



COMMONWEALTH OF PENNSYLVANIA  
**DEPARTMENT OF PUBLIC WELFARE**  
PO BOX 2675  
HARRISBURG, PENNSYLVANIA 17105-2675

ADULT RESIDENTIAL LICENSING

**MAR 01 2012**

PHONE: (717) 783-3670  
FAX: (717) 783-5662

Barbara A. Zemlock  
17 North Second Street  
12<sup>th</sup> Floor  
Harrisburg, Pennsylvania 17101-1601

Re: Tabor Manor  
6730 Tabor Avenue  
Philadelphia, Pennsylvania 19111

Dear Ms. Zemlock:

This is to acknowledge receipt of your request to appeal the Department's decision to impose a fine on behalf of Tabor Manor for your personal care home. Your request has been forwarded to the Department of Public Welfare, Bureau of Hearings and Appeals. You will be contacted regarding the date and time of the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Melusky', with a long, sweeping underline.

Ronald Melusky  
Director

cc: Connie Walsh, Office of General Counsel



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Fax  
www.postschell.com

Barbara A. Zemlock

bzemlock@postschell.com  
717-612-6030 Direct  
717-731-1985 Fax

February 28, 2012

Tracy Henry, Director  
Bureau of Hearings and Appeals  
2330 Vartan Way, 2nd Floor  
P.O. Box 2675  
Harrisburg, PA 17110

12 FEB 29 PM 12:31  
DEPARTMENT OF PUBLIC WELFARE  
BUREAU OF HEARINGS AND APPEALS

**RE: Manor Personal Care, Inc. v.  
Department of Public Welfare**

Dear Director Henry:

Enclosed for filing is the original and four copies of a Notice of Appeal and Written Request for Hearing From Decision Dated February 1, 2012. A copy of the above referenced document is being provided to the parties of record in the manner indicated on the Certificate of Service. A check in the amount of \$500 will be delivered to Anita Schaffer, Department of Public Welfare, Bureau of Financial Operations, Financial Reporting and Payments Section. Please time stamp any extra copies and return them to the waiting messenger.

If you have any questions, please feel free to contact me.

Very truly yours,

Barbara A. Zemlock

RECEIVED

FEB 29 2012

Adult Residential Licensing

BAZ/cln

Enclosures

cc: Office of Legal Counsel, Department of Public Welfare  
Anita Schaffer, Department of Public Welfare, Bureau of Financial Operations, Financial Reporting and Payments Section (w/check)  
Howard Lavin



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 DEPARTMENT OF PUBLIC WELFARE  
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ADULT RESIDENTIAL LICENSING

PHONE: (717) 783-3670  
 FAX: (717) 783-5662

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**MAILING DATE: FEB 01 2012**

Mr. Howard Lavin, President  
 Manor Personal Care, Inc.  
 Tabor Manor  
 6730 Tabor Avenue  
 Philadelphia, Pennsylvania 19111

Dear Mr. Lavin:

On January 18, 2012, the Department of Public Welfare (Department) issued a notice of its intent to assess a fine for regulatory violations with 55 Pa.Code Ch. 2600 (relating to personal care homes) for the above personal care home.

Pursuant to 62 P.S. §§ 1085-1087 and 55 Pa.Code §§ 2600.261-268 (relating to enforcement), the Department hereby assesses a fine for the following uncorrected violations.

55 Pa.Code Chapter 2600 Section no.	Class of Violation	Census at Inspection X	Fine Per resident Per day	Calculated Fine = Per day	Initial Fine Assessment
182c	II	49	\$5	\$245	\$1,470
187b	II	49	\$5	\$245	\$1,470
187d	II	49	\$5	\$245	<u>\$1,470</u>

Total Fine Assessment for period January 19, 2012 through January 24, 2012 = \$4,410.

