



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

ADULT RESIDENTIAL LICENSING

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

JUN 25 2012

Louis C. Blauth, Jr.  
Attorney at Law  
Two Gateway Center  
603 Stanwix Street, Suite 1799  
Pittsburgh, Pennsylvania 15222

RE: Donahue's Personal Care I  
1610 Hybla Street  
Pittsburgh, Pennsylvania 15212

Dear: Mr. Blauth Jr:

This is to acknowledge receipt of your request to appeal the Department's June 14, 2012, notification to Cease Operation and Non Renewal of license to Donahue's Personal Care I. 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 'RM' or similar initials, followed by a long horizontal stroke.

Ronald Melusky  
Director

cc: Eugene Cuccarese, Office of General Counsel



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
ROOM 631 HEALTH & WELFARE BUILDING  
625 FORSTER STREET  
HARRISBURG, PENNSYLVANIA 17120

ADULT RESIDENTIAL LICENSING

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

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**MAILING DATE: JUN 14 2012**

Ms. Romona Donahue, Administrator  
Kevin and Romona Donahue  
1143 Lapish Road  
Pittsburgh, Pennsylvania 15212

RE: Donahue's Personal Care I  
1610 Hybla Street  
Pittsburgh, Pennsylvania 15212

Dear Ms. Donahue:

On May 8, 2012, the Department of Public Welfare (Department) issued notice to you of its intent to non-renew the provisional license to operate the above personal care home. You did not appeal the Department's decision to non-renew your license with the Department's Bureau of Hearings and Appeals (BHA).

In accordance with 62 P.S. § 1002 you are required to CEASE OPERATION of the personal care home. Continued illegal operation of this personal care home may result in further action to force the closure of this personal care home. If the number of personal care residents is reduced to one, two, or three, the home is no longer operating as a personal care home and no license is required.

The Department will assist in the relocation of the residents from your personal care home. For assistance in relocating residents, please contact your local Area Agency on Aging, County Mental Health/Mental Retardation Office, or Ms. Jill Pezzino, Regional Licensing Administrator at 412-565-5535. Ms. Pezzino will contact you regarding the plans to relocate residents from the personal care home.

Sincerely,

Ronald Melusky  
Director

Enclosures:  
Non-renewal notification, May 8, 2012



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
ROOM 631 HEALTH & WELFARE BUILDING  
625 FORSTER STREET  
HARRISBURG, PENNSYLVANIA 17120

ADULT RESIDENTIAL LICENSING

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
MAILING DATE: **MAY 08 2012**

Ms. Romona Donahue, Administrator  
Kevin and Romona Donahue  
1143 Lapish Road  
Pittsburgh, Pennsylvania 15212

RE: Donahue's Personal Care I  
1610 Hybla Street  
Pittsburgh, Pennsylvania 15212

Dear Ms. Donahue:

As a result of the Department of Public Welfare's licensing inspection of the above personal care home on February 24, 2012, violations with 55 Pa.Code Ch. 2600 (relating to Personal Care Homes) were found. On March 14, 2012, the Department issued the enclosed letter and violation report detailing the inspection findings.

Pursuant to 55 Pa.Code § 20.52 (relating to plan of correction), the Department requires submission of an acceptable plan of correction prior to the issuance of a license to operate a personal care home. On March 20, 2012, the Department received your plan of correction; however, it lacked sufficient detail, as enumerated in the March 14, 2012 letter, to permit the Department to issue a license.

By letter dated April 6, 2012, the Department notified you the submitted plan of correction was unacceptable and included a proposed directed plan of correction to achieve long-term compliance with the cited violations. A revised and acceptable plan of correction or acceptance of the Department's directed plan of correction was required to be submitted within two days from this request. You did not respond to the Department's request.

On April 12, 2012, following an additional request by the Department, you re-submitted the unacceptable plan of correction without any additional criteria or detail. The Department again contacted you for an acceptable plan of correction or acceptance of the Department's directed plan of correction. On April 13, 2012, you submitted the directed plan of correction without the required signatures of acceptance.

