

Pennsylvania Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION (POC)	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 8-5130	(X2) MULTIPLE CONSTRUCTION: A. BLDG: <u>00</u> B. WING: _____	(X3) DATE SURVEY COMPLETED: 11/18/2013
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NAME OF PROVIDER OR SUPPLIER: PPSP SURGICAL LOCUST STREET HEALTH CENTER STATE LICENSE NUMBER: 00238701	STREET ADDRESS, CITY, STATE, ZIP CODE: 1144 LOCUST STREET PHILADELPHIA, PA 19107
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M 0000	<p>INITIAL COMMENT</p> <p>This report is the result of an annual registration survey conducted on August 29, 2013, at the PPSP Surgical Locust Street Health Center. It was determined that 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		

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE:	(X6) DATE:

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S 033A	Continued from page 1 553.3 (1) Governing Body Responsibilities 553.3 Governing Body responsibilities include: (1) Conforming to all applicable Federal, State, and local laws. This REGULATION is not met as evidenced by:	S 033A	Based on feedback from surveyor during the August 29, 2013 survey, the surgical center manager reviewed Pennsylvania State law and PPSP protocols specific to mandatory reporting at center staff meeting on September 17, 2013. PPSP Chief Operating Officer and Manager of Center Quality with legal consultation will revise current protocol to include language on when to ascertain if the child 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. Lack of documentation when reporting child sexual abuse as revealed in survey 8/29/13 was reviewed at the 9/17/13 center staff meeting. Detailed instructions on required documentation was reviewed. Surgical center manager now reviews medical records all	Completion Date: 09/17/2013 Status: APPROVED Date: 12/30/2013

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S 033A	Continued from page 3 Based on a review of facility documents, policies, medical records, and interview with staff (EMP), it was determined that the facility failed to conform to all applicable State laws. Ppsp Surgical Locust Street Health Center was not in compliance with the following State laws: The Pennsylvania Crimes Code and the Child Protective Service Law 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 4 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. Accordingly, under all circumstances, any child less than 13 years of age who is pregnant, or who 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 or condition, therefore	S 033A		

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S 033A	Continued from page 5 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. 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 into 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,	S 033A		

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S 033A	<p>Continued from page 6</p> <p>professional or 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 The Pennsylvania Crimes Code and the Child Protective Service Law</p> <p>Findings include:</p> <p>A request was made to EMP1 on August 29, 2013, for a facility policy related to external reporting to appropriate agencies as related to The Pennsylvania Crimes Code and the Child Protective Service Law. EMP1 provided "Pennsylvania Law and Child</p>	S 033A		

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S 033A	Continued from page 7 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. ... " An interview with EMP1 on August 29, 2013, at approximately 3:00 PM confirmed that the above facility policy is what the facility follows for reporting child abuse. _____ _____ 2) Based on a review of medical records 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 six of six medical records reviewed	S 033A		

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S 033A	<p>Continued from page 8</p> <p>(MR1, MR2, MR3, MR4, MR5, and MR6).</p> <p>Findings include:</p> <p>A review of MR1 revealed the patient listed in the medical record was a 13 year old unmarried pregnant patient. 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.</p> <p>A review of MR2 revealed the patient listed in the medical record was a 13 year old unmarried pregnant patient. 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.</p> <p>A review of MR3 revealed the patient listed in the medical record was a 13 year old unmarried pregnant patient. A further review of MR3 revealed no documentation that the facility ascertained if the child had sexual intercourse with an individual who</p>	S 033A		

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S 033A	Continued from page 9 was four or more years older than the child. A review of MR4 revealed the patient listed in the medical record was a 14 year old unmarried pregnant patient. A further review of MR4 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. A review of MR5 revealed the patient listed in the medical record was a 14 year old unmarried pregnant patient. A further review of MR5 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. A review of MR6 revealed the patient listed in the medical record was a 13 year old unmarried pregnant patient. A further review of MR6 revealed no documentation that the facility ascertained if the child had sexual intercourse with an offender who was four or more years older than the child.	S 033A		

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S 033A	Continued from page 10 An interview with EMP1 on August 29, 2013, at approximately 3:00 PM confirmed that MR1, MR2, MR3, MR4, MR5, and MR6, 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. _____ 3) Based on a review of facility documents, review of medical records and interview with staff (EMP), it was determined that medical records reviewed had documented evidence that sexual intercourse occurred with a child less than 13 years of age and the facility failed to show documented evidence that the facility reported the sexual intercourse to the appropriate agencies for two of three applicable medical records reviewed (MR 1 and MR2). Findings include: A request was made to EMP1 on August 29, 2013,	S 033A		

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S 033A	Continued from page 11 for a facility policy related to external reporting to appropriate agencies as related to The Pennsylvania Crimes Code and the Child Protective Service Law. EMP1 provided "Pennsylvania Law and Child Abuse Reporting," updated December 2012, which revealed " ... Sexual Abuse or Sexual Exploitation - There are 3 categories ... 3. These offences against children: Rape is sexual intercourse by force or threat, or victim unaware, impaired by rapist, or mentally disabled, or with a person under age 13 ... involuntary deviate sexual intercourse is oral or anal sex by force or threat, or victim unaware, impaired by rapist or mentally disabled, or with person under age 13, or between unmarried persons when one person is under the age of 16 and the other is 4 or more years older ... Aggravated indecent assault is penetration without consent, by force or threat, or victim unaware, impaired by rapist, or mentally disabled, or victim under age 13, or between unmarried persons when one person is under the age of 16 and the other is 4 or more years older ... Frequently Asked Questions ... 2. Who is a mandated reporter? A person who has contact with	S 033A		

