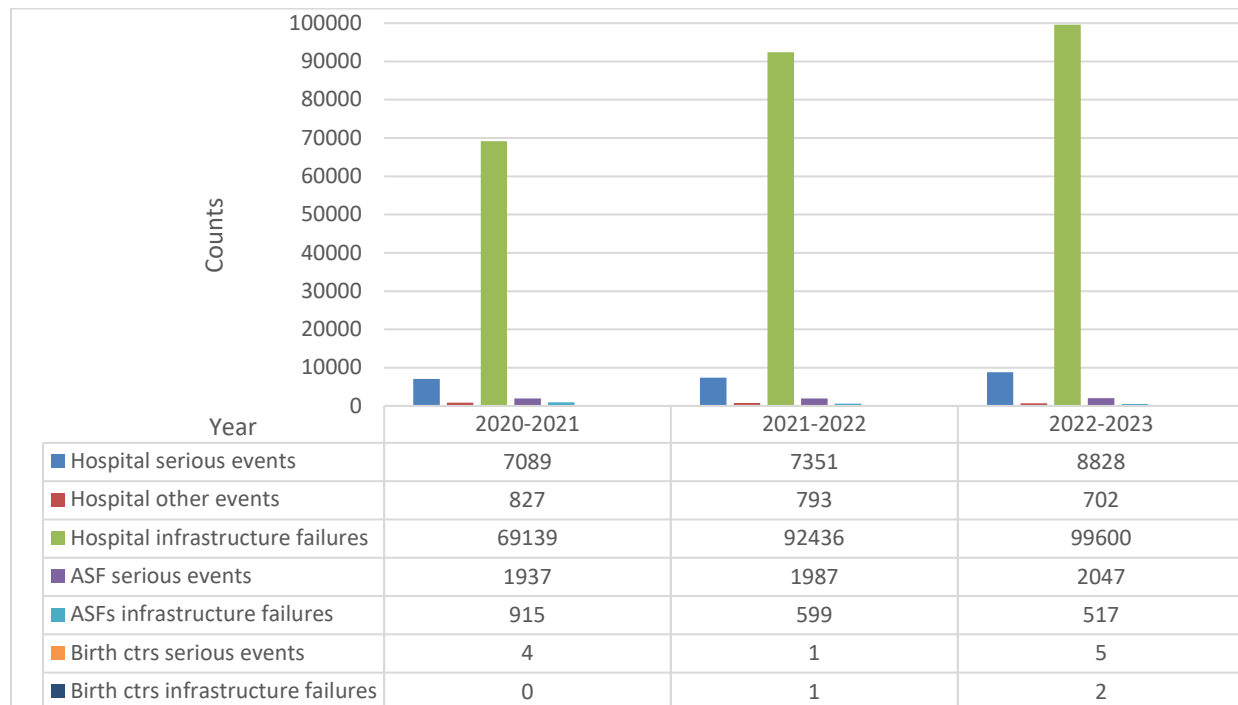
Patient Safety Activities and Reporting

Act 13 of 2002 delegated specific responsibilities for the Department in implementing the Patient Safety Act (PSA). Review and approval of the Patient Safety Plans for newly licensed facilities is included as part of the initial survey procedure. Implementation of the plans by licensed facilities is assessed during routine re-licensure surveys, as well as during complaint and/or event investigations.

As required by the Act, the Department collects the annual surcharge based on a per unit (bed, procedure or operating room) assessment set by the PSA. Hospitals (including private psychiatric hospitals), nursing care facilities, ambulatory surgical facilities, birth centers, and abortion providers that perform 100 or more procedures per year are subject to this assessment. The surcharge receipts are placed in the PSA trust fund for use in the collection and analysis of patient safety information, and no portion of these funds may be retained by the Department. In the 22-23 SFY, \$7,695,471.46 was collected.

The Department also receives, reviews and responds to patient safety data reported by facilities in the PA Patient Safety Event Reporting System (PA PSERS). During the 22-23 SFY, 2,564 serious events and infrastructure failures were reported by ASFs to the Department, a decrease of 22 from the prior year. Hospitals reported 109,130 serious events and infrastructure failures, an increase of 8,550 reports over the prior year. All serious events and infrastructure failure reports are reviewed by division staff, and on-site investigations are conducted as required. Hospital, ASF, and birth center specific data for the past three years are displayed in Figure 9.