Ms. Romona Donahue

As of the date of this letter, an acceptable plan of correction has not been received. Pursuant to 62 P.S. § 1026(b)(1) (relating to refusal to issue license, revocation, and notice) and 55 Pa.Code § 20.71(a)(3) (relating to conditions for denial, nonrenewal, or revocation), your Second Provisional license is not renewed to operate the above personal care home.

Additionally, as a result of repeated and current violations with 55 Pa.Code Ch. 2600 (relating to personal care homes), the Department is not renewing your PROVISIONAL license to operate the above personal care home pursuant to 62 P.S. § 1026(b)(1) and 55 Pa.Code § 20.71(a)(2) (relating to conditions for denial, nonrenewal, or revocation).

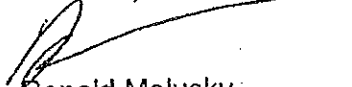
In accordance with 55 Pa.Code § 2600.269(a)(3) (relating to ban on admissions) no new resident admissions are permitted after the date of this letter.

If you disagree with the decision to NON-RENEW your license, 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. If you decide to appeal, a written request for an appeal must be received within 10 days of the date of this letter by:

Jacob Herzing, Enforcement Manager  
Adult Residential Licensing  
Department of Public Welfare  
631 Health and Welfare Building  
7<sup>th</sup> and Forster Streets  
Harrisburg, Pennsylvania 17120

This decision is final 11 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.

Sincerely,



Ronald Melusky  
Director

Enclosures

- March 14, 2012, Letter and Violation Report
- March 20, 2012, Unacceptable Plan of Correction
- April 6, 2012, Request for Acceptable Plan of Correction and Department's Directed Plan of Correction



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

11 Stanwix Street  
Room 220  
Pittsburgh, Pennsylvania 15222

ADULT RESIDENTIAL LICENSING

Phone: (412) 585-5616/5614  
Toll Free: 1-888-322-3664  
Fax: (412) 585-5633/585-2840  
[www.dpw.state.pa.us](http://www.dpw.state.pa.us)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MAILING DATE: MAR 14 2012

Ms. Romona Donahue, Administrator  
Kevin & Romona Donahue  
1143 Lapish Road  
Pittsburgh, Pennsylvania 15212

RE: Donahue's Personal Care I  
1610 Hybla Street  
Pittsburgh, Pennsylvania 15212

Dear Ms. Donahue:

As a result of the Department of Public Welfare's licensing inspection of the above personal care home on February 24, 2012, violations with 55 Pa.Code Ch. 2600 (relating to Personal Care Homes) were found. The violations are specified on the enclosed Violation Report.

The Department of Public Welfare requires that an acceptable plan of correction be submitted prior to the issuance of a regular or provisional license, pursuant to 55 Pa.Code Ch. 20 (relating to Licensure or Approval of Facilities and Agencies.)

Complete Columns 3 and 4 of the attached Violation Report, indicating your plans to correct the violations. Your plan of correction must correct the specific issue cited, as well as include an ongoing, step-by-step plan to assure continued compliance with the regulation over a substantial period of time. Your plan of correction for each violation should include: what specific change will be made, who will make the change, when will the change be made, how will the change be made, what system have you implemented to make sure that the same violation will not occur again and what training will be provided to your staff. Send supporting documentation to verify compliance of any violation that has been corrected. If you believe any violation is incorrect, indicate

You may, if you wish, submit your Violation Report and plans to correct the violations via electronic mail. If you wish to do so, please send the report as an attachment to [thlaskey@pa.gov](mailto:thlaskey@pa.gov).

If you have any questions, please contact me at 412-565-5614.

Sincerely,

A handwritten signature in cursive script that reads "Jill L. Pezzino".

