



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
MAILING DATE: APR 24 2013

Mr. William T. Simmons, Director
Allegheny County Executive
7150 Highland Drive
Pittsburgh, Pennsylvania 15206

RE: Shuman Center
License # 414310

Dear Mr. Simmons:

As a result of the Department of Public Welfare's (Department) licensing inspection on January 30, 2013, January 31, 2013, and February 2, 2013, of the above facility, the violations specified on the enclosed Licensing Inspection Summary were found.

Based on violations with 55 Pa.Code Ch. 3800, your current license # 414310 dated January 1, 2013 to January 1, 2014 is REVOKED. A FIRST PROVISIONAL license is being issued based on your plan to correct the violations as specified on the Licensing Inspection Summary. This decision is made pursuant to 62 P.S. 1026(b)(1) and 55 Pa.Code § 20.71(a)(2) (relating to conditions for denial, nonrenewal or revocation.) Your FIRST PROVISIONAL license is enclosed.

All violations specified on the Licensing Inspection Summary must be corrected by the dates specified on the Licensing Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained. As soon as each violation is corrected, notify the Department's Regional Office of the Bureau of Human Services Licensing so that compliance can be verified.

If you disagree with the decision to issue a PROVISIONAL 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
Bureau of Human Services Licensing
Department of Public Welfare
Room 631 Health and Welfare Building
625 Forster Street
Harrisburg, Pennsylvania 17120

Mr. William T. Simmons

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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,

A handwritten signature in black ink, appearing to read 'RM', with a long horizontal flourish extending to the right.

Ronald Melusky
Director

Enclosures
License
Licensing Inspection Summary

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

CERTIFICATE OF COMPLIANCE

This Certificate is hereby granted to ALLEGHENY COUNTY EXECUTIVE

LEGAL ENTITY

To operate SHUMAN CENTER

NAME OF FACILITY OR AGENCY

Located at 7150 HIGHLAND DRIVE, PITTSBURGH, PA 15206

(COMPLETE ADDRESS OF FACILITY OR AGENCY)

ADDRESS OF SATELLITE SITE ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE ADDRESS OF SATELLITE SITE

To provide Secure Detention

TYPE OF SERVICE(S) TO BE PROVIDED

The total number of persons which may be cared for at one time may not exceed 130
or the maximum capacity permitted by the Certificate of Occupancy, whichever is smaller.

(MAXIMUM CAPACITY)

Restrictions: _____

This certificate is granted in accordance with the Public Welfare Code of 1967, P.L. 31, as amended, and Regulations

55 Pa.Code Chapter 3800: Child Residential and Day Treatment Facilities

(MANUAL NUMBER AND TITLE OF REGULATIONS)

and shall remain in effect from April 19, 2013 until October 19, 2013

unless sooner revoked for non-compliance with applicable laws and regulations.

No: 414311

Robert E. Robinson

ISSUING OFFICER

[Signature]

DIRECTOR

NOTE: This certificate is issued for the above site(s) only and is not transferable and should be posted in a conspicuous place in the facility.

PW 628 - 01/11

**VIOLATION REPORT
CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

Facility Name: SHUMAN CENTER		License Number: 414310
Address: 7150 HIGHLAND DRIVE, PITTSBURGH, PA 15206		County: Allegheny
Director: William T. Simmons		Region: WEST
Legal Entity Name: ALLEGHENY COUNTY EXECUTIVE		
Legal Entity Address: 7150 HIGHLAND DRIVE, PITTSBURGH, PA 15206		
Certificate(s) of Occupancy		
Program Type: Secure Detention	Licensed Capacity: 130	Number of Children Served:
Type of Inspection: Partial	BHA Docket Number:	Notice: Unannounced
Reason(s) for Inspection(s) Complaint		
On-Site Inspections Dates and Department Representatives On-Site 01/30/2013: Majcher, David; Rodack, Kristen 01/31/2013: Majcher, David; Rodack, Kristen 02/01/2013: Majcher, David; Rodack, Kristen		
Off-Site Inspection Dates and Inspectors, if Applicable		
Other Details		
Partial or Full Triggers:		Random Indicators:
Child Demographic Data as of Inspection Dates		
Age of Children: 0 to 5 years: 6 to 13 years: 14 to 17 years: 18 to 21 years:	Number of Children who: Are Adjudicated Delinquent: Are Dependent: Have Mental Illness: Have an Intellectual Disability: Have a Physical Disability:	