Figure 9. Serious Events and Infrastructure Failures by Facility Type



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

NOTE: Serious events are events, occurrences or situations involving the clinical care of a patient in a medical facility that either: a) results in death or b) compromises patient safety and results in an unanticipated injury requiring the delivery of additional health care services to the patient. Infrastructure failures are: a) undesirable or unintended events, occurrences or situations that affect the infrastructure (i.e., physical plant and service delivery systems) of a medical facility or b) the discontinuation or significant disruption of a service which could seriously compromise patient safety.

Nursing Care Facilities

As of June 30, 2023, there were 683 nursing care facilities licensed in Pennsylvania, housing 86,091 long-term care beds. These facilities are surveyed for yearly licensure on a variable schedule. All on-site surveys for licensure, revisits, complaint investigations, and reports of incidents and abuse are unannounced. Medicare/Medicaid certification surveys (conducted for CMS) are also unannounced and are scheduled during a 15-month window dating from the previous Medicare/Medicaid certification survey. When possible, Medicare/Medicaid certifications and state licensure surveys are conducted concurrently to minimize impact on the nursing care facility and for operational efficiency. In addition to nursing care facility licensure surveys, the Department performs occupancy surveys. These occupancy surveys for new facilities or renovated spaces in existing facilities are conducted after a Life Safety Code occupancy inspection and prior to use of the area for resident care. The Department conducted 17 occupancy surveys of nursing care facilities during the fiscal year.

Table 1. Nursing Care Facility Surveys Completed in the 2-23 Fiscal Year

Survey Category	Completed FY 22-23
Licensure and/or certification	743
Complaints*	2,730
Total licensure, certification and complaint surveys	3,473

Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

***NOTE:** The number of Complaints depicts the number of surveys completed due to complaints received. There were 4,917 complaints received in the 22-23 SFY, although multiple complaints could be investigated in a single survey.

During the 22-23 SFY, the Department conducted 1,654 follow-up visits to ensure facilities corrected deficiencies and demonstrated compliance with all regulations. The most frequent

deficient practices cited during the reporting period, were: 1) Quality of Care; 2) Free of Accident Hazards/Supervision/Devices; 3) Food Procurement, Store/Prepare/Serve-Sanitary; 4) Develop/Implement Comprehensive Care Plan; 5) Safe/Clean/Comfortable/Homelike Environment; and 6) Nursing Services.

The federal government provides states with grant awards to assist with the cost of nursing care facility survey initiatives. To receive the funding, the Department must conduct 10 percent of surveys during evenings, weekends and nights and conduct enhanced monitoring of poor-performing nursing care facilities. The grants provide funding for on-site semi-annual certification, monitoring visits and complaint investigations.

The Department investigates all complaints regarding the care of nursing care facility residents. When multiple complaints are received simultaneously, they may be investigated during the same survey for added efficiency. The majority of complaints are investigated through on-site visits. However, off-site complaint investigations may also be conducted for issues not affecting resident care (such as billing, or problems already identified by surveyors that the facility is in the process of correcting). During the 22-23 SFY, 98 percent of complaints were investigated on-site.

Complaints are received from various sources including hotline calls, written correspondence and calls directed to the central office and field offices, referrals from other agencies, Governor's Hotline, Attorney General's Office, legislators' offices, emails submitted to a designated complaint email address, as well as residents and their families speaking directly to surveyors during an on-site visit. Additionally, complaints may be submitted via the Department of Health website. The Department's complaint system has provisions for appropriate referrals to other agencies responsible for the welfare of the elderly in nursing care facilities. Some issues are identified in the complaint process that are not under the jurisdiction of the division. In those cases, referrals are made to other Department offices, state agencies or local authorities as appropriate.

