



# Pennsylvania Department of Human Services

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**MAILING DATE:** March 11, 2026

[REDACTED], CEO  
Country Manor PCH LP  
111 Altmeyer Drive  
Kittanning, Pennsylvania 16201

RE: Country Manor  
License #: 44629

Dear [REDACTED]

On February 27, 2025, the Department of Human Services (Department) issued notice to you that the provisional license to operate the above personal care home was non-renewed. On February 27, 2025, you appealed the Department's licensing action with the Department's Bureau of Hearings and Appeals (BHA). The Bureau of Hearing and Appeals denied your appeal on December 5, 2025. On January 5, 2026, the Secretary of Human Services upheld the Bureau of Hearings and Appeals denial.

In accordance with 62 P.S. § 1002, you are required to CEASE OPERATION of the personal care home. Continued unlicensed operation of this personal care home may result in further action to close the personal care home. If the number of personal care residents is reduced to one, two, or three, the home is no longer operating as a personal care home and no license is required.

The Department will assist in the relocation of the residents from your personal care home. For assistance in relocating residents, please contact your local Area Agency on Aging, County Mental Health/Intellectual Disabilities Office, or Jody Garvey, Regional Director, at 412-509-0686. Jody Garvey will contact you regarding the plans to relocate residents from the personal care home.

Sincerely,

*Theresa Hartman*

Theresa Hartman  
Director  
Bureau of Human Services Licensing

Enclosure  
BHA Denial

cc:



IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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|-------------------------------|---|------------------|
| Country Manor PCH LP,         | : |                  |
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| Petitioner                    | : |                  |
|                               | : |                  |
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|                               | : |                  |
| v.                            | : |                  |
|                               | : |                  |
|                               | : |                  |
| Department of Human Services, | : |                  |
|                               | : |                  |
| Respondent                    | : | No. 27 C.D. 2026 |

**MEMORANDUM AND ORDER**

NOW, March 6, 2026, upon consideration of Country Manor PCH LP's (Country Manor) January 12, 2026 "Emergency Application for Stay or Injunction Pending Appeal" (Emergency Application), which this Court granted on a temporary basis on January 12, 2026, and its brief in support, and upon consideration of Department of Human Services' (Department) January 26, 2026 "Answer to [Emergency Application]" (Answer) and its supporting brief, the Application is hereby DENIED. In addition, the Prothonotary is directed to list Department's January 21, 2026 "Motion to Dismiss Appeal" (Motion to Dismiss) and Country Manor's February 2, 2026 "Answer to Motion to Dismiss Appeal" (Answer) with the merits of the appeal. The parties shall address the Motion to Dismiss and Answer in their principal briefs on the merits.

**Factual and Procedural Background**

This dispute concerns Country Manor's operation of a personal care home with 15 elderly residents at 111 Altmeyer Drive Kittanning, PA 16201. Emergency Application (App.) ¶¶ 1-2. In February of 2025, the Department notified Country Manor that its provisional license to operate the personal care home would

not be renewed. *Id.* ¶ 3. Country Manor timely appealed the non-renewal to the Department's Bureau of Hearings and Appeals (Bureau). *Id.* ¶ 4. On December 5, 2025, the Bureau issued a Final Order denying Country Manor's appeal. *Id.* ¶ 5; Ancillary Petition for Review, 1/12/2026, Attachment 1 (Final Order, unpaginated). On December 22, 2025, Country Manor filed a request for reconsideration of the Final Order with the Secretary of Human Services (Secretary). App. ¶ 6. On January 5, 2026, the Secretary denied the request for reconsideration. Answer, Exhibit (Ex.) C-1. On January 12, 2026, Country Manor filed its Ancillary Petition for Review (Petition) challenging the Bureau's Final Order.<sup>1</sup>

The Final Order adopted in its entirety an Administrative Law Judge's (ALJ) recommendation to deny Country Manor's administrative appeal of the Department's decision not to renew its provisional license to operate a personal care home. Country Manor's appeal was denied on the basis that the Department presented sufficient evidence of Country Manor's 70 violations of statutory regulations across six inspection periods. Petition, Attachment 1. Country Manor is challenging the Final Order on the basis that the ALJ held an August 25, 2025 hearing on the merits of its appeal without permitting Country Manor an opportunity to appear and be represented by counsel. Petition ¶ 11. Country Manor alleges that despite making an unopposed advance request for a continuance due to its counsel's