Jill L. Pezzino  
Regional Licensing Administrator

Enclosure(s)  
Amended plan of correction



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

NAME AND ADDRESS OF PERSONAL CARE HOME DONAHUE S PERSONAL CARE I, 1610 HYBLA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 430342	
INSPECTION DATES (Include all dates of the inspection) 02/24/2012		REGIONAL REPRESENTATIVE Jan Cutter, Mike Marini	
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
		<i>[Signature]</i>	4/18-12

REGULATION 55 Pa.Code §2600	VIOLATION	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
64c An administrator shall have at least 24 hours of annual training relating to the job duties. The Department-approved administrator training course specified in subsection (a) fulfills the annual training requirement for the first year.	Staff person A, the home's administrator, completed only 7.5 hours of annual training in training year 2011.	5/1/2012 - Upon review the Department found the administrator had 5.5 hours of annual training in training year 2011. The administrator will submit a schedule specifying when the 42.5 hours of required and approved administrator training (24 hours for 2012 and 18.5 hours for 2011) will be completed including: course title, date, time, location, number of approved hours. A total of 42.5 hours will be completed by 12/31/2012.	

**RECEIVED**

2  
Western Field Office  
Adult Residential Licensing

p.29

7244491077

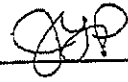
California Manor

Apr 12 10:36p

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

p.31

724491077

NAME AND ADDRESS OF PERSONAL CARE HOME DONAHUE S PERSONAL CARE I, 1610 HYBLA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 430342	
INSPECTION DATES (Include all dates of the inspection) 02/24/2012		REGIONAL REPRESENTATIVE Jan Cutter, Mike Marini	
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 4-18-12

REGULATION 55 Pa.Code §2600	VIOLATION	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
89b Hot water temperature in areas accessible to the resident may not exceed 120°F.	The water temperature at the bathroom sink in the bathroom adjacent to the livingroom measured 124.3 degrees Fahrenheit.	<p>Immediately - The water temperature of the home will be adjusted not to exceed 120 degrees Fahrenheit.</p> <p>5/15/2012 - All staff persons will be educated on safe water temperatures and the risk to residents.</p> <p>5/15/2012 - A designated staff person will check the water temperature in areas accessible to residents daily to ensure that it is 120 degrees Fahrenheit or less. Water temperature will be adjusted immediately if it exceeds 120 degrees Fahrenheit.</p>	

RECEIVED

Western Field Office  
Adult Residential Licensing

California Manor

Apr 12 12 10:36p

Mar 22 12:09:20a

California Manor

7244491077

p.3

Mar 20 12:08:28p

California Manor

7244491077

p.4

PR-28-B-12 17:31 FROM:DOMA  
MAR 20 12 08:28P ST LEON 1004

4127655549

TO: 7244491877  
+1210555555

p.4 P.4/B

VIOLATION REPORT  
PERSONAL CARE HOMES - 55 Pa. Code Chapter 5600

Page 2 of 5

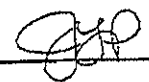
NAME AND ADDRESS OF PERSONAL CARE HOME DONAHUE'S PERSONAL CARE, 1619 HYBLA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 430362	
INSPECTION DATES (include all dates of this inspection) 02/24/2012		REGIONAL REPRESENTATIVE Jan Carter, Mike Martin	
PRINTED NAME AND TITLE OF LEGAL ENTITY REPRESENTATIVE SIGNING PLAN OF CORRECTION (Required on FIRST PAGE only unless multiple representatives produce the plan)			
SIGNATURE OF LEGAL ENTITY <i>KW</i>	DATE 3/20	REGIONAL LICENSING APPROVAL OF PLAN OF CORRECTION <i>[Signature]</i>	DATE 4-18-12

REGULATION 55 Pa Code §2600	VIOLATION	DATE COMPLIANCE VERIFIED BY	PLAN OF CORRECTION (include a step-by-step plan to correct the specific violation, as well as a plan to ensure the violation does not recur)	DATE COMPLIANCE VERIFIED BY
197c The home shall maintain at least a 3-day supply of non-potable hot and drinking water for residents.	There is no supply of emergency drinking water in the home and the home has not made provisions with an outside agency for a 3-day supply of drinking water in the event that the supply to the home could be disrupted.		I dispute this have letter stating water will be supplied An event of Emergency by Marburger See page 2A of S	
	<b>Western Region</b>			
	MAR 20 2012			
	Adult Residential Licensing			

