

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Pennsylvania Department of Health		2001 NOV 14 AM 11:28 REVIEW COMMISSION
(2) I.D. Number (Governor's Office Use) 10-154		IRRC Number: 2075
(3) Short Title Physical Plant Regulations for Residential and Nonresidential Treatment Services		
(4) PA Code Cite 28 PA Code §§701.1 and 705.01 - 705.29 The following sections will be rescinded: 28 Pa. Code §§709.27, 709.74, 711.45, 711.57, 711.67, 711.77, 711.88, 713.27	(5) Agency Contacts & Telephone Numbers Primary Contact: John C. Hair Director Bureau of Community Program Licensure & Certification Secondary Contact: Cheryl D. Williams Director Division of Drug & Alcohol Program Licensure	
(6) Type of Rulemaking (Check One) Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor	

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(8) Briefly explain the regulation in clear and non-technical language.

The Department of Health amends out-dated physical plant regulations for licensure of residential and non-residential drug and alcohol treatment and rehabilitation facilities and services. The purpose of the amendment is to provide minimum protection to ensure the health and safety of clients being served in drug and alcohol programs and employees working in those facilities.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Articles IX and X of the Public Welfare Code (62 P.S. §§901-1059) as transferred to the Department of Health by Reorganization Plan Number 2 of 1977, (71 P.S. §751-25) and the Pennsylvania Drug and Alcohol Abuse Control Act, 1972-63, as amended (71 P.S. §§1690.101-1690.116).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. Public Welfare Code, 62 P.S. §§911, 921 and 1021 as transferred to the Department of Health by Reorganization Plan Number 2 of 1977, (71 P.S. §751-25).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Existing physical plant regulations as applied to drug and alcohol treatment and rehabilitation facilities and services are not consistent with current health, safety, fire and panic code requirements. They are insufficient to provide for even basic health and safety protections for clients and employees. These regulations revise and amend current physical plant standards in accordance with health and safety research data and direct observations and reports of licensing surveyors of the currently licensed facilities. Current physical plant regulations are not adequate to sustain citations against facilities even when conditions are unsafe and warrant action.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

Clients will be protected by these regulations by reducing risks of health hazards such as overcrowding, infectious diseases, rodents and other pest hazards to humans, unclean kitchens and food storage areas and unsafe child care areas.

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(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All clients, staff and children who receive treatment or child care or who are employed at licensed drug and alcohol treatment and rehabilitation facilities will benefit from the health and safety requirements of these regulations. Application of these regulations will result in the prevention of accidents, injuries and sickness of those working or receiving services in the regulated facilities. At minimum, 60,000 clients, children and employees will benefit from these regulations.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Currently, there are 895 licensed drug and alcohol treatment and rehabilitation facilities in Pennsylvania. Not all of these facilities will be affected. Some facilities already meet or exceed the regulatory requirements. Other facilities will be affected to one degree or another, depending upon the extent they currently operate in compliance with the regulations. The initial costs of compliance will vary from facility to facility depending upon the needs of each facility to comply with the regulations. Examples of necessary improvements to bring a facility into compliance may include installing smoke alarms, emergency exits, or overhead exit signs and making other physical plant additions or modifications.

It is noted, however, that one possible area of major construction or remodeling is exempted. Certain current provisions regarding sleeping accommodations will be permitted to continue without modification.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All licensed inpatient non-hospital facilities, all licensed non-residential facilities and all applicants for licensure of those types of facilities will be required to comply with the regulations. Currently the number of such facilities is 895.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Prior to publication, a draft of the proposed regulations was sent to licensed providers, trade organizations, and county administrators for initial comment prior to preparation of the proposed regulations. A draft was also sent to the Department of Labor and Industry, Building Section, which has oversight of fire and panic regulations for that department, for review and comment. Six comments were received and these comments were incorporated into the rulemaking. The proposed regulations were published in the Pennsylvania Bulletin on November 13, 1999. Eighty-seven individual comments were received from a total of 17 commentators. The majority of suggestions from public commentators have been incorporated into the final form regulations. Additional comments were received after the final form regulation was submitted for review.

Based on these comments, the Department withdrew the final form regulation to address these comments. This revised final form regulation incorporates these comments.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Initial costs to the regulated community will vary depending upon the level of compliance under which each facility currently operates. Once in compliance, annual maintenance costs should be minimal. Savings will be experienced by reduced accidents and illnesses which in turn will reduce required costs of patient care and possible negligence and workers' compensation litigation costs relating to injuries sustained by clients and employees.

There are no additional perceived legal, accounting or consulting procedures which may be required by the facilities as a result of the implementation of these regulations.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

It is anticipated that there will be no costs or savings to local governments resulting from the implementation of these regulations.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The implementation of these regulations will not impose any additional legal, accounting or consulting procedures on the state government. It is anticipated that minimal time and expense will be required to train licensing staff on the enforcement of these amended physical plant regulations. To the extent these proposed regulations prevent injury or illness, the costs of which would be borne by the state government, such costs will be reduced.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	*					
Local Government	None					
State Government	No Impact					
Total Savings						
COSTS:						
Regulated Community	*					
Local Government	None					
State Government	None					
Total Costs						
REVENUE LOSSES:						
Regulated Community	*					
Local Government	None					
State Government	None					
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

As discussed previously, there will be no fiscal impact on local or state governments.