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<sup>1</sup> Country Manor's appeal was initiated by a January 5, 2026 filing that contained documents concerning its request for reconsideration of the Final Order with the Secretary. To obtain clarification of the filing, the Deputy Prothonotary contacted counsel for Country Manor, who informed [REDACTED] that [REDACTED] was initiating an appeal and the wrong documents were inadvertently uploaded. Via a letter dated January 9, 2026, the Deputy Prothonotary informed counsel that pursuant to Section 211 of the Internal Operating Procedures of the Commonwealth Court, 210 Pa. Code § 69.211, and Chapter 15 of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 1512-1514, January 5, 2026 would be preserved as the date the appeal was filed provided that a conforming petition for review is filed within 30 days of the date of the letter. *See* Letter to Counsel, 1/9/2026.

unavailability due to a scheduled surgery, the Bureau improperly required it and the Department to agree upon at least five days of availability for the continuance request to be considered. *Id.* ¶¶ 20, 29, 33; Attachments 2, 4. Country Manor asserts that it was impossible to provide the Bureau with five agreed upon dates because counsel for the Department did not provide a single date for consideration. *Id.* ¶¶ 51-52. Country Manor argues that the Bureau gave the Department “veto power” over the continuance request and that the requirement violated its constitutional rights of procedural due process, equal protection, and free exercise of religion.<sup>2</sup> *Id.* ¶¶ 56, 58. It also argues that the Bureau’s rule prohibiting the granting of continuance requests unless both parties consent and agree to available dates violated the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704, and sections 31.15, 35.49, and 35.12 of the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code §§ 31.15, 35.49, 35.102, which Country Manor construes to mean that the Bureau must grant continuances where appropriate. *Id.* ¶ 56. Country Manor contends that the Bureau’s utilization of this requirement for continuance requests created a binding norm that the Bureau did not promulgate through the formal rulemaking process. *Id.* ¶¶ 61-62. On these bases, Country Manor is asking the Court to vacate and reverse the Final Order and remand the matter back to the Bureau to be considered by a different ALJ. *Id.* Wherefore Clause.

In conjunction with the filing of its Petition, Country Manor filed its Emergency Application in response to the Department’s January 12, 2026 email and notice directing Country Manor to cease operation of its personal care home and notifying it that staff of the Department’s Bureau of Human Services Licensing would be onsite to assist with the relocation of Country Manor’s residents on January

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<sup>2</sup> Counsel for Country Manor was not available on October 8, 2025, through October 10, 2025, which correspond to Jewish religious observances. *Id.* ¶ 41, Attachment 5.

13, 2026. App., Ex. A (email and notice). In response to the Emergency Application, this Court issued a January 12, 2026 Order temporarily granting the Emergency Application and enjoining the Department from relocating Country Manor's residents as planned. Following a status conference with the parties on January 13, 2026, the Court directed Country Manor to file a brief in support of its Emergency Application by Monday, January 19, 2026, and for the Department to file an answer to the Emergency Application and a corresponding brief by Monday, January 26, 2026. After Country Manor filed its brief as directed, but before the Department timely filed its answer and corresponding brief, the Department filed its Motion to Dismiss.

In its Emergency Application, Country Manor requests an order

(1) staying or enjoining [Department] action in the notice and email, including without limitation, ordering Country Manor to cease and desist operations; determining that Country Manor is operating a personal care home without a license; and/or appearing at the home tomorrow or any time during the pendency of this proceeding to remove and relocate the residents, and (2) granting any other relief the Court deems appropriate.

App., Wherefore Clause. Pending resolution of its Petition, this Court interprets the Emergency Application as requesting a preliminary injunction prohibiting the Department from relocating its residents, and for a stay of the Bureau's Final Order, thereby allowing it to continue operating as a personal care home as defined in section 1001 of the Human Services Code (Code).<sup>3</sup>

In support of its requested relief, Country Manor contends that the Department failed to cite any threat of immediate harm to its residents as a basis for

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<sup>3</sup> Act of June 13, 1967, P.L. 31, *as amended*, 62 P.S. § 1001.

its impending action. *Id.* ¶¶ 13, 17, 23. It also asserts that relocating the residents without 30 days advanced notice violates the Department's regulations at 55 Pa. Code §§ 2600.25(c)(10),<sup>4</sup> 2600.42(u),<sup>5</sup> 2600.228(b)-(d),<sup>6</sup> and 2600.267.<sup>7</sup> *Id.* ¶¶ 18-

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<sup>4</sup> Section 2600.25 concerns the requirement for a completed written resident-home contract between the resident and the home. Subsection (c)(10) directs that the contract shall include a "statement that the resident is entitled to at least 30 days' advance notice, in writing, of the home's request to change the contract." 55 Pa. Code § 2600.25(c)(10).