RECEIVED

MAR 22 2012

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

NAME AND ADDRESS OF PERSONAL CARE HOME DONAHUE S PERSONAL CARE I, 1610 HYBLA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 430342	
INSPECTION DATES (Include all dates of the inspection) 02/24/2012		REGIONAL REPRESENTATIVE Jan Cutter, Mike Marini	
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 4-18-12

REGULATION 55 Pa.Code §2600	VIOLATION	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
107c The home shall maintain at least a 3-day supply of nonperishable food and drinking water for residents.	There is no supply of emergency drinking water in the home and the home has not made provisions with an outside agency for a 3-day supply of drinking water in the event that the supply to the home would be disrupted.	5/15/2012 - The administrator will keep a three day supply of water on-hand in the home for each resident or will obtain documentation of an emergency supply of water which will be delivered in the event of an emergency. If water cannot be immediately delivered upon request and as a priority in the event of a regional general emergency, the home will maintain the required amount of water on-hand until the emergency supply can be delivered.	

RECEIVED

2

Western Field Office  
Adult Residential Licensing

p.33

7244491077

California Manor

Apr 12 12 10:37p

VIOLATION REPORT  
PERSONAL CARE HOMES - 15 Pa Code Chapter 2600

Page 3 of 5

NAME AND ADDRESS OF PERSONAL CARE HOME DONALD'S PERSONAL CARE, 1819 HYDRA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 4903 C2	
INSPECTION DATES (include all dates of the inspection) 02/04/2012		REGIONAL REPRESENTATIVE Ian Carter Mike Martin	
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 <i>KW</i>	DATE 3/20	REGIONAL LICENSING APPROVAL OF PLAN OF CORRECTION <i>JJP</i>	DATE 4-18-12

REGULATION 15 Pa Code §2600	VIOLATION	DATE COMPLIANCE VERIFIED BY	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
1026 A professional surface cleaning company or trained maintenance staff person shall inspect furnaces at least annually. Documentation of the inspection shall be kept.	The last inspection and cleaning of the furnaces was conducted on 11/29/2010.		I dispute this regulation. Furnace Insp. was completed Sept 2, 2011	<i>JJP</i> 4-18-12
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>Western Region</b>             MAR 20 2012             Adult Residential Licensing         </div>				

RECEIVED

MAR 22 2012

MIR 20 12 09:20A 9:40PM

7141000000

DNY

VIOLATION REPORT  
PERSONAL CARE HOMES - 55 Pa. Code Chapter 2509

Page 4 of 5

NAME AND ADDRESS OF PERSONAL CARE HOME DONAHUE'S PERSONAL CARE, 1610 HYBLA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 430341	
INSPECTION DATES (Include all dates of the inspection) 10/24/2012		REGIONAL REPRESENTATIVE Jan. Cullin, Mike Macini	
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 <i>[Signature]</i>	DATE	REGIONAL LICENSING APPROVAL OF PLAN OF CORRECTION <i>[Signature]</i>	DATE 4-18-12


REGULATION 35 Pa. Code §2600	VIOLATION	DATE COMPLIANCE VERIFIED BY	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
132b A fire safety inspection and fire drill conducted by a fire safety expert shall be completed annually. Documentation of this fire drill and fire safety inspection shall be kept.	There was no fire safety inspection and fire drill conducted by a fire safety expert within the past year.  Repeated Violation: 8/24/2011		I dispute this fire safety inspec. was compl. 3/16/11 by City of Pgh + ... KFE + sign graph + preferred testing maintenance	
	<b>Western Region</b>		See page 4A of 5	

MAR 20 2012  
Adult Residential Licensing

Mar 20 12:08:26p California Manor  
MAR-20-2012 17:31 FROM: DONA  
TO: [unclear] [unclear]