The enclosed Invoice for Personal Care Home Fine specifies the total amount of the fines for the period following the Department's notice of intent to assess a fine. The invoice is payable within 30 days from the mailing date of this letter. The fines will continue to accumulate and will be recalculated at the end of each month until all violations are fully corrected. You must notify the Department's Regional Adult Residential Licensing office in writing as soon as each violation is fully corrected and submit written documentation of each correction. Even if you pay the full amount of this invoice, fines will continue to accumulate for each violation until you have provided written notice of full correction and the Department has verified that the violations are fully corrected.

In accordance with §2600.268 (relating to notice of violations), the personal care home administrator shall immediately post this written notice in a conspicuous and public place in the home, if this notice includes a Class II violation

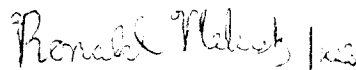
If you disagree with the decision to assess a fine, you have the right to appeal through hearing before the Bureau of Hearings and Appeals, Department of Public Welfare in accordance with 1 Pa.Code Part II, Chs. 31-35 and 62 P.S. §1086(f). If you decide to appeal, a written request for an appeal with a check made payable to the "Commonwealth of Pennsylvania" for the total monthly fine amount or \$500, whichever is less, must be received within 30 days of the mailing date of this letter by:

Anita Shafer, Unit Supervisor  
Bureau of Financial Operations  
Financial Reporting and Payments Section  
Department of Public Welfare  
Forum Place, 1<sup>st</sup> Floor  
555 Walnut Street  
Harrisburg, Pennsylvania 17101

This decision to assess a fine is final 31 days from the date of this letter, or if you decide to appeal, upon issuance of a decision by the Bureau of Hearings and Appeals.

If you have any questions regarding this invoice please contact Kevin Brumbach, Adult Residential Licensing, at 717-783-3670.

Sincerely,



Ronald Melusky  
Director

Enclosure  
Personal Care Home Fine Invoice

# Personal Care Home Invoice

PA Department of Public Welfare  
 Bureau of Financial Operations  
 Financial Reporting and Payment Section  
 Forum Place, 1st Floor  
 555 Walnut Street, Harrisburg, PA 17101  
 Fax: 717-772-2501

**Assessment #:** S00012

**Invoice Date:** FEB 01 2012

**Bill To:**

Manor Personal Care, Inc.  
 6730 Tabor Avenue  
 Philadelphia, PA 19111

Re: Tabor Manor  
 6730 Tabor Avenue  
 Philadelphia, PA 19111

**Contact Name** Howard Lavin

**License Number** 11698

<b>Fine/Appeal</b>	<b>Description - 55 Pa.Code § 2600.</b>	<b>From:</b>	<b>To:</b>	<b>Fine Imposed</b>	<b>Line Total</b>
Class II	182c	1/19/2012	1/24/2012	\$1,470.00	\$1,470.00
Class II	187b	1/19/2012	1/24/2012	\$1,470.00	\$1,470.00
Class II	187d	1/19/2012	1/24/2012	\$1,470.00	\$1,470.00
<b>Invoice Total</b>					<b>\$4,410.00</b>

**Please remit this portion with payment to ensure proper credit**

Manor Personal Care, Inc.  
 6730 Tabor Avenue  
 Philadelphia, PA 19111

**Assessment #:** S00012

Re: Tabor Manor  
 6730 Tabor Avenue  
 Philadelphia, PA 19111

**Please make checks payable to:**  
**Commonwealth of Pennsylvania**  
**Remit to:**  
**Bureau of Financial Operations**  
**Forum Place, 1st Floor**  
**555 Walnut Street**  
**Harrisburg, PA 17101**  
**Attn: Anita Shafer**

Total Due \$4,410.00

Payment Enclosed

**cc: file - Open Fines**



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 DEPARTMENT OF PUBLIC WELFARE  
 PO BOX 2675  
 HARRISBURG, PENNSYLVANIA 17105-2675

ADULT RESIDENTIAL LICENSING

PHONE: (717) 783-3670  
 FAX: (717) 783-5662

**CERTIFIED – RETURN RECEIPT REQUESTED**  
**MAILING DATE: JAN 18 2012**

Mr. Howard Lavin, President  
 Manor Personal Care, Inc.  
 Tabor Manor  
 6730 Tabor Avenue  
 Philadelphia, Pennsylvania 19111

Dear Mr. Lavin:

As a result of the Department of Public Welfare's licensing inspection on December 29, 2011 of the above personal care home, the violations with 55 Pa.Code Ch. 2600 (relating to Personal Care Homes) specified on the enclosed Violation Report was found.