<sup>5</sup> Section 2600.42 lists the rights of personal care home residents. Subsection (u) states that a "resident has the right to remain in the home, as long as it is operating with a license, except as specified in § 2600.228 (relating to notification of termination)." 55 Pa. Code § 2600.42(u).

<sup>6</sup> Section 2600.228 regulates the termination of a resident's tenancy in a personal care home. Subsections (b)-(d) provide:

(b) If the home initiates a discharge or transfer of a resident, or if the legal entity chooses to close the home, the home shall provide a 30-day advance written notice to the resident, the resident's designated person and the referral agent citing the reasons for the discharge or transfer. This shall be stipulated in the resident-home contract. A 30-day advance written notice is not required if a delay in discharge or transfer would jeopardize the health, safety or well-being of the resident or others in the home, as certified by a physician or the Department. This may occur when the resident needs psychiatric or long-term care or is abused in the home, or the Department initiates closure of the home.

(c) A home shall give the Department written notice of its intent to close the home, at least 60 days prior to the anticipated date of closing.

(d) A home may not require a resident to leave the home prior to 30 days following the resident's receipt of a written notice from the home regarding the intended closure of the home, except when the Department determines that removal of the resident at an earlier time is necessary for the protection of the health, safety and well-being of the resident.

55 Pa. Code § 2600.228(b)-(d).

<sup>7</sup> Section 2600.267 regulates the relocation of residents of personal care homes as follows:

(a) If the relocation of residents is due to the failure of the home to apply for a license, the Department will offer relocation assistance to the residents. This assistance will include each resident's involvement in planning the relocation, except in the case of an emergency. Each resident shall have the right to choose among the available alternatives after an opportunity to visit the alternative homes. These procedures will occur even if the residents are placed in a temporary living situation.

(b) A resident will not be relocated if the Secretary determines in writing that the relocation is not in the best interest of the resident.

22. Due to the impending action to relocate its residents, Country Manor contends that it was not practicable for it to seek formal relief from the Bureau or the Department prior to filing its Emergency Application, as is generally required under Pa.R.A.P. 1781 when a party seeks a stay pending court action on a petition for review. *Id.* ¶ 27; Pa.R.A.P. 1781(b). To further excuse not seeking relief from the Bureau prior to filing its Emergency Application, Country Manor asserts that its request for a stay or injunction does not prejudice the Department. *Id.* ¶ 28. Country Manor contends that it remains obligated to comply with the Department regulations concerning its operation of a personal care home pending resolution of its Petition. *Id.* ¶ 29.

In response, the Department admits that it did not cite any threat of immediate harm to Country Manor's residents as a basis for their relocations but contends that no such basis was necessary because under section 1002 of the Code, 62 P.S. § 1002,<sup>8</sup> Country Manor was not authorized to operate as a personal care home without a license. *Id.* ¶¶ 13, 17. The Department explains that it provided the January 12th email and notice to Country Manor after the Secretary denied its request for reconsideration, which "indicated the end of [Country Manor]'s ability to operate pending appeal." *Id.* ¶ 14. The Department further explains that under section 1057.2(a)(1) of the Code, 62 P.S. § 1057.2(a)(1),<sup>9</sup> it is authorized to relocate

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55 Pa. Code § 2600.267

<sup>8</sup> Section 1002 of the Code states that "[n]o person shall maintain, operate or conduct any facility, as defined herein, without having a license therefor issued by the department." 62 P.S. § 1002. "Facility" is defined in section 1001 of the Code to include personal care homes. 62 P.S. § 1001.

<sup>9</sup> Section 1057.2 of the Code provides:

(a) The department, in conjunction with appropriate local authorities, shall relocate residents from a personal care home or assisted living residence *if any of the following conditions exist:*

(1) *The home or residence is operating without a license.*

residents from a personal care home if the home is operating without a license. *Id.* ¶ 23. As far as the regulations are concerned, the Department argues that 55 Pa. Code § 2600.228(f)<sup>10</sup> places the legal entity operating the personal care home on notice that its residents may be relocated when the Department has initiated legal action to close the home, as occurred here. *Id.* As to Country Manor's reference to the regulation at 55 Pa. Code § 2600.42(u), the Department clarifies that the regulation allows a resident to stay in a personal care home only when the home is operating with a license. *Id.* ¶ 21. The Department claims that Country Manor's unlicensed operation during the pendency of its appeal will substantially harm vulnerable residents and the Department because the continued state of Country

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(2) The licensee is voluntarily closing a home or residence and relocation is necessary for the health and welfare of the resident or residents.