4127655648  
7244491077  
1017244991077  
P.6/8

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

NAME AND ADDRESS OF PERSONAL CARE HOME DONAHUE S PERSONAL CARE I, 1610 HYBLA STREET PITTSBURGH, PA 15212		CURRENT LICENSE NUMBER 430342	
INSPECTION DATES (Include all dates of the inspection) 02/24/2012		REGIONAL REPRESENTATIVE Jan Cutter, Mike Marini	
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 4-18-12

REGULATION 55 Pa.Code §2600	VIOLATION	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
I32b A fire safety inspection and fire drill conducted by a fire safety expert shall be completed annually. Documentation of this fire drill and fire safety inspection shall be kept.	There was no fire safety inspection and fire drill conducted by a fire safety expert within the past year.  Repeated Violations: 08/24/2011	5/15/2012 - The administrator will have a fire safety inspection and a fire drill completed by a fire safety expert. Documentation will be kept.  5/15/2012 - The administrator will schedule a fire safety inspection and a fire drill to be conducted by a fire safety expert annually. Documentation of the the fire safety inspection and fire drill conducted by a fire safety expert will be kept.	

**VIOLATION REPORT**  
**PERSONAL CARE FORMER - 55 Pa Code Chapter 2608**

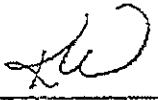
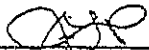
Page 5 of 5

P. 7-8

TO: 7244491077

4127666640

MAR-28-2012 17:32 FROM: DINA

<b>NAME AND ADDRESS OF PERSONAL CARE HOME</b> DONALD S PERSONAL CARE, 1610 HYBLA STREET PITTSBURGH, PA 15212		<b>CURRENT LICENSE NUMBER</b> 450342	
<b>INSPECTION DATES</b> (include all dates of the inspection) 01/24/2012		<b>REGIONAL REPRESENTATIVE</b> Jim Caser, Mike Maroni	
<b>PRINTED NAME AND TITLE OF LEGAL ENTITY REPRESENTATIVE SIGNING PLAN OF CORRECTION</b> (Required on FIRST PAGE only unless multiple representatives produce this plan)			
<b>SIGNATURE OF LEGAL ENTITY</b> 		<b>REGIONAL LICENSING APPROVAL OF PLAN OF CORRECTION</b> 	
<b>DATE</b>		<b>DATE</b> 4/18/12	

REGULATION 55 Pa Code §2608	VIOLATION	DATE COMPLIANCE VERIFIED BY	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																																																												
<table border="1"> <tr><td>Mon</td><td>01/19/2012</td><td>06:00 AM</td><td>1 min. 40 sec</td><td>No</td></tr> <tr><td>Tue</td><td>02/07/2012</td><td>11:35 AM</td><td>1 min. 52 sec</td><td>No</td></tr> <tr><td>Wed</td><td></td><td></td><td></td><td>No</td></tr> <tr><td>Thu</td><td></td><td></td><td></td><td>No</td></tr> <tr><td>Fri</td><td></td><td></td><td></td><td>No</td></tr> <tr><td>Sat</td><td></td><td></td><td></td><td>No</td></tr> <tr><td>Sun</td><td></td><td></td><td></td><td>No</td></tr> <tr><td>Aug</td><td>08/21/2011</td><td>02:00 PM</td><td>1 min. 40 sec</td><td>No</td></tr> <tr><td>Sep</td><td>09/09/2011</td><td>04:00 PM</td><td>1 min. 15 sec</td><td>No</td></tr> <tr><td>Oct</td><td>10/08/2011</td><td>12:30 AM</td><td>1 min. 30 sec</td><td>No</td></tr> <tr><td>Nov</td><td>11/24/2011</td><td>12:05 AM</td><td>1 min. 30 sec</td><td>No</td></tr> <tr><td>Dec</td><td>12/21/2011</td><td>07:00 AM</td><td>1 min. 45 sec</td><td>No</td></tr> </table>	Mon	01/19/2012	06:00 AM	1 min. 40 sec	No	Tue	02/07/2012	11:35 AM	1 min. 52 sec	No	Wed				No	Thu				No	Fri				No	Sat				No	Sun				No	Aug	08/21/2011	02:00 PM	1 min. 40 sec	No	Sep	09/09/2011	04:00 PM	1 min. 15 sec	No	Oct	10/08/2011	12:30 AM	1 min. 30 sec	No	Nov	11/24/2011	12:05 AM	1 min. 30 sec	No	Dec	12/21/2011	07:00 AM	1 min. 45 sec	No				
Mon	01/19/2012	06:00 AM	1 min. 40 sec	No																																																												
Tue	02/07/2012	11:35 AM	1 min. 52 sec	No																																																												
Wed				No																																																												
Thu				No																																																												
Fri				No																																																												
Sat				No																																																												
Sun				No																																																												
Aug	08/21/2011	02:00 PM	1 min. 40 sec	No																																																												
Sep	09/09/2011	04:00 PM	1 min. 15 sec	No																																																												
Oct	10/08/2011	12:30 AM	1 min. 30 sec	No																																																												
Nov	11/24/2011	12:05 AM	1 min. 30 sec	No																																																												
Dec	12/21/2011	07:00 AM	1 min. 45 sec	No																																																												

