

Pennsylvania Department of Health

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION (POC) | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:<br><br><b>8-5144</b> | (X2) MULTIPLE CONSTRUCTION:<br>A. BLDG: <u>00</u><br>B. WING: _____ | (X3) DATE SURVEY COMPLETED:<br><br><b>11/18/2013</b> |
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| NAME OF PROVIDER OR SUPPLIER:<br><b>PPSP FAR NORTHEAST HEALTH CENTER</b><br><br>STATE LICENSE NUMBER: <b>9HEG8701</b> | STREET ADDRESS, CITY, STATE, ZIP CODE:<br><b>2751 COMLY ROAD<br/>PHILADELPHIA, PA 19154</b> |
|---|---|

| (X4) ID PREFIX TAG | SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)  | ID PREFIX TAG | PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE) | (X5) COMPLETE DATE |
|--------------------|---|---------------|--|--------------------|
| M 0000             | <p>INITIAL COMMENT</p> <p>This report is the result of an annual registration survey conducted on September 19, 2013, at the PPSP far Northeast Health Center. It was determined the facility was in compliance with the requirements of the Pennsylvania Department of Health Regulations § 28 Pa Code, Chapter 29, Subchapter D, Ambulatory Gynecological Surgery in Hospitals and Clinics.</p> | M 0000        |  |                    |

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| LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE: | (X6) DATE: |
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| S 0000  | INITIAL COMMENT   | S 0000  |  |                    |  |
| S 033A  | This report is the result of a full State Licensure survey conducted on September 19, 2013, at PPSP Far Northeast Health Center. It was determined the facility was not in compliance with the requirements of the Pennsylvania Department of Health's Rules and Regulations for Ambulatory Care Facilities, Annex A, Title 28, Part IV, Subparts A and F, Chapters 551-573, November 1999. | S 033A  |  |                    |  |
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| S 033A   | Continued from page 1<br><br>553.3 (1) Governing Body Responsibilities<br><br>553.3<br>Governing Body responsibilities include:<br><br>(1) Conforming to all applicable Federal, State, and local laws.<br><br>This REGULATION is not met as evidenced by: | S 033A  | PPSP Chief Operating Officer and Manager of Center Quality with legal consultation will revise PPSP's current reporting protocol to include reporting requirements for statutory sexual assault as defined by State law. The updated protocols will include language on when to ascertain if the child (patient in our care under 16 years of age) had sexual intercourse with an individual who was four or more years older than the child. The revised protocol will be in place by January 15, 2014 and all health center staff will receive training on this protocol by February 15, 2014. Revised protocol and evidence of training will be available for review. | Completion Date:<br><b>12/06/2013</b><br>Status:<br><b>APPROVED</b><br>Date:<br><b>12/30/2013</b> |
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| S 033A   | Continued from page 2<br><br>Based on a review of facility documents, policies, medical record (MR), and interview with staff (EMP), it was determined that the facility failed to conform to all applicable State laws.<br><br>PPSP Far Northeast Health Center was not in compliance with the following State laws:<br><br>The Pennsylvania Crimes Code and the Child Protective Service Law<br><br>Sexual intercourse with a child less than 13 years of age is always a crime without regard to the age or relationship of the offender, and without regard to the "consent" of the child. See 18 Pa. C. S. § 3121(c) Rape of a child, 3121(d) Rape of a child with serious bodily injury, 3123(b) Involuntary deviate sexual intercourse with a child, 3123(c) Involuntary deviate sexual intercourse with a child with serious bodily injury. Under Pennsylvania law, a child less than 13 years of age is incapable of consent to sexual intercourse. | S 033A  |  |  |

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| S 033A   | Continued from page 3<br><br>Sexual intercourse with a child less than 16 years of age is a crime if the offender is four or more years older than the child, and the child and offender are not married to each other. 18 Pa. C.S. §3122.1 Statutory sexual assault, 3123(7) Involuntary deviate sexual intercourse. Under Pennsylvania law, an unmarried individual less than 16 years of age is incapable of consent to sexual intercourse with a person who is four or more years older.<br><br>Accordingly, under all circumstances, any child less than 13 years of age who is pregnant, or is found to have a sexually-transmitted disease or condition, is a child "upon whom injuries have been inflicted in violation of [a] penal law of this Commonwealth." So is any child less than 16 years of age if the person who caused the pregnancy, or who caused the child to have a sexually-transmitted disease or condition, is four or more years older than the child and is not married to the child. professional contact with a child less than 13 years of age who is pregnant, or who has a sexually-transmitted disease | S 033A  |  |  |

