



COMMONWEALTH OF PENNSYLVANIA  
**DEPARTMENT OF AGING**  
 Harrisburg, Pa. 17101

**PENNSYLVANIA DEPARTMENT OF AGING**

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2. Disposition:  
 Note well and file for reference.

3. Issuance Date:  
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4. Effective Date:  
 November 2, 1993

5. Program Area:  
~~Domiciliary Care~~  
 Placement Services

6. Origin:  
 Bureau of Long Term Care

7. Contact:  
 Division of Field Operations;  
 (717) 783-6213

AGING PROGRAM DIRECTIVE

SUBJECT: KEYS AMENDMENT IMPLEMENTATION AS IT RELATES  
 TO THE DOMICILIARY CARE PROGRAM

TO: COUNTY COMMISSIONERS CHAIRPERSONS, NON-PROFIT AAA  
 GOVERNING BOARDS

COPIES FOR: EXECUTIVE STAFF DEPUTY SECRETARY FOR POLICY,  
 AREA AGENCIES ON AGING PLANNING AND EVALUATION, DPW  
 CAO EXECUTIVE DIRECTORS DEPUTY SECRETARY FOR MENTAL  
 PENNSYLVANIA COUNCIL ON AGING HEALTH, DPW  
 COMPTROLLER DEPUTY SECRETARY FOR MENTAL  
 AOA REGION III RETARDATION, DPW  
 DEPUTY SECRETARY FOR INCOME  
 MAINTENANCE, DPW

FROM: L. M. Rhodes  
 LINDA M. RHODES  
 SECRETARY  
 DEPARTMENT OF AGING

PURPOSE: To identify Area Agency on Aging (AAA) responsibilities concerning the implementation of Federal regulations (45 CFR 1397) which contain standard-setting requirements for medical and non-medical facilities where Supplemental Security Income (SSI) recipients reside. These requirements are known as the "Keys Amendment" regulations. (A copy is attached for your reference.)

BACKGROUND: Because the Department of Public Welfare (DPW) administers the Supplemental Security Income (SSI) program in Pennsylvania, the Department of Health and Human Services (DHHS) has identified DPW as the state agency with overall responsibility for the implementation of the requirements of the Keys Amendment. In order for

DPW to perform their responsibility with regard to these regulatory requirements, they have requested that the Department of Aging provide them with written confirmation that the AAAs who operate Domiciliary Care programs are in full compliance with the Keys Amendment regulations as follows:

1. As per 45 CFR 1397.20b(iii) - use of a warning system which provides for an opportunity for a deficient facility to comply and for the residents to move out if the facility fails to do so.
2. As per 45 CFR 1397 20b(2)i - establish specific time periods for a deficient facility to carry out a plan approved by the standard setting authority to correct any violation of a standard which cannot be waived.
3. As per 45 CFR Part 1397.20(c)(1) - report to the Regional Office of the Social Security Administration (SSA) the name and address of any facility which no longer meets the standards and the effective date of the violation, and sends a copy of each report to the Office of Social Programs, Department of Welfare, Room 533, Health and Welfare Building, Harrisburg, PA 17105, telephone (717) 783-3438. The Regional Office (SSA) is located at 3535 Market Street, P.O. Box 8788, Philadelphia, PA 19101, telephone (215) 596-1547. The Department of Aging (PDA) should also be copied.
4. As per 45 CFR 1397(c)(2) - inform the Regional Office of SSA when a deficient facility again meets the standards with the effective date of the approval and send a copy of the notification to the OSP and PDA.
5. As per 45 CFR Part 1397.20(b)(2) - notify in writing all residents of a facility/agency which has a license revoked or non-renewed because of non-compliance with regulations and standards. The Office or Department must also notify the families, guardians, or representative payees of SSI recipients, county MH/MR administrators, County Assistance Office Directors and others as appropriate. This notification must include:
  - (a) A listing of the standard(s) which the facility does not meet;
  - (b) the time period during which residents may relocate before the Program Office reports the deficient facility to the SSA;

- (c) a listing of approved facilities and agencies which will help the residents move if they wish/need assistance; and
  - (d) notification that failure to move from the facility/agency may result in a reduction in their SSI benefit.
6. As per 45 CFR 1397.20(d)(2)(iii) - each authority shall make available with or without charge to interested individuals a single copy of the list of facilities (name and address) that have been granted waivers of each standard, including the justification for the waiver and (iv) the list of facilities (name and address) found in violation of a standard, including the details of each violation.
7. As per 45 CFR 1397.20(d)(1) - maintain a listing of providers/agencies for which standards and regulations are waived. This listing must include the name and address of the facility/agency granted a waiver, the standard waived, and the justification for the waiver. All waivers must be approved by the Department of Aging.

DIRECTION: This APD makes explicit requirements in existing Domiciliary Care Services regulations, Pa. Code Chapter 21, and provisions in the Aging Services Block Grant agreement requiring compliance with all applicable Federal laws and regulations. Under its terms, all AAAs which administer Domiciliary Care program operating under the auspices of the Department of Aging must implement the above-stated Keys Amendment regulations. These regulations should be made part of the standard operating procedures for the Domiciliary Care program.

Any questions pertaining to this APD should be directed to the Bureau of Community Based Care at (717) 783-6207.

Attachments