



**CERTIFIED MAIL – RETURN RECEIPT
MAILING DATE:**

AUG 13 2013

Ms. Crystal Sowel, Administrator
LutherCare
600 East Main Street
Lititz, Pennsylvania 17543

RE: Spang Crest Manor
945 Duke Street
Lebanon, Pennsylvania 17042

Dear Ms. Sowel:

Thank you for your request for a waiver of 55 Pa.Code Ch. 2600 (relating to personal care homes). You have requested a waiver of 55 Pa.Code § 2600.42(q) (relating to specific rights) for resident [REDACTED]

The Department of Public Welfare (Department) is denying a waiver of § 2600.42(q) in accordance with § 2600.19(a)(2) (relating to waivers). In accordance with § 2600.19(b), residents rights may not be waived.

In addition, minimum wage and labor laws may not be waived. Residents must be paid in accordance with Federal wage and hour requirements (at least minimum wage) for any work they choose to do on behalf of the home. Compensation must be made in cash or by check negotiable for cash. It may not be made in barter (such as for cigarettes or other goods) or for in-kind services (such as for a reduction in rent).

Residents may not be required to perform work at the home. This includes the performance of any task that would otherwise have to be completed by a staff person. Residents may not volunteer to perform such tasks without compensation. If residents perform labor on behalf of the home, it is the responsibility of the home to demonstrate that residents are compensated in accordance with all applicable labor laws. Documentation of such compliance will be required to demonstrate compliance.

Independent living skills training is designed to help make the most of resident abilities and increase self-reliance and self-confidence. This can be done by teaching a resident how to take control of his/her own life. Skills training programs may include such topics as advocacy, planning and organizing, personal assistance management, personal development, time management, maintaining a household, money management and voting rights. Job-related skills may also be supported through community work programs, adult daily living programs and vocational training. Residents can learn all of these independent living skills without being required to do work that would otherwise be done by personal care home staff.

If you disagree with the Department's decision to deny the waiver, 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:

Ronald Melusky, Director
Bureau of Human Services Licensing
Department of Public Welfare
631 Health and Welfare Building
625 Forster Street
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

Enclosure(s)