(b) The department shall offer relocation assistance to residents relocated under this section. Except in an emergency, the resident shall be involved in planning his transfer to another placement and shall have the right to choose among the available alternative placements. The department may make temporary placement until final placement can be arranged. Residents shall be provided with an opportunity to visit alternative placement before relocation or following temporary emergency relocation. Residents shall choose their final placement and shall be given assistance in transferring to such place.

(c) Residents shall not be relocated pursuant to this section if the secretary determines, in writing, that such relocation is not in the best interest of the resident.

62 P.S. § 1057.2 (emphasis added).

<sup>10</sup> Subsection 2600.228(f) provides:

If the legal entity chooses to voluntarily close the home *or if the Department has initiated legal action to close the home*, the Department working in conjunction with appropriate local authorities, will offer relocation assistance to the residents. Except in the case of an emergency, each resident may participate in planning the transfer, and shall have the right to choose among the available alternatives after an opportunity to visit the alternative homes. These procedures shall apply even if the resident is placed in a temporary living situation.

55 Pa. Code § 2600.228(f) (emphasis added).

Manor's non-compliance with regulations necessary to ensure the health, safety, and well-being of its residents will require heightened oversight by the Department, which it claims will cause a severe hardship to the Department due to its scarce resources. *Id.* ¶¶ 28-29.

In addition to responding to Country Manor's claims in its Emergency Application, the Department's New Matter asserts that Country Manor's Emergency Application should be denied because it did not "request a stay or supersedeas from the Secretary pursuant to [Pa.R.A.P.] 178[1](a)" and because it failed to sufficiently plead that any such request to the Secretary was not practicable as required by Pa.R.A.P. 1781(b). *Id.* ¶¶ 51-57. The Department argues that Country Manor's January 12th email request for the Department to rescind its notice for Country Manor to cease operations and suspend the relocation of its residents "clearly shows that [Country Manor]'s only intention was to file an Emergency Application." *Id.* ¶ 57, Ex. C-4. The Department also argues that Country Manor's Emergency Application should be denied because it has failed to establish good cause for supersedeas under the standard established in *Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805, 805-08 (Pa. 1983) (*Process Gas*). *Id.* ¶¶ 59-61.

### **Discussion**

Country Manor's Petition, which was timely filed on January 5, 2026, seeks review of the Bureau's Final Order issued on December 5, 2025. The Final Order denied Country Manor's appeal of the Department's decision not to renew its provisional license to operate a personal care home. Country Manor's request for the Secretary to reconsider the Final Order was denied on January 5, 2026. At no time prior to the filing of the Emergency Petition on January 12, 2026, did Country

Manor seek a stay of the Final Order with the Bureau. Had it done so, and the stay granted, Country Manor would have been able to continue operating the personal care home while it pursued its appeal of the Final Order in this Court, as it was permitted to do during its appeal of the Department's notice of non-renewal before the Bureau. If the request for a stay of the Final Order had been denied by the Bureau, then Country Manor could have sought a stay in this Court pursuant to Pa.R.A.P. 1781. Not having done so, the Department properly directed Country Manor to cease its personal care home operations because it lacked a license. *See* section 1002 of the Code, 62 P.S. § 1002.

While the Emergency Petition seeks to stay the Department from deciding that it is operating a personal care home without a license, that determination has already been made when the Department declined to renew Country Manor's license, which was affirmed by the Bureau when it denied Country Manor's administrative appeal. To the extent the Emergency Petition seeks a stay of the Final Order, and thereby that determination, that relief is denied because Country Manor did not request a stay with the Bureau and has not shown why it was not practicable to request such a stay between December 5, 2025 and January 12, 2026 when it filed its Emergency Petition. *See* Pa.R.A.P. 1781(b).

It is evident that the Emergency Petition was filed because of the Department's directive that Country Manor cease operations as a personal care home and its imminent relocation of Country Manor's residents on January 13, 2026. Since a personal care home may not be operated without a license, which Country Manor was in violation of as of January 12, 2026, the Department was within its authority to direct it to cease operations.<sup>11</sup> To facilitate its cessation of operations,

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<sup>11</sup> Absent Country Manor's voluntarily compliance with the Department's directive, the Department is authorized, upon advice of the Attorney General, to initiate an action to enjoin

the Department planned to assist Country Manor in the relocation of its residents. As correctly cited by the Department, section 1057.2(a)(1) of the Code, 62 P.S. § 1057.2(a)(1), permits the Department to relocate residents of a personal care home when the home is operating without a license. Because section 1057.2(a) of the Code states that relocation of residents “shall” occur “if any” of the listed conditions exist, the Code does not mandate, contrary to Country Manor’s assertions, that relocation can occur only when it is necessary for the health and welfare of the residents. 62 P.S. § 1057.2(a).

