

ODP Regulation Update: Orientation and Annual Training Question and Answer Document and Annual Training Clarifications

ODP Announcement 21-034

AUDIENCE:

All Interested Parties

PURPOSE:

This communication provides updated clarifications on annual training requirements in 55 Pa. Code Chapters 2380, 2390, 6100, 6400 and 6500. In addition, this communication announces the development of a question and answer (Q&A) document regarding regulatory orientation and annual training requirements.

DISCUSSION:

Clarification on Annual Training Requirements

- The Office of Developmental Programs (ODP) communication 19-156 contained the following guidance regarding annual training requirements which remain in effect:

All providers must ensure that staff trained on or after July 1, 2020, receive annual training that complies with 55 Pa. Code §§ 2380.39, 2390.49, 6100.143, 6400.52, and/or 6500.48. A training year is a 12-month time frame.

Providers and Supports Coordination Organizations (SCOs) can determine which months are covered by a training year for persons required to complete annual training as long as 12 months are covered in the training year. Providers can choose to use the same training year to cover all persons or different training years for each person. Examples of a training year include:

- Calendar year (January 1 through December 31)

- State fiscal year (July 1 through June 30)
- Any other dates chosen by the provider or SCO that covers a 12-month time frame.

The provider or SCO must establish the beginning and end dates of the training year in writing. This could be accomplished through training plans, provider qualification documentation records, policies, procedures, etc. Providers and SCOs will be considered compliant with regulatory requirements if all required annual training occurs during the training year. Depending on when each person completes annual training during the 12-month period, it is possible that more than 12 months might lapse between the completion of annual training from one training year to the next.

Example: The provider determines that they will use a calendar year as the annual training year for all persons required to take annual training. Person A completes some annual training requirements on April 3, 2020, and then completes the remaining annual training requirements on September 18, 2020. Even though Person A completed training requirements for calendar year 2020 by September 18, 2020, the provider will be compliant for calendar year 2021 as long as Person A completes all required training by December 31, 2021.

This clarification replaces previous guidance, including guidance in the 6400 Regulatory Compliance Guide released on February 3, 2020, that states:

“Annual staff training” means training that is provided to staff with no more than 12 months lapse from last training. The “annual” training required does not have to be based on the person’s date of hire. For example, if a staff person hired on November 1, 2019 receives their first annual training on April 1, 2020, then their next annual training must be completed by April 30, 2021. Subsequent annual trainings are based on the date of the first annual training.

- It is required that the following complete 12 hours of annual training each year per §§2380.39 (b)(1) and (2), 2390.49(b)(1) and (2), 6100.143(b)(1) and 6400.52 (b)(1) and (2):
 - Management;
 - Program;
 - Administrative;

- Fiscal;
- Dietary;
- Housekeeping;
- Maintenance; and
- Ancillary staff persons.

Persons who provide dietary, housekeeping, maintenance, or ancillary services and who are employed or contracted by the building owner and the provider does not own the building are not required to complete annual training.

The training requirements for all positions required to complete 12 hours of annual training in the bullets above are reasonable because a person serving in any position may encounter an individual who receives services. The person must understand how to interact appropriately with the individual. While a person may not have direct contact with an individual, the person requires a basic level of training on the required topics, since the person may be in a position of decision-making or implementation related to the physical location where services are delivered or about the financial or administrative policies or procedures.

This clarification replaces previous guidance in the 6400 Regulatory Compliance Guide released on February 3, 2020, that states:

These regulations do not apply to provider staff who will not have direct contact or intermittent contact with individuals and who are not responsible for providing direct services to individuals such as clerical, administrative, or fiscal staff with the exception of training on the prevention, detection and reporting of abuse, suspected abuse and alleged abuse as specified by § 6400.52(c)(2).

The 6400 Regulatory Compliance Guide will be updated to align with the guidance in this communication in the future.

Question and Answer Document

ODP has developed the first version of an orientation and annual training Q&A document based on questions submitted. The Q&A document will be continually updated and is available [here](#).

Orientation and Annual Training Decision Trees

ODP has developed a [decision tree for orientation](#) and a [decision tree for annual training](#) to assist providers and SCOs in understanding which positions are required by 55 Pa. Code Chapters 2380, 2390, 6100 and/or 6400 to complete orientation and annual training. A link to these documents is also contained in the Q&A document.

QUESTIONS:

Questions regarding this communication should be submitted to RA-PWODP6100REGS@pa.gov