Correction of these violations in accordance with the specified plan of correction is required. Failure to correct these violations may result in further licensing enforcement action.

Pursuant to 62 P.S. 1085-1087 and 55 Pa.Code §§ 2600.261-268 (relating to enforcement), the Department intends to assess a fine for the following violations unless fully corrected on or before the mandated correction date.

55 Pa.Code Chapter 2600 Section no.	Class of Violation	Census at Inspection X	Fine Per resident Per day	Calculated Fine = Per day	Mandated Correction Date (to avoid Fine)
182c	II	49	\$5	\$245	5 calendar days from mailing date of this letter
187b	II	49	\$5	\$245	5 calendar days from mailing date of this letter
187d	II	49	\$5	\$245	5 calendar days from mailing date of this letter

A fine will be assessed on a daily basis beginning with the date of this letter and will continue until the violation is fully corrected, and full compliance with the regulation has been achieved. If the violation is fully corrected, and full compliance with the regulation has been achieved, by the mandated correction date, no fine will be assessed. You must notify the Department's Regional Adult Residential Licensing office in writing as soon as each violation is fully corrected and submit written documentation of each correction. The Department will conduct an on-site inspection after the mandated correction date, and within 20 calendar days of the date of this letter. If one or more violations is not fully corrected and full compliance with the regulation has not been achieved, you will periodically receive invoices from the Department's Bureau of Financial Operations with payment instructions. The fines will continue to accumulate until the violation is fully corrected and full compliance with the regulation has been achieved.

Once you receive your invoice from the Bureau of Financial Operations, if you disagree with the amount of the penalty, you have the right to appeal through a hearing before the Bureau of Hearings and Appeals, Department of Public Welfare. If you decide to appeal, a written request to appeal the fine must be received, along with the assessed daily fine, not to exceed \$500, in accordance with 55 Pa.Code § 2600.263 (relating to appeal of penalty). All appeal requests must be sent to the address indicated on the invoice you will receive from the Bureau of Financial Operations.

Sincerely,



Ronald Melusky  
Director

Enclosure  
Violation Report

VIOLATION REPORT  
PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

NAME AND ADDRESS OF PERSONAL CARE HOME TABOR MANOR, 6730 TABOR AVENUE PHILADELPHIA, PA 19111		CURRENT LICENSE NUMBER 116980	
INSPECTION DATES (Include all dates of the inspection) 12/29/2011		REGIONAL REPRESENTATIVE Christine McHale, Amy Scharpf	
PRINTED NAME AND TITLE OF LEGAL ENTITY REPRESENTATIVE SIGNING PLAN OF CORRECTION (Required on FIRST PAGE only unless multiple representatives produce the plan)			
SIGNATURE OF LEGAL ENTITY	DATE	REGIONAL LICENSING APPROVAL OF PLAN OF CORRECTION	DATE

