

Coronavirus Disease 2019 (COVID-19):

Guidance for Modifications to Medical Examinations for Residential Staff and Individuals and to Service Delivery During the COVID-19 Pandemic

ODP Announcement 20-054

AUDIENCE:

Licensees and ODP-enrolled providers subject to Chapters 6100, 6400, and/or 6500 of Title 55 of the Pennsylvania Code

PURPOSE:

To announce the temporary modification of regulatory requirements relating to staff and individual medical examinations and service delivery during the COVID-19 pandemic.

DISCUSSION:

Approximately 1,000 providers serve over 55,000 Pennsylvanians with an intellectual disability or autism in the community throughout the Commonwealth. These services are essential to ensure that individuals receive the care and support necessary to safely experience an everyday life, a life that is no different than that of all other Pennsylvanians.

The COVID-19 pandemic has significantly impacted providers' ability to effectively render essential services. Individuals diagnosed with COVID-19 experience increased levels of need that subsequently lead to the need for increased care and support, requiring providers to rapidly retain new direct support professionals and to redeploy those currently employed. At the same time, the workforce of available direct support professionals has been diminished as a result of the pandemic. Direct support professionals who have tested positive for or have symptoms associated with COVID-19

may not work with individuals. Additionally, many direct support professionals must care for their family members who have contracted the virus, which limits or prevents them from working. Direct support professionals must by regulation have a comprehensive medical examination before working directly with an individual, but timely completion of these examinations has been hindered by the healthcare system's necessary emphasis on testing and treating individuals who are sick from COVID-19.

Individuals who reside in provider-operated, community-based residential programs who have tested positive for or have symptoms associated with COVID-19 must on occasion be temporarily relocated to prevent housemates and staff from exposure to the virus. Individuals must by regulation have a comprehensive medical examination prior to admission to a residential program; however timely completion of these examinations has also been hindered by the healthcare system's necessary emphasis on testing and treating individuals who are sick from COVID-19.

Individuals each have a care plan that documents the coordination and integration of services and supports for the individual with emphasis on access to the community. Each plan is person-specific and unique to the individual based on the individual's level of need, goals, and desired habilitative outcomes. Providers are responsible for implementing individual plans in their entirety, but the diminished direct support professional workforce, the increased levels of individuals' needs as a result of the pandemic, and the need to relocate individuals when necessary has forced providers to focus on meeting individuals' basic needs, which in turn has compromised providers' ability to implement all elements of individuals' plans.

On March 6, 2020, Governor Wolf issued a Proclamation of Disaster Emergency ("the Disaster Proclamation") to enable agencies to act promptly to address the COVID-19 pandemic. In order to enable providers to meet the challenges associated with staffing and service delivery during the COVID-19 pandemic, the Office of Developmental Programs (ODP) is issuing the following guidance:

- Immediately before working with individuals, the provider must screen staff persons for COVID-19 symptoms in accordance with the most current guidance specified by the [Pennsylvania Department of Health](#). The Staff persons' personal physician or a physician associated with the provider must be contacted, and the physician's guidance followed, if symptoms are present. Additionally, within 12

months prior to working with individuals, staff must have had a truncated medical examination either in person or via telemedicine that includes:

- Verification that the person is free of communicable diseases or specific precautions to be taken if the person has a communicable disease, and
- Information on medical problems which might have a negative effect on the health of the individuals for whom the person is to provide support.

Medical examination results must be shared with the provider, and the provider must retain documentation of the results.

- Immediately before admission to a provider-operated residential setting, an individual must be screened for COVID-19 symptoms in accordance with the most current guidance specified by the [Pennsylvania Department of Health](#). The individual's personal physician or a physician associated with the provider must be contacted, and the physician's guidance followed, if symptoms are present before the individual can be admitted to the home. Additionally, individuals must have a truncated medical examination either in person or via telemedicine that includes the following within 12 months prior to or 72 hours after admission:
 - A review of previous medical history;
 - A general physical examination;
 - Specific precautions that must be taken if the individual has a communicable disease, to prevent spread of the disease to other individuals;
 - Allergies;
 - Medical information pertinent to diagnosis and treatment in case of an emergency;
 - Special instructions for the individual's diet; and
 - Current medications and administration instructions.

Medical examination results must be shared with the provider, and the provider must retain documentation of the results.

- Providers will not be out of compliance in any instance where one or more services specified in the individual's plan cannot be provided due to factors or circumstances associated with COVID-19. Providers must document the factors or circumstances associated with COVID-19 that prevented the provision of service as specified in an individual's plan in the individual's record.

With the Governor's authorization as conferred in the disaster emergency issued on March 6, 2020, all regulatory provisions in 55 Pa. Code Chapters 6100, 6400 and 6500 and other policies or rules that would impose an impediment to implementing this guidance are suspended. Those suspensions will remain in place while the proclamation of disaster emergency remains in effect or such other time as ODP directs.

CONTACT

Please contact ODP's Regulatory Administration Unit at RA-PW6100REGADMIN@pa.gov with any questions about this announcement.