If the Court were to stay the Department’s directive to cease operations, as Country Manor requests, it would in effect render Country Manor’s failure to first seek a stay before the Bureau inconsequential and create a back door for Country Manor to maintain its operations despite having no operative license to do so. Granting a preliminary injunction preventing the Department from relocating Country Manor’s residents pending resolution of its Petition, would facilitate the same result; Country Manor would be permitted to retain its residents despite not seeking a stay of the Final Order affirming the Department’s decision not to renew its license and despite the Code’s clear intent not to permit the operation of a personal care home without a license. The requirement that a request for a stay be made with the Bureau in the first instance is pragmatic because the Bureau is in the best position to balance the interests at stake and determine what effect a stay of its order would have on all interested parties. For the preceding reasons, the Court denies Country Manor’s request for a stay or a preliminary injunction.

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Country Manor from operating a personal care home following the non-renewal of its license. Section 1052 of the Code, 62 P.S. § 1052.

Even if the Court were to consider the *Process Gas* factors<sup>12</sup> as it relates to Country Manor's request for a stay, or the standards when considering whether to issue a preliminary injunction<sup>13</sup> prohibiting the Department from

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<sup>12</sup> As to the request for a stay, the law is well settled that a supersedeas is warranted where:

- (1) The petitioner makes a strong showing that [REDACTED] is likely to prevail on the merits;
- (2) The petitioner has shown that without the requested relief, [REDACTED] will suffer irreparable injury;
- (3) The issuance of a [supersedeas] will not substantially harm other interested parties in the proceedings; and
- (4) The issuance of a [supersedeas] will not adversely affect the public interest.

*Process Gas*, 467 A.2d at 808-09. The petitioner must make a strong showing on *each* of the above criteria for the supersedeas to issue. *See id.* To constitute irreparable harm, the conduct complained of must be harmful in a way that cannot be compensated for by money damages. *The York Grp., Inc., v. Yorktowne Caskets, Inc.*, 924 A.2d 1234 (Pa. Super. 2007).

<sup>13</sup> It is well established that a court may grant a preliminary injunction only where a petitioner demonstrates each of the following factors:

- (1) The injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages;
- (2) Greater injury would result from refusing the injunction than from granting it, and, concomitantly, the issuance of an injunction will not substantially harm other interested parties in the proceedings;
- (3) The preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct;
- (4) The party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits;
- (5) The injunction is reasonably suited to abate the offending activity; and,
- (6) The preliminary injunction will not adversely affect the public interest.

relocating Country Manor's residents, the Court would nonetheless deny the relief requested.

Under both standards, the petitioner must make a strong showing on each of the factors. Common factors for both require the petitioner to show that the stay or the injunction will not substantially harm other interested parties or adversely affect the public interest. The Court's review of the Bureau's Final Order adopting the recommendation of the Administrative Law Judge, which is attached to Country Manor's Petition in full, demonstrates numerous violations of statutory regulations across several inspection periods that reasonably establish an unacceptable risk to the health, safety, and well-being of its residents. The order is sufficient for this Court to conclude that Country Manor, as the petitioner, has not established that a stay or preliminary injunction against the relocation of its residents will not substantially harm other interested parties or adversely affect the public interest.

Based on the foregoing, Country Manor's request for a stay or preliminary injunction against the Department's relocation of its residents is denied.

*Michael H. Wojcik*

MICHAEL H. WOJCIK, Judge

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*SEIU Healthcare Pennsylvania v. Commonwealth*, 104 A.3d 495, 502 (Pa. 2014) (citing *Warehime v. Warehime*, 860 A.2d 41, 46-47 (Pa. 2004); *Summit Towne Centre, Inc. v. Shoe Show of Rocky Mount, Inc.*, 828 A.2d 995, 1001 (Pa. 2003)). "For a preliminary injunction to issue, every one of the [] prerequisites must be established; if the petitioner fails to establish any one of them, there is no need to address the others." *Summit Towne Centre*, 828 A.2d at 1001 (quoting *County of Allegheny v. Commonwealth*, 544 A.2d 1305, 1307 (Pa. 1988)).

**Certified from the Record**

**MAR - 6 2026**

**And Order Exit**