During the 22-23 SFY, the Department received 4,917 complaints. All complaints are triaged according to federal regulations to determine appropriate priority. If the nature of the complaint indicates that residents could be seriously impacted by the circumstances alleged in the complaint, it is prioritized as an immediate jeopardy (IJ) priority, and an investigation is started onsite within two business days. Complaints that are not IJ priority are prioritized using the options below. Deadlines for those priorities restrict the days from complaint receipt to onsite investigation initiation. Offsite investigation deadlines establish the number of days from complaint receipt to investigation completion:

Non IJ High – 10 business days

Non IJ Medium – 45 calendar days

Non IJ Low – 120 calendar days

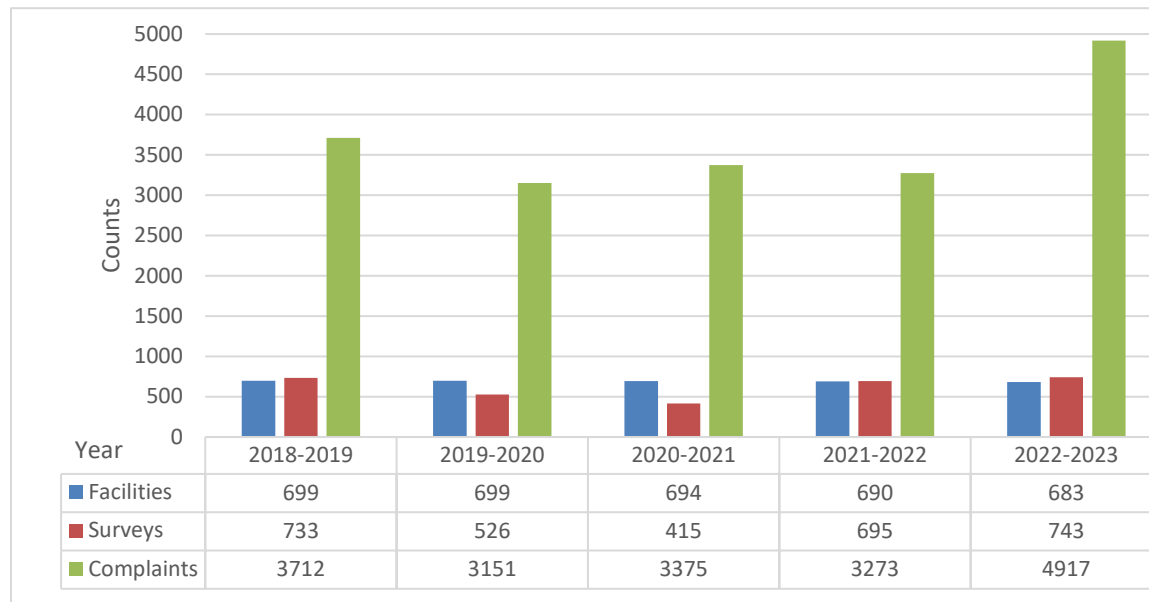
Offsite investigation – 30 calendar days

In accordance with 28 Pa. Code Chapter 51, the Department tracks events that are reported by nursing care facilities through a mandatory web-based electronic event report system (ERS). The system is designed to give facilities the ability to generate reports on their facility’s reported events for use in process improvement efforts and outcome monitoring.

Division survey staff review event reports and based upon assessment of the actual or potential effect on resident health and safety, determine the need for immediate on-site investigation or integration into other survey activities. Patterns found in the assessment of the event reports alert staff to issues affecting resident safety, thereby helping to improve resident safety and to focus future survey activity. During the 22-23 SFY, 76,739 events were reported; this was a 594 increase from previous years.

The number of facilities, surveys and complaints for the past five years are displayed in Figure 11.

Figure 11. Number of Nursing Care Facilities, Licensure and/or Certification Surveys Conducted and Complaints Received



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Nurse Aide Registry

The Nurse Aide Registry is mandated by Federal law, and its purpose is two-fold; to ensure the safety and well-being of nursing care facility residents across the state and assure that nursing care facilities hire only nurse aides who do not have substantiated findings against them.

Nursing care facilities have the responsibility to employ qualified nurse aides who are properly trained, and have no substantiated findings against them of abuse, neglect, or misappropriation of property. The Department maintains the state’s registry, which as of June 30, 2023, has 366,489 nurse aides, 83,741 of whom are active. Inactive nurse aides are individuals whose registration has lapsed and nurse aides who have been annotated are those with substantiated findings of abuse, neglect or misappropriation of resident property.

Table 2. Influenza and Pneumonia Immunization Information, 2018-2022

Act 95 of 2001, the Long-Term Care Resident and Employee Immunization Act, requires the Department to report every three years to the General Assembly on the annual number of outbreaks in facilities due to influenza virus and pneumococcal disease, as well as the number of hospitalizations of facility residents each year due to influenza virus, pneumococcal disease, and complications thereof. The below chart provides the data for the past 4 years.