Licensing Inspection Summary: 41431 - 01/30/2013 - Majcher, David

Facility Name: SHUMAN CENTER

1. REGULATION 55 Pa.Code §3800

3800.15(a) - The facility shall immediately report suspected abuse of a child in accordance with 23 Pa.C.S. §§ 6301-6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

2a. DESCRIPTION OF VIOLATION

On 1/4/2013, staff member A struck child #1 on the back of his head. The incident was not reported to ChildLine until 1/8/2013, four days later.

3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)

Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.

We totally disagree with this citation as violating Regulation 55 Pa. Code Section 3800.15(a) – The facility shall immediately report suspected abuse of a child in accordance with 23 Pa.C.S. Sections 6301 – 6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

An incident did occur at Shuman on January 4, 2013 as indicated in your “Description of Violation” and the incident was not reported until January 8, 2013. However, there is more than a reasonable explanation for the reporting 4 days after the incident occurred.

The regulation states in part that “.....*suspected abuse of a child*.....” so for us, the question is when was there reason to suspect there was any abuse of a child? In this case, not until January 8, 2013 when it was reported. The reason is very clear as to why that is the case. On January 4, 2013 all of the reports suggested that the incident was an accident. The report of the offender, the reports of the two witnesses were in sync with the story that it was an accident. Even the resident who was struck corroborated that position. At that time, the supervisor had no reason to suspect that any abuse had occurred.

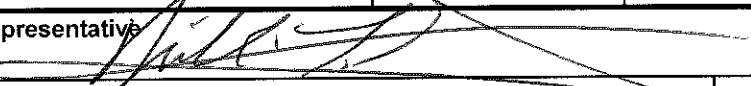
On Monday morning, January 7, 2013 my Security Manager began to look through the incident reports from the weekend to determine if there needed to be any follow up. As he looked through the reports and came across this one, he decided that since there was a nurse report there must have been some injury. He continued with his investigation on the morning of Tuesday, January 8, 2013 by pulling the video. Upon reviewing the video he determined that the video did not corroborate the incident reports. He immediately reported the incident to Child Line. That is when there was any reason to suspect that there was any child abuse. The Security Manager acted responsibly and quickly after learning that the video did not support the reports.

Our Plan of Corrections is as follows:

1. Continue to train staff, particularly supervisors on what to look for to determine when child abuse has occurred;
2. Train staff in interviewing techniques as a follow up to determine the veracity of incident reports they receive;
3. Retrain front line staff on the importance of writing accurate reports to fully reflect what actually happen so that appropriate action can be taken;
4. Continually retrain staff on how to make a Child Line Report;
5. Continue to report suspected abuse on a timely basis;

(Continued on ATTACHED sheet)

Repeat Violation: No	Date(s) of Previous Violation(s):		
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Signature of Legal Entity Representative
(Required on EVERY Page) 

Printed Name and Title of Legal Entity Representative
(Required on EVERY Page) William T. Simmons Date 2-5-13

DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!