REGULATION 55 Pa.Code §2600	VIOLATION	DATE BY WHICH CORRECTION WILL BE COMPLETED	PLAN OF CORRECTION (include a step-by-step plan to correct the specific violation, as well as a plan to assure the violation does not recur)	DATE COMPLIANCE VERIFIED BY
182c  Medication administration includes the following activities, based on the needs of the resident: (1) Identify the correct resident. (2) If indicated by the prescriber's orders, measure vital signs and administer medications accordingly. (3) Remove the medication from the original container. (4) Crush or split the medication as ordered by the prescriber. (5) Place the medication in a	- Resident #1 is prescribed Humalog Injection. The doctor's orders state that the resident is to receive 8 units before each meal if blood sugar is over 140. At 5:00 pm on the following dates the medication is initialed as having been administered despite the blood sugar levels being below 140: 12/21/11, 12/22/11, 12/26/11, 12/27/11, and 12/28/11.  - Resident #2 is prescribed Carbamide Peroxide 0.5% ear drops in the evening. The resident did not receive this medication from 12/14/11 through 12/28/11. The staff of the home initialed these medications as having been administered for this time period.  Repeated Violations: 07/29/2011		All staff persons that administer medications will immediately be instructed on the physician's orders pertaining to the administration of resident #1's Humalog. The administrator will review the medication administration record each day that he is present in the home for all persons that receive insulin to ensure that it is being administered properly. Once staff have demonstrated that they understand and are administering the insulin properly, the administrator will check once a week to ensure staff remain consistent and are properly administering insulin.  By 1/20/12, the administrator will develop a written policy on the procedures for documentation when a prescribed medication is not administered. The procedures will include the any notation that staff should make on the front of the medication administration record as well as the location and content of any notes describing why the medication was not administered.  By 2/1/12, each staff person that administers medications will be in-serviced on the	

VIOLATION REPORT  
PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

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medication cup or other appropriate container, or in the resident's hand (for immediate administration). (6) Place the medication in the resident's hand, mouth or other route as ordered by the prescriber, in accordance with the limitations specified in 182b4. (7) Complete documentation in accordance with 187.			appropriate documentation procedures when administering medications. Staff will be instructed that they must initial the medication record at the time the medications are administered and are not permitted to initial the medication record for one resident after they have moved on and administered medications for another resident. Staff will be instructed on the home's procedures for documentation when a prescribed medication is not administered. Documentation of the in-service will be kept and will include the date(s), time(s), name of person conducting the in-service and names of the staff persons that attended.	

VIOLATION REPORT  
PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

NAME AND ADDRESS OF PERSONAL CARE HOME TABOR MANOR, 6730 TABOR AVENUE PHILADELPHIA, PA 19111		CURRENT LICENSE NUMBER 116980	
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187b The information in subsections 187a13 and 187a14 shall be recorded at the time the medication is administered.	<p>- On 12/28/11, at 8:00 am, resident #4's Loratadine 10 mg was administered. The staff at the home did not initial the medication administration record for this medication. On 12/29/11, at 12:00 pm, resident #4's Comolyn Sodium 4% Opth Solution was administered. Staff person A did not initial the medication record until 12/29/11 at 4:00 pm.</p> <p>- On 12/29/11, at 2:00 pm, resident #5's Lorazepam 1 mg was administered. Staff member A initialed the medication record to state that the medication was administered on 12/29/11 at 12:00 pm.</p> <p>Repeated Violations: 06/01/2011 07/29/2011</p>		<p>Staff person A will not administer medications until she has been re-trained by a person that has passed the Department Approved Train-the-Trainer medication course.</p> <p>By 2/1/12, each staff person that administers medications will be in-serviced on the appropriate documentation procedures when administering medications. Staff will be instructed that they must initial the medication record at the time the medications are administered and are not permitted to initial the medication record for one resident after they have moved on and administered medications for another resident. Staff will be instructed on the home's procedures for documentation when a prescribed medication is not administered. Documentation of the in-service will be kept and will include the date(s), time(s), name of person conducting the in-service and names of the staff persons that attended.</p> <p>By 2/1/12, the administrator will develop a system for staff to notify him if they are administering medications and the staff person on the shift prior to them did not initial the</p>	

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PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