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| S 033A   | Continued from page 4<br><br>or condition, therefore triggers a duty, on the part of those health care providers identified in 18 Pa.C.S. §5106 (a), to report under the crimes code in all circumstances. Contact with a child less than 16 years of age who is pregnant, or who has a sexually-transmitted disease or condition, triggers a duty to report under the Crimes Code if the person who caused the pregnancy, or who caused the child to have a sexually-transmitted disease or condition, is four or more years older than the child and is not married to the child. Failure to report as required by the Crimes Code is a summary offense punishable by fine and/or imprisonment.<br><br>In addition to the reporting obligations under the Crimes Code, the amendments the legislature has made to the CPSL have expanded the obligation to report suspected child abuse and now specify that [a] person who, in the course of employment, occupation or practice of a profession, comes in contact with children shall report or cause a report to be made...when the person has reasonable cause to suspect, on the basis of medical, professional or | S 033A  |  |  |

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| S 033A  | <p>Continued from page 5</p> <p>other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is victim of child abuse, including child abuse by a person who is not a perpetrator...</p> <p>This is not met as evidenced by:</p> <p>1) Based on a review of facility policies and interview with staff (EMP), it was determined that the facility failed to develop a policy that met the reporting requirements for statutory sexual assault victims as defined in the Pennsylvania Crimes Code and the Child Protective Services Law.</p> <p>Findings include:</p> <p>A request was made to EMP1 on September 19, 2013, for a facility policy related to external reporting to appropriate agencies as related to the Pennsylvania Crimes Code and the Child Protective Services law. EMP1 provided "Pennsylvania Law</p> | S 033A  |  |                    |

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| S 033A  | <p>Continued from page 6</p> <p>and Child Abuse Reporting", updated December 2012, which revealed "...Statutory sexual assault ("statutory rape") is sexual intercourse when one person is under the age of 16 and the other is 4 or more years older. it is a crime, however it is NOT a mandated reportable incident..."</p> <p>An interview with EMP1 on September 19, 2013, at approximately 2:00 PM confirmed that the above facility policy is what the facility follows for reporting child abuse.</p> <p>_____</p> <p>_____</p> <p>2) Based on a review of medical records (MR) and interview with staff (EMP), it was determined that the facility cared for unmarried pregnant children under the age of 16 and the facility failed to ascertain if the child had sexual intercourse with an individual who was four or more years older than the child for two of 17 medical records reviewed (MR1 and MR2).</p> | S 033A  |  |                    |



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| S 033A   | Continued from page 7<br><br>Findings include:<br><br>A review of MR1 revealed the patient listed in the medical record was an unmarried pregnant patient who was under the age of 16. A further review of MR1 revealed no documentation that the facility ascertained if the child had sexual intercourse with an individual who was four or more years older than the child.<br><br>A review of MR2 revealed the patient listed in the medical record was an unmarried pregnant patient who was under the age of 16. A further review of MR2 revealed no documentation that the facility ascertained if the child had sexual intercourse with an individual who was four or more years older than the child.<br><br>An interview with EMP1 on September 19, 2013, at approximately 2:00 PM confirmed that MR1 and MR2 revealed no documentation that the facility ascertained if the child had sexual intercourse with | S 033A  |  |  |

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| S 033A  | Continued from page 8<br><br>an individual who was four or more years older than the child.                            | S 033A  |  |                    |  |



# Certified End Page

**PPSP FAR NORTHEAST HEALTH CENTER**

**STATE LICENSE NUMBER: 9HEG8701**

**SURVEY EXIT DATE: 11/18/2013**

**I Certify This Document to be a True and Correct Statement of Deficiencies and Approved Facility Plan of Correction for the Above-Identified Facility Survey**

Handwritten signature of Nancy J. Lescavage in black ink.

*Nancy J. Lescavage*  
*Deputy Secretary for Quality Assurance*

Handwritten signature of Rachel L. Levine, MD in black ink.

*Rachel L. Levine, MD*  
*Acting Secretary of Health*



THIS IS A CERTIFICATION PAGE

**PLEASE DO NOT DETACH**

THIS PAGE IS NOW PART OF THIS SURVEY