

Testimony on the Department of Human Services'  
Mental Health Facilities Licensing Procedures

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**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

Good afternoon Chairmen DiGirolamo and Cruz, members of the House Human Services Committee and staff. My name is Dennis Marion, and I am the Deputy Secretary of the Office of Mental Health and Substance Abuse Services within the Department of Human Services... Appearing with me is Julie Barley, Director of Eastern Operations for the Office of Mental Health and Substance Abuse Services (OMHSAS). On behalf of Acting Secretary Dallas, we would like to thank you for the opportunity to present testimony regarding the licensing of mental health facilities across the Commonwealth. In accordance with our vision and mission, DHS joins Governor Wolf in his commitment to improve the quality of our services and making government work for the people we serve.

The Department of Human Services (DHS) consolidated licensing functions for residential facilities that were previously administered in several DHS program offices. They were consolidated into a single administrative Bureau of Human Services Licensing (BHSL) within the DHS' Office of Administration. BHSL has approximately 71 licensing representatives and 18 regulatory technicians statewide that work with licensing mental health chapters 5310/5320 along with child residential chapter 3800. OMHSAS has four field offices with 45 staff responsible for licensing mental health facilities combined with HealthChoices monitoring and technical assistance with the HealthChoices program. The DHS individually licenses and inspects all facilities and programs within 12 months of the previous inspection. Facilities must respond to each violation with a plan designed to correct the violation as observed by the inspector and to avoid commission of a similar violation in the future. DHS then monitors the implementation of the plan of correction prior to deciding on the issuance of a new license.

To fulfill the regulatory requirements, providers/agencies must submit a completed application and meet the appropriate set of regulations in order to receive a certificate of compliance (license). All DHS regulations can be found at PA Code online at [www.pacode.com](http://www.pacode.com). Title 55, Chapter 20 of the PA Code applies to all DHS facilities and outlines the procedure for application for licensure, frequency and content of DHS inspections, conditions under which a certificate may be denied, not renewed, or revoked, and DHS licensure or approval decisions that may be appealed.

In order to obtain licensure, each facility must meet both the application and regulatory requirements. Documents that must be completed for application purposes include:

- Application for Certificate of Compliance (PW 633),
- Initial Application Checklist for a Certificate of Compliance, and
- Civil Rights Compliance Questionnaire for all Regions.

Currently, DHS provides licensing for a variety of mental health facilities across the state. DHS licenses 35 Long-Term Structured Residences (LTSR), 571 Community Residential Rehabilitation Services (CRR), 20 inpatient mental health facilities, 274 psychiatric outpatient clinics, and 234 partial hospitalization facilities. CRRs and LTSRs are regulated under 55 Pa.Code Chapter 5310 and 55 Pa.Code Chapter 5320 respectively, and are licensed by BHSL. The remainder of the facilities are licensed by OMHSAS and will be discussed later in our testimony.

All of the facilities mentioned above follow the requirements of Title 55, Chapter 20 of the Pa. Code for the Licensure or Approval of Facilities and Agencies to be issued a certificate of compliance. If a facility does not meet the requirements of Title 55, Chapter 20 of the Pa. Code, they will be required to submit to the Department a plan of correction. In addition to the

implementation of a plan of correction, if any, DHS also considers the number of violations cited during the inspection, the seriousness of the violations, any resident impact from the violations, whether violations are grouped in a particular section of the regulations, and whether or not any of the violations were repeated from inspections occurring within the last year. After considering these factors, DHS determines whether a regular license, a provisional license or no license at all should be issued. A regular license is issued if the facility is in complete or nearly complete compliance with all requirements of the chapter, and a provisional license is issued if the facility is in substantial compliance with the chapter. The license is non-renewed for substantial non-compliance with the chapter; failure to submit a plan of correction or to comply with one; mistreatment or abuse of a resident; gross incompetence, negligence or misconduct in operating the facility; fraud or deceit in obtaining a license; or lending, borrowing or using the certificate of another facility.

LTSRs are residential sites for people with serious mental illness which is primarily defined as individuals who have significant impairment in thought or mood due to a diagnosed psychiatric disorder. The facilities range in size from eight to 20 beds. Each facility is individually licensed and inspected on an annual basis. As part of the inspection and licensing process, facilities must respond to each violation with a plan designed to correct the violation as observed by the inspector and to avoid commission of a similar violation in the future. DHS then monitors the implementation of the plan of correction prior to deciding on the issuance of a new license.

CRRs are small residential sites for people with serious mental illness. Each agency operating CRRs is licensed and inspected annually. No less than 30 percent of its individual

sites, including all new sites added within the last year, are inspected. The post inspection process for determining if a license should be renewed is identical to the process for LTSRs.

Inpatient mental health facilities offer intensive mental health treatment provided in a 24/7 secure hospital setting. On-site inspections are completed based on the Chapter 5100 Mental Health Procedures Regulations and must be completed within 12 months of the previous inspection. While DHS only licenses freestanding inpatient units, those attached to a general hospital are licensed by the Department of Health as part of their inspection of the overall hospital. Group practices of licensed professionals are not considered outpatient clinics and are not reviewed by DHS. Individual licenses are granted by the Department of State.

Psychiatric outpatient clinics are non-residential community-based facilities which typically offer individual, group, and family therapy as well as psychiatric and psychological evaluations and mental health assessments. Treatment is supervised and directed by a psychiatrist. A medication management is also provided. Outpatient programs are licensed under the Chapter 5200 Regulations.

Partial hospital programs are day programs that can be a step down from an inpatient setting, but are more intensive than outpatient treatment. The individual usually attends several days a week. Therapies are offered to support the individual based on the treatment plan. Chapter 5210 Regulations guide the implementation of partial programs and are applied by DHS in order to issue a certificate of compliance.

Additional licensing information can be found at the DHS website:

<http://www.dhs.state.pa.us/provider/longtermcareservices/applicationforapersonalcarehomelicense/index.htm>.

Thank you for the opportunity to provide this information to you today and to explain the requirements for licensure of the mental health facilities in Pennsylvania. We would be happy to take any questions you may have at this time.