	SFY 2018-2019	SFY 2019-2020	SFY 2020-2021	SFY 2021-2022
Influenza				
Outbreaks due to Influenza Virus	1,001	735	65	207
Hospital admissions for flu symptoms	402	420	231	218
Hospital admissions for confirmed flu	244	180	18	37
Hospital admissions for flu complications	245	271	125	107
Pneumococcal				
Outbreaks of pneumococcal disease	1,519	764	357	417
Hospital admissions for pneumococcal disease	1,422	1,370	782	869
Hospital admissions for pneumococcal disease complications	627	582	412	406

Safety Inspection

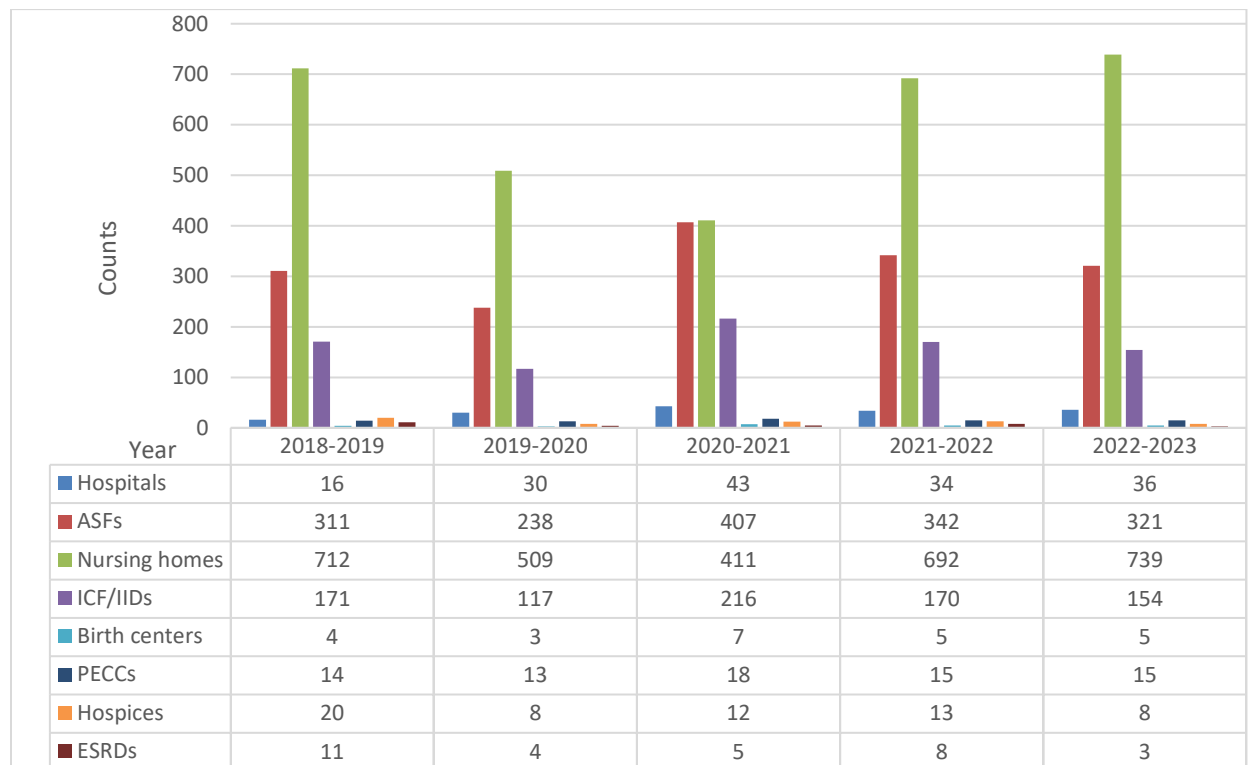
During the 22-23 SFY, the Department’s Division of Safety Inspection (DSI) performed 1,281 Life Safety Code surveys and 945 Life Safety Code revisits for hospitals, ASFs, nursing care facilities, birth centers, intermediate care facilities, ESRDs (Dialysis Centers), hospices, and PECCs.