*The regulation may have a cost impact on regulated entities. Numerous drug and alcohol treatment and rehabilitation facilities may already comply with the regulation. For those which do not, additional costs may result from infrastructure improvements necessitated by the regulation. It is difficult to quantify specific costs associated with these improvements. Such improvements might include installation of smoke alarms and emergency exit signs. Other improvements could result in expenditure of capital funds for various building and structural additions and renovations. However, existing facilities will not be required to expend funds for major construction or renovation for sleeping accommodations since the proposed regulations allow for "grandfathering" in of certain existing conditions.

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY - 3	1998-99 FY - 2	1999-2000 FY - 1	2000-01 Current FY
Drug & Alcohol Program Licensure		1,369,000	1,522,000	1,676,500

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Preventative measures imposed by these regulations are designed to prevent accident, injury and illness to clients receiving treatment and employees providing treatment. It is difficult to estimate the exact benefit and costs derived from implementation of these regulations. It is anticipated that benefits in terms of cost savings resulting from reduced health and safety incidents will outweigh costs incurred by not having the amended regulations in place.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

There are no non-regulatory alternatives.

Physical plant standards can only be implemented and enforced through regulation. Voluntary efforts would be unenforceable and would lack any type of consistent or uniform standard.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

There are no alternative regulatory schemes available because the Division of Drug and Alcohol Program Licensure staff are the only regulatory surveyors visiting drug and alcohol treatment facilities on an annual basis. State health safety inspectors are not required to inspect drug and alcohol treatment facilities and Department of Labor and Industry inspectors focus only on the building structure only during initial approval. Drug and alcohol licensure also requires occupancy and other issues to be addressed before a facility can be licensed. There are no known local physical plant inspection procedures that are in place which are available as a substitute for these regulations.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No. Federal regulations do not address physical plant and safety protections.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The regulation will not put Pennsylvania at a competitive disadvantage. Treatment facilities are not regional in nature and do not cross state lines.

Nearby states already have more stringent regulations. Various portions of regulations from West Virginia and Delaware were used as models for these amendments.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No other state agencies will be affected. No existing or proposed regulations of the Department of Health will be affected except that, as mentioned, certain current Department of Health regulations will be rescinded in conjunction with the promulgation of these amended regulations.

(27) Will any public hearings or information meetings be scheduled? Please provide the dates, times, and locations, if available.

No public hearings or informational meetings were scheduled. Given the fact that the Department received input from a relatively small number of commentators (17) and the fact that almost every comment was incorporated into the final form regulation, it was felt that hearings and informational meetings were not necessary.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The regulation will not change any reporting, record keeping or other paperwork for the regulated facilities. The Department will be required to modify its survey forms to address the amended regulations. Such modifications will be minimal. A draft of the modified form has not yet been prepared.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Regulation Sections 28 Pa. Code §§705.11 and 705.29.

These sections have been developed to meet particular needs for facilities which admit children for services or for custodial care of children while their parents are at facilities receiving treatment.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

After publication as final form regulations in the Pennsylvania Bulletin, they will become effective. Compliance with the regulations will be required within nine (9) months after they become effective. Implementation of the regulations by the Division of Drug and Alcohol Program Licensure will commence at that time.

(31) Provide the schedule for continual review of the regulation.

These regulations will be reviewed in accordance with the Department's current regulatory review schedule.



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<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p>BY _____ DEPUTY ATTORNEY GENERAL</p> <p>_____ DATE OF APPROVAL</p> <p>9 Check if applicable. Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>_____ DEPARTMENT OF HEALTH (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>10-154</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY:  Robert S. Zimmerman, Jr.</p> <p>TITLE: <u>Secretary of Health</u></p>	<p>Copy below is hereby approved as to form and legality. Executive or independent Agency.</p> <p>BY:  _____ 11/8/01 DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p>9 Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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DEPARTMENT OF HEALTH

TITLE 28. HEALTH AND SAFETY

PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

[28 PA CODE CHS. 701, 705, 709, 711 AND 713]

The Department of Health (Department) hereby adopts amendments to 28 Pa. Code Part V (relating to drug and alcohol facilities and services), to read as set forth in Annex A.

PURPOSE AND BACKGROUND

These amendments establish updated and relevant physical plant standards for the licensure of residential and nonresidential services which protect the health and safety of clients being served in drug and alcohol programs within this Commonwealth and employees working in those facilities. These standards reduce the risk of health hazards and problems such as overcrowding, infectious diseases, rodent and other pest hazards to humans, unclean kitchen and food storage areas, and unsafe child care areas.

The Department's Division of Drug and Alcohol Program Licensure (Division) currently inspects and licenses 853 (215 residential and 638 non-residential) drug and alcohol facilities and applies physical plant standards from Chapters 709, 711 and 713 (relating to standards for licensure of freestanding treatment facilities; standards for certification of treatment activities which are a part of a health care facility; and standards for approval of prevention and intervention activities). The Division inspects drug and alcohol facilities on at least an annual basis. There are no known local physical plant inspection procedures that are in place as a substitute for these standards.

Chapter 705 has been created to replace current physical plant regulations which were found throughout Part V. Those physical plant standards as applied to drug and alcohol treatment and rehabilitation facilities and services were not consistent with current health,

safety, fire and panic code requirements. They were insufficient to provide minimal health and safety protection for clients and employees. They were vague and minimal in scope. Enforcement for the protection of individuals in these facilities was difficult. The new standards will provide sufficient guidance and detail to inform facilities exactly what is expected