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S 033A	Continued from page 12 children though [sic] direct care, supervision, guidance, training of that person, or an agency, institution, organization or other entity by which the child is affiliated, and through the course of their work the person has reasonable cause to suspect the child has been or is being abused ... 6. How is a report submitted? Call ChildLine immediately at 1-800-932-0313. When you contact ChildLine, inform them you work at Planned Parenthood and you have a situation that may need to be reported. They will prompt you with questions, and let you know if the situation must be reported. Additionally, you must complete a written report (see FAQ # 7) ... 7. Do we have to submit a written report? Yes. Within 48 hours of contacting Childline, you MUST make a written report using the CY47 form to the child protective services unit and mail it to the county where suspected abuse occurred. The contact list of county child and youth agencies will provide you with the address for the correct child protective services unit. Do not put a copy of the report in a medical chart. Center Managers and/or Department Heads must keep copies of written	S 033A		

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S 033A	Continued from page 13 reports with their secure, administrative files AND send a copy to PSA Administrative Coordinator ... 9. Do I need to document any information? Yes, in the medical record. On a medical continuation form you will document that you called Childline and include the date, time of call, name of person with whom you spoke, a report number if one is given, and the result of your phone call. If the incident is not a reportable event, you should document this in the chart as well ... " In addition EMP1 provided facility document: "Reporting Suspected Child Abuse" Effective Date: November 1, 2011, last updated: January 2, 2013, which revealed "As mandatory reporters, we have the duty to report suspected child abuse. Here are the steps to follow to ensure that reporting is done correctly, and that all key elements of reporting are fulfilled ... When to report: The duty to report an incident of child abuse is triggered when the mandated reporter has direct contact with the child who is the suspected victim of abuse. It is better to over-report than under-report instances of	S 033A		

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S 033A	Continued from page 14 suspected child abuse ... Who does the reporting: Many of our reports are generated because a minor has replied "yes" when asked on the history form if he/she has ever been forced to have sex. Center assistants and clinicians are both responsible for following up when this question is answered with a "yes." As a Center Assistant, you should review the history and ask questions about the incident(s) of forced sex or other abuse. You should always communicate to the clinician when you have had this conversation. Each Center should have a system in place for deciding who will make the report to Childline. The person who will make the call needs to gather enough information from the patient to make the report meaningful. Center Managers may need to decide who will collect this information from the patient, given staffing levels and availability of CA's and clinicians. The Center Manager may decide to meet with the patient and make the call herself. ... In order to report suspected child abuse, take the following steps: 2. Call ChildLine immediately at 1-800-932-0313 ... When you contact Childline, inform them you work	S 033A		

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S 033A	Continued from page 15 at Planned Parenthood and have a situation that may need to be reported. If unsure if a situation is a reportable incident, inform them of the situation without disclosing the patient's name. They will prompt your with questions, and let you know if the situation must be reported. Be sure to note the name of the person with whom you speak and a report number is one is given, as this will be used in your documentation ... 3. Within 48 hrs: complete a written report to the child protective services unit and mail it to the county where the suspected abuse occurred ... Do not put a copy of this report in the patient's medical chart. The Center Manager must keep copies of the write report in a binder with their secure administrative files ... Once completed, scan and email a copy of the report to the PISA Administrative Coordinator. A centralized log is kept in the shared drive to track agency-wide reporting and circumvent repetition of reports ... 5. Using a medical continuation form, document in the chart that you called Childline. Include the date, time of call, name of person with whom you spoke, a report number if one is given, and the result of	S 033A		

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S 033A	Continued from page 16 your phone call. If the incident is not a reportable event, you should document this in the medical record as well." A review of MR1 revealed the patient listed in the medical record was a 13 year old child and had indicated in the sexual history portion of the medical record, that the child's age at first intercourse was 11. A further review of MR1 revealed no documentation that the facility reported the sexual intercourse at age 11 to the appropriate agencies. A review of MR2 revealed the patient listed in the medical record was a 13 year old child and had indicated in the sexual history portion of the medical record, that the child's age at first sexual intercourse was 12. A further review of MR2 revealed no documentation that the facility reported the sexual intercourse at age 12 to the appropriate agencies. An interview with EMP1 on August 29, 2013, at approximately 3:00 PM confirmed that both MR1 and MR2, revealed in the sexual history portion of	S 033A		

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION (POC)		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 8-5130	(X2) MULTIPLE CONSTRUCTION: A. BLDG: <u>00</u> B. WING: _____		(X3) DATE SURVEY COMPLETED: 11/18/2013
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STATE LICENSE NUMBER: 00238701					
(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	
S 033A	Continued from page 17 the medical record, that the child's age at first sexual intercourse was under 13 and both medical records revealed no documentation that the facility reported the sexual intercourse to the appropriate agencies.	S 033A			



Certified End Page

PPSP SURGICAL LOCUST STREET HEALTH CENTER

STATE LICENSE NUMBER: 00238701

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
Secretary of Health



THIS IS A CERTIFICATION PAGE

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS SURVEY