The Department also performed Fire Safety Evaluation System (FSES) surveys for 267 health care building components. All surveys to verify compliance, or substantial compliance in the case of nursing care facilities, are unannounced. An exception to this can be given for non-long-term care facilities, other than HHAs, that meet the criteria listed in Section 2700A of the State Operations Manual.

The Department also reviewed 2,111 plans for construction or renovation of health care facilities. Of these plans, 1,395 met safety standards and were approved. These projects represent \$2,889,140,685 in construction costs. Plan reviewers are qualified by the Civil Service Commission based on their education and experience.

The Department performs a Life Safety Code occupancy inspection prior to use or occupancy of a newly constructed facility or a renovated space. During the 22-23 SFY, DSI staff performed 774 occupancy inspections, 191 preoccupancy surveys, and 3,014 surveys. The number of surveys by facility type for the past five years is displayed in Figure 14.

Figure 14. Life Safety Code Surveys by Facility Type



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Enforcement Actions

The Department is authorized by the Health Care Facilities Act of 1979, P.L. 130, No. 48 (HCFA) and 28 PA Code §51.41 to sanction health care facilities for violations of the Act. Each facility is required to develop and submit a plan of correction (POC) that addresses violations identified by health or life safety surveys. The Department may sanction facilities in instances where it fails to submit an acceptable POC or (upon a follow-up survey) where the facility continues to be found in violation of health or life safety standards.

The Department may use state civil monetary penalty funds to place temporary managers in facilities as a supportive measure to assist the facility to achieve and maintain compliance or to assist in the orderly transfer of residents for the purpose of closure.

The Department is authorized by the PECC Act to sanction PECCs for violation of the PECC Act. Each PECC is required to develop and submit a POC that addresses violations identified by health or life safety surveys. The Department may sanction PECCs in instances where it fails to submit an acceptable POC or (upon follow-up survey) the PECC continues to be found in violation of the health or life safety standards.

Table 3. Sanctions of Health Care Facilities, FY 22-23, by Facility Type

Facility Type	Sanctions	Total Sanctions
Nursing care facilities	Provisional licenses only	0
	Provisional licenses with a civil monetary penalty	16
	Civil monetary penalty only	283
	Temporary managers placed	0
	Ban on admissions	3
	NCF TOTAL	302
ASFs	Provisional licenses only	8
	Provisional licenses with a civil penalty	1
	Civil penalty Only	3
	Ban on admission	0
Hospitals	Provisional licenses only	0
	Provisional licenses with civil penalty	0
	Civil penalty only	10
	Ban on admissions	2
Home health agencies	provisional licenses, each with a civil monetary penalty	9
Home care agencies	provisional licenses, each with a civil monetary penalty	18

Hospices	provisional licenses, each with a civil monetary penalty	3
PECCs	provisional licenses, each with a civil monetary penalty	2
ICF/IDs	90-day termination actions	9
	OTHER FACILITIES TOTAL	63

Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

NOTE: Provisional licenses with a civil monetary penalty are counted as 2 sanctions. (For the information above there were 8 sanctions for the provisional licenses and 8 sanctions for the civil monetary penalties, totaling 16 sanctions.)

Additional Quality Assurance Activities

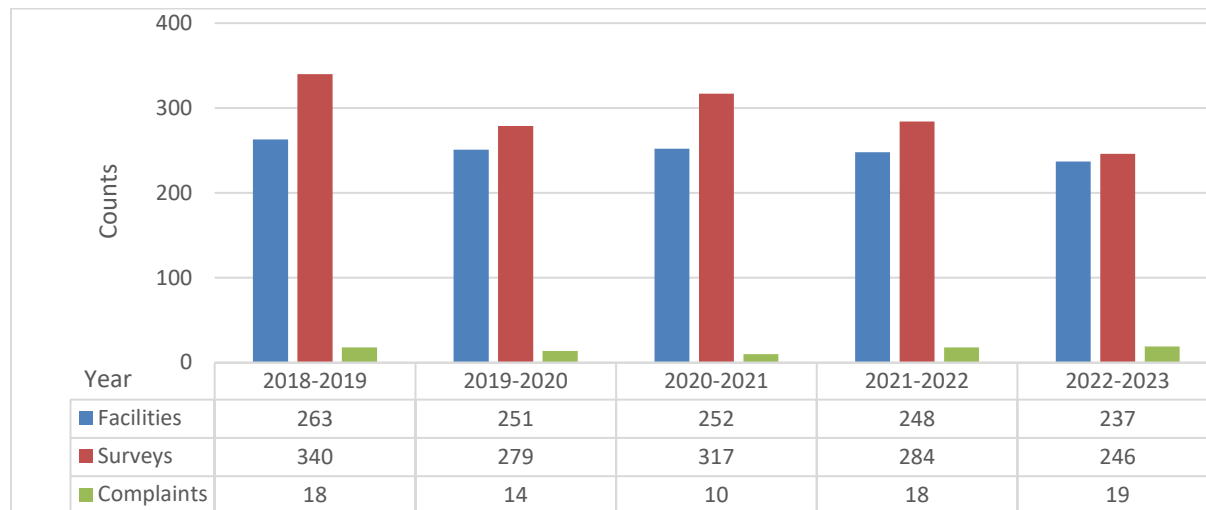
Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and Psychiatric Residential Treatment Facilities (PRTF)