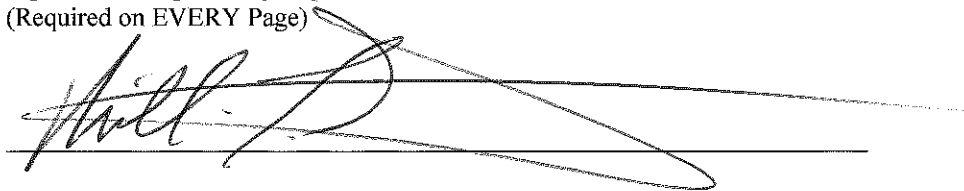
The above plan of correction is approved as of <u>4/16/13</u> (Date)	Plan of correction implementation status as of <u>4/16/13</u> (Date)
The above plan of correction was approved by <u>LAC</u> (Initials)	<input type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially Implemented - Adequate Progress <input checked="" type="checkbox"/> Partially Implemented - Inadequate Progress <input type="checkbox"/> Not Implemented

3. PLAN OF CORRECTION (POC) - CONTINUED

6. Continue to use video to confirm or refute written reports.

This Plan of Action shall be implemented immediately and merged into our regular monthly training sessions. The person responsible will be the Training Manager with assistance from the Chief Supervisors on each shift.

Signature of Legal Entity Representative
(Required on EVERY Page)



Printed Name and Title of Legal Entity Representative
(Required on EVERY Page)

William T. Simmons

Date 4/5/2013

WTS 4/16/13

Licensing Inspection Summary: 41431 - 01/30/2013 - Majcher, David

Facility Name: SHUMAN CENTER

1. REGULATION 55 Pa.Code §3800

3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

2a. DESCRIPTION OF VIOLATION

On 1/4/2013, staff person A struck child #1 on the back of his head with his right forearm and closed fist. The blow caused the child to fall against a door frame resulting in injury.

3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)

Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.

Although we do not agree with this citation as violating Regulation 55 Pa. Code Section 3800.32(b) we will provide a plan of correction addressing the citation. As we read this particular section of the 3800 regulations it implies some intent or negligence on behalf of the facility. In this case I do not understand how we reach the intent requirement or the negligence requirement. Training and observations are our most effective methods by which we have control of employees. Certainly staff is trained the proper way to interact with residents and striking a resident is not a part of that training. Additionally, supervisors are required to observe staff throughout their shift assignments. The offender had the necessary training and indicated no prior proclivity to conduct himself in this manner. The supervisor conducted proper observations not only on this day but at all other relevant times. This citation sets a rather dangerous precedent in that given this interpretation by DPW, going forward, ALL child line calls may end up as a violation of Regulation 55 Pa. Code Section 3800.32 (b).

Our Plan of Correction is as follows:

1. Train all members of staff as to the requirements and significance of Regulation 55 Pa. Code Section 3800.32 (b);
2. Make sure that each staff member understands and sign off on documentation that they do understand the requirements and significance of Regulation 55 Pa. Code Section 3800.32 (b);
3. As part of their ongoing training that all staff participate in refresher training on the 3800 Regulations on a regular basis to ensure that they are constantly reminded of the requirement and significance of the overall regulations but in particular, 3800.32 (b);
4. Ensure that supervisors continue to do their observations during their shift assignments and review relevant parts of the 3800 regulations regularly.
5. In addition to the supervisors, the Training Manager shall play an integral roll in the training of all staff in the requirements and significance of the regulations.

This Plan of Corrections will be implemented immediately (April 10, 2013 which is our next training date) and will be ongoing and intermittently during regular training sessions throughout the year.

Repeat Violation: No	Date(s) of Previous Violation(s):		
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Signature of Legal Entity Representative (Required on EVERY Page) 

Printed Name and Title of Legal Entity Representative (Required on EVERY Page) William T. Simmons Date 4-5-13

DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!

The above plan of correction is approved as of <u>4/16/13</u> (Date)	Plan of correction implementation status as of <u>4/16/13</u> (Date)
The above plan of correction was approved by <u>LAC</u> (Initials)	<input type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially Implemented - Adequate Progress <input checked="" type="checkbox"/> Partially Implemented - Inadequate Progress <input type="checkbox"/> Not Implemented