**Western Region**  
 MAR 20 2012  
 Adult Residential Licensing

MAR 28 12 49:43 PM '12

Mar 20 12 08:26p California Manor

11/21/2011

7244491077

p.7

**Louis C. Blauth, Jr.**  
Attorney at Law

Two Gateway Center  
603 Stanwix Street, Suite 1799  
Pittsburgh, PA 15222

(412) 281-1390  
Fax (412) 471-5580  
lou@blauthlaw.com

June 19, 2012

*VIA FACSIMILE (717-772-2062)  
AND FIRST CLASS U.S. MAIL*

Gary Alexander, Secretary  
Department of Public Welfare  
Room 333 Health and Welfare Building  
625 Forster Streets  
Harrisburg, Pennsylvania 17120

Re: Donahue's Personal Care I  
1610 Hybla Street  
Pittsburgh, PA 15212  
BHA ID No.: TBD

**RECEIVED**

JUN 20 2012

**Adult Residential Licensing**

Dear Mr. Alexander,

Please be advised that I represent the various Donahue's Personal Care Homes. I have enclosed a formal written Complaint being filed pursuant to 1 PA ADC 35.9 et seq., as well as a Motion to Stay and a Notice of Appeal all relative to a June 14, 2012 CEASE OPERATION notification and underlying allegations of regulatory noncompliance regarding the Donahue I facility.

Please know that time is of the essence as ARL is apparently moving forward rapidly with the attempted relocation of the home's residents and we are requesting that you halt this process pending a hearing and the enclosed pleadings.

Thank you for your consideration and please feel free to contact me with any questions or concerns.

Sincerely,

  
Louis C. Blauth, Jr., Esquire

Cc: Ron Melusky, Director (via facsimile 717-783-5662)  
Jacob Herzing, Enforcement Manager  
Ramona Donahue

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

**IN RE:** Donahue's Personal Care I v.  
Adult Residential Licensing  
BHA ID No.: TBD  
Personal Care Home Licensure

**COMPLAINT**

AND NOW, Comes Appellant, Donahue's Personal Care I, by and through undersigned counsel, and files the following Complaint, and in support thereof avers as follows:

1. Appellant is a personal care home located at 1610 Hybla Street, Pittsburgh, PA 15212 and has been doing so in excess of the past 30 years. The home presently has 17 residents.
2. Respondent is Adult Residential Licensing, a division of the Department of Public Welfare located at 631 Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.
3. On Saturday, June 16, 2012 Appellant received notification to "CEASE OPERATION" of the facility, despite ARL not having made any provisions relative to the needs and care of these residents, see the packet attached as Exhibit "A".
4. The notification indicates that a non-renewal licensing decision was made on or before May 8, 2012.
5. Appellant did not receive notification of this decision prior to June 16, 2012 and has not had an opportunity to have or even request an appeal of that decision or underlying allegations of noncompliance.
6. To the contrary, Appellant has been anxiously awaiting the arrival of a regular license since the most recent stellar inspection of February 24, 2012.
7. Indeed, during that inspection, only four (4) violations were alleged, all of which were disputed and minor in nature, but nonetheless verified compliant or were stamped as steps having been taken towards compliance (meaning the regulation cited was satisfied).