The Department ensures the health, safety and welfare of residents in 161 intermediate care facilities for individuals with intellectual and developmental disabilities (ICFs/IID) and individuals with other related conditions (ICFs/ORC). Legal authority for the Department’s regulatory activities is derived from Title XIX of the Social Security Act (Medicaid) and the Life Safety Code. The Department has similar oversight of 76 psychiatric residential treatment facilities (PRTFs) for individuals under age 21. Both facility types are inspected for compliance with federal certification standards for participation in the state Medicaid program through regular unannounced recertification, post-certification and monitoring surveys. These surveys are conducted according to federal protocol.

The Department investigates complaints and unusual occurrences that impact the health, safety and welfare of the individuals living in ICFs and PRTFs. Some of these investigations pertain to abuse, neglect, mistreatment, substandard care, misappropriation of funds, and other related health and safety issues. On-site investigations of complaints that impact resident health or safety are a high priority. The Department conducted 246 facility surveys and investigated 19 complaints during the 22-23 SFY. There were also 13 revisits. Figure 16 displays the survey and complaints information along with the number of Intermediate Care and Psychiatric Residential Treatment Facilities over the past five years.

The Department provides the ICF survey certification outcome information for the federal programs under Title XIX to the Department of Aging and the Department of Human Services, Office of Long-Term Living. The Department also provides the certification information to the Department of Human Services, Office of Developmental Programs for licensure purposes. In addition, the Department provides the Department of Human Services, Bureau of Program Integrity, with the survey certification outcome for PRTFs.

Figure 16. Number of Intermediate Care and Residential Treatment Facilities Surveys Conducted and Complaints Received



Source: From the Quality Assurance Survey Agency Information System (SAIS), 2023.

Community Mental Health Centers (CMHC)

The Department assumed the survey responsibility for community mental health centers (CMHCs) during the 14-15 SFY. Prior to that, CMS surveyed these facilities for compliance. CMHCs are surveyed for Medicare certification.

Other Medicare Certified Programs

The Division of Home Health conducts Medicare recertification surveys every three years for 333 renal dialysis centers. Other programs certified by the Home Health Division every six years include: comprehensive outpatient rehab facilities (CORF) – 15, physical/speech therapists (OPT) – 101, and rural health centers (RHC) – 69.

Indoor Tanning Facilities

The Indoor Tanning Regulation Act, Act 41 of 2014, took effect on July 7, 2014, providing for the regulation of indoor tanning facilities and establishing the Indoor Tanning Regulation Fund. The act requires the Department to register indoor tanning facilities. An indoor tanning facility is defined as any place where a tanning device is used for a fee, membership dues or any other compensation. Facilities operating tanning equipment or devices using UV radiation must register with the Department on an annual basis. As of June 30, 2023, 583 facilities are registered with the Department.

National Precursor Log Exchange (NPLeX)

The Department is responsible for the implementation of Act 53 of 2013. This law requires all Pennsylvania pharmacies and retailers that sell over-the-counter cold and allergy medications containing ephedrine and/or pseudoephedrine (PSE) participate in a statewide, real-time,

electronic PSE monitoring program for the purpose of tracking illegal PSE purchases. All pharmacies and retailers that dispense PSE were required to report, effective April 15, 2014.

To comply with Act 53, the Commonwealth of Pennsylvania joined the National Precursor Log Exchange (NPLEx). Pharmacies and retailers in the Commonwealth are provided, at no charge, access to a web-based database provided by Apriss where they can enter PSE sales data being gathered pursuant to the federal Combat Methamphetamine Act of 2005 (CMEA), rather than recording the information into a manual log or in-store computer system. The collected data is viewable by law enforcement in keeping with CMEA and Act 53.

Drug, Device and Cosmetic (DDC) Program

The DDC Program oversees the Controlled Substance, Drug and Device Act, Non-Controlled Substance Reporting and Registration Act, Generic Drug Substitution Act, and the Wholesale Prescription Drug Distributors License Act. This oversight includes registration, inspections, and compliance of Pennsylvania-based manufacturers and compounders/distributors/wholesalers, and retailers of any drugs, medical devices and equipment, medical gases, and medicated cosmetics. Licensure is required of human prescription drug wholesale distributors. Table 4 lists the number of registrants and licensees by type. The program is also responsible for administrative duties related to the scheduling and handling of controlled substances, distribution of List I chemicals, and equivalencies related to generic drug/brand drug substitutions. The program often partners with other federal and state agencies regarding the integrity of the United States drug supply. Consumer complaints regarding retail sales of medical devices, nonprescription drugs, and adulterated products are investigated and handled as well.

Table 4. Number of DDC Program Registrants by Type, Fiscal Year 22-23

Type	No. of Registrants
Manufacturer (prescription)	704
Manufacturer (non-prescription)	112
Distributor (prescription)	1118
Distributor (non-prescription)	381
Retailer (non-prescription)	6795
Devices	2614
Wholesaler/distributor licenses	240
Other (nonresident, List I, etc.)	484
Total	12448

Source: Data extracted from the DDC Application Access Database, 2023.

Hearing Aid Program

The Hearing Aid Program is responsible for oversight of the Pennsylvania Hearing Aid Sales Registration Law and Regulations. This responsibility includes the registration and compliance of Pennsylvania’s professional fitters, apprentices and temporary fitters, as well as hearing aid dealers/sellers. Table 5 lists the number of registrants by type. The program qualifies new hearing aid fitters through the administration of a semi-annual examination. There is also limited oversight of audiologists and physicians who sell or distribute hearing aids. Consumer complaints regarding sales of hearing aids are investigated and handled as well.

Table 5. Number of Hearing Aid Program Active Registrants by Type, Fiscal Year 22-23

Type	No. of Registrants
Fitters	488
Dealers	367
Apprentice fitter	57
Temporary fitters	2
Branches – dealer	576
Total	1490

Source: Data extracted from the Hearing Aide Application Access Database, 2023.

Table 6. Sanctions/Legal actions of DDC Program and Hearing Aid Program

Registration/License Type	Sanctions/Actions	Total Actions
Hearing aid fitter	Denial of registration reinstatement	1
Hearing Aid Fitter	Warning	0
Wholesale drug distributor	Warning letter	0

Source: Program Manager DDC and Hearing Aid Program/Database and Legal Counsel

Temporary Health Care Services Act General Program Report

On November 3, 2022, Act 128 of 2022 amended the Health Care Facilities Act, allowing temporary healthcare services agencies to be registered and regulated. Temporary health care services agencies (THCSA) are defined as any person engaged for hire in procuring temporary employment in healthcare facilities for certain healthcare personnel (including nurse aides,

registered nurses, licensed practical nurses, and direct care staff). Act 128 provides that any person who owns or operates a THCSA shall register annually with the Department and provide a list of each separate location.

As of January 4, 2024, the THCSA program has received 446 initial registrations. Thirty-three of those applications were considered incomplete due to missing supporting documentation. Required documentation includes documentation of professional liability or medical malpractice insurance not less than \$500,000 to insure against loss, damages, or expenses incident to a claim arising out of the death or injury of any individual as the result of negligence or malpractice in the provision of health care services by the temporary health care services agency or an employee, agent or contractor of the temporary health care services agency; documentation of insurance coverage for workers' compensation for all health care personnel provided or procured by the temporary health care services agency; and documentation of a dishonesty bond for each THCSA employee in the amount of \$10,000.

References

Quality Assurance Survey Agency Information System, 2023. Pennsylvania Department of Health.

Program Manager DDC and Hearing Aid Program Database, 2023. Pennsylvania Department of Health.