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REGULATION 55 Pa.Code §2600	VIOLATION	DATE BY WHICH CORRECTION WILL BE COMPLETED	PLAN OF CORRECTION (include a step-by-step plan to correct the specific violation, as well as a plan to assure the violation does not recur)	DATE COMPLIANCE VERIFIED BY
			<p>medication administration record. Staff will be notified of this system and the disciplinary actions that will be followed if they do not follow the procedures outlined by the administrator.</p> <p>Beginning 2/1/12, the administrator will check a 10% sample the medication administration records each day that he is present in the home to ensure that staff are following procedures. The administrator will monitor these checks on a daily basis until 2/1/12 to ensure staff are checking residents' blood sugars as prescribed. The administrator will continue to monitor blood sugar checks on a daily basis after 2/1/12, until staff can demonstrate that they have measured all residents' blood sugars as prescribed and completed accurate and thorough documentation of the checks for seven consecutive calendar days. After staff have demonstrated this ability, the administrator will complete checks weekly for 4 weeks and monthly thereafter as described below.</p>	

VIOLATION REPORT  
PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

NAME AND ADDRESS OF PERSONAL CARE HOME TABOR MANOR, 6730 TABOR AVENUE PHILADELPHIA, PA 19111		CURRENT LICENSE NUMBER 116980	
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187d The home shall follow the directions of the prescriber.	<p>- Resident #2 is prescribed Carbamide Peroxide 0.5% in the evening. This resident has not received this medication from 12/14/11 until 12/28/11. Resident #2 also has a physician's order to have blood sugars tested twice weekly. The resident does not and never has had a glucometer or any other device to measure blood sugar.</p> <p>- Resident #5 has a physician's order to have blood sugars tested twice daily. This resident has most recently had blood sugars tested on 12/13/11, 11/18/11, and 10/17/11 and no times in between these dates.</p> <p>Repeated Violations: 06/01/2011 07/29/2011</p>		<p>The home will immediately obtain a device to measure resident #2's blood sugar. This device will be labeled with resident #2's name and will not be shared with any other residents.</p> <p>The home will immediately begin to measure resident #2 and resident #5's blood sugars as often as the prescriber has ordered.</p> <p>The administrator will immediately review each resident's record to determine which residents receive blood sugar checks and how often. The administrator will monitor these checks each day that he is present in the home until 2/1/12 to ensure staff are checking residents' blood sugars as prescribed. The administrator will continue to monitor blood sugar checks each day that he is present in the home after 2/1/12, unless or until staff can demonstrate that they have measured all residents' blood sugars as prescribed and completed accurate and thorough documentation of the checks for seven consecutive calendar days. After staff have demonstrated this ability, the administrator will complete checks weekly for 4 weeks and monthly thereafter as described below.</p>	

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PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

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REGULATION 55 Pa.Code §2600	VIOLATION	DATE BY WHICH CORRECTION WILL BE COMPLETED	PLAN OF CORRECTION (include a step-by-step plan to correct the specific violation, as well as a plan to assure the violation does not recur)	DATE COMPLIANCE VERIFIED BY
			<p>By 1/20/12, the home will notify each resident, each resident's designated person, and the prescriber of the identified errors.</p> <p>By 1/20/12, the home will document the medication error on the Department's Reportable Incident form and submit the form to the Department, as well as place a copy of the form on the resident's record.</p> <p>By 2/1/12, a complete audit of all residents' medication and physician's orders will be completed by a licensed nurse (RN or LPN). The results of the audit will be recorded and any non-compliant issues found during the audit will be immediately fixed. The issues identified during the audit will be addressed with all staff persons that administer medications by 2/7/12. Each of these staff persons will be provided with a copy of Chapter 2600.181 through 2600.191 by 2/7/12.</p> <p>By 3/1/12, and monthly thereafter, the administrator or a person designated by the administrator will complete medication audits for</p>	

VIOLATION REPORT  
 PERSONAL CARE HOMES - 55 Pa.Code Chapter 2600

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			a 20% sample of residents to ensure ongoing compliance with all prescriber's orders. The name of the person conducting the audit, the residents' medications that were audited, and the date the audit occurred will be recorded. The person conducting the audit will document any issues found during the audit and the corrective action taken.	