8. The first notification of the non-renewal decision of this home was received by Appellants on Saturday, June 16, 2012 and was accompanied by the CEASE OPERATION notification.
9. The parties are engaged in a multitude of ongoing litigation regarding Appellant's other homes and Appellant believes and hereby avers the non-renewal decision is based primarily upon that other litigation.
10. Respondent's failure to notify Appellant of the alleged violation and failure to provide a reasonable time to respond and file an appeal is in direct violation of the due process rights of Appellant as well as the notification requirements of 62 P.S. 1026.

WHEREFORE, Appellant, Donahue's Personal Care I requests the Department rescind and/or suspend the CEASE OPERATION notification and permit the filing of the enclosed appeal, nunc pro tunc.

Respectfully Submitted,



Louis C. Blauth, Jr., Esquire  
*Attorney for Appellant*  
Pa. I.D. 204565

Two Gateway Center  
603 Stanwix Street, Suite 1799  
Pittsburgh, PA 15222

(412) 281-1390  
(412) 471-5580 (facsimile)  
[lou@blauthlaw.com](mailto:lou@blauthlaw.com)

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

**IN THE APPEAL OF:** Donahue's Personal Care I v.  
Adult Residential Licensing  
BHA ID No.: TBD  
Personal Care Home Licensure


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Complaint upon all parties of record in this proceeding in accordance with the requirements of s33.32 (relating to service by a participant):

Ron Melusky, Director  
Department of Public Welfare  
Room 631 Health and Welfare Building  
625 Forster Street  
Harrisburg, Pennsylvania 17120

**VIA FACSIMILE (717-783-5662)**  
**AND FIRST CLASS MAIL**

6-19-12  
Date

  
\_\_\_\_\_  
Louis C. Blauth, Jr., Esquire  
*Attorney for Appellant*

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

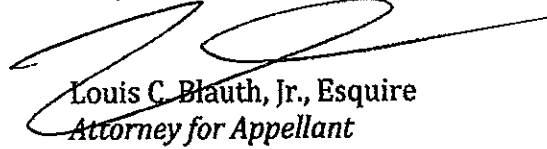
**IN RE:** Donahue's Personal Care I v.  
Adult Residential Licensing  
BHA ID No.: TBD  
Personal Care Home Licensure

**MOTION TO STAY**

AND NOW, Comes Appellant, Donahue's Personal Care I, by and through undersigned counsel, and files the following Motion, and in support thereof avers as follows:

1. Appellant incorporates by reference the averments contained in the enclosed Complaint and Notice of Appeal being filed concurrently herewith.
2. On Saturday, June 16, 2012 Appellant received notification to "CEASE OPERATION" of the facility.
3. Appellant did not receive any prior non-renewal notification before June 16, 2012 nor have they had an opportunity to have or even request an appeal of that decision.
4. By phone calls from Jill Pezzino on Monday June 18, 2012, the Department nevertheless seems to be attempting to move forward with the immediate relocation of the residents from the home.
5. There has been no allegation, much less a showing, of any imminent harm or danger presented to the residents health safety or well being that would warrant such immediate, severe measures being undertaken.
6. Appellant therefore respectfully requests the Department suspend and/or rescind the CEASE OPERATION notification pending resolution of the Complaint and Appeal being filed concurrently herewith.
7. No harm will be accomplished through the granting of this request, however, Appellants and residents will be severely prejudiced should this request be denied and the residents relocated.

Respectfully Submitted,



Louis C. Blauth, Jr., Esquire  
*Attorney for Appellant*  
Pa. I.D. 204565

Two Gateway Center  
603 Stanwix Street, Suite 1799  
Pittsburgh, PA 15222

(412) 281-1390  
(412) 471-5580 (facsimile)  
[lou@blauthlaw.com](mailto:lou@blauthlaw.com)

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

**IN THE APPEAL OF:** Donahue's Personal Care I v.  
Adult Residential Licensing  
BHA ID No.: TBD  
Personal Care Home Licensure


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Complaint upon all parties of record in this proceeding in accordance with the requirements of s33.32 (relating to service by a participant):

Ron Melusky, Director  
Department of Public Welfare  
Room 631 Health and Welfare Building  
625 Forster Street  
Harrisburg, Pennsylvania 17120

**VIA FACSIMILE (717-783-5662)**  
**AND FIRST CLASS MAIL**

6-19-12  
Date

  
Louis C. Blauth, Jr., Esquire  
*Attorney for Appellant*

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

**IN THE APPEAL OF:** Donahue's Personal Care I v.  
Adult Residential Licensing  
BHA ID No.: TBD  
Personal Care Home Licensure

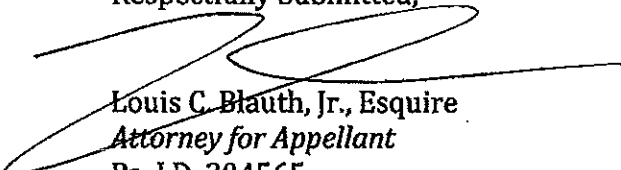
**NOTICE OF APPEAL, NUNC PRO TUNC**

AND NOW, Comes Appellant, Donahue's Personal Care I, by and through undersigned counsel, and files the following Notice of Appeal, Nunc Pro Tunc, and in support thereof avers as follows:

1. Appellant incorporates by reference the averments contained in their enclosed Complaint and Motion for Stay the same as if set forth fully at length.
2. As a result of certain alleged violations, Adult Residential Licensing apparently rendered a decision to NON-RENEW Appellants license by letter dated June 14, 2012, also enclosed.
3. Appellant denies the allegations set forth in the violation report and seeks a reversal of the decision to NON-RENEW their license.
4. Appellant files this appeal of all alleged violations as well as the decision to NON-RENEW.
5. The first notification of this decision received by Appellants was on Saturday, June 16, 2012, two days prior to the filing of the instant Complaint, Motion and Appeal.

WHEREFORE, Appellant, Donahue's Personal Care I requests the Department and this Honorable Court accept this Notice of Appeal and reverse the decision of NON-RENEWAL.

Respectfully Submitted,



Louis C. Blauth, Jr., Esquire  
Attorney for Appellant  
Pa. I.D. 204565

Two Gateway Center  
603 Stanwix Street, Suite 1799  
Pittsburgh, PA 15222

(412) 281-1390  
(412) 471-5580 (facsimile)  
[lou@blauthlaw.com](mailto:lou@blauthlaw.com)

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

**IN THE APPEAL OF:** Donahue's Personal Care I v.  
Adult Residential Licensing  
BHA ID No.: TBD  
Personal Care Home Licensure

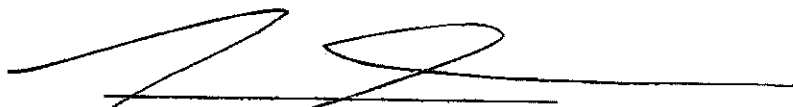
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Notice of Appeal upon all parties of record in this proceeding in accordance with the requirements of s33.32 (relating to service by a participant):

Jacob Herzing, Enforcement Manager  
Adult Residential Licensing  
Department of Public Welfare  
631 Health and Welfare Building  
7<sup>th</sup> and Forster Street  
Harrisburg, Pennsylvania 17120

**VIA FACSIMILE (717-783-5662)**  
**AND FIRST CLASS MAIL**

6-19-12  
Date

  
Louis C. Blauth, Jr., Esquire  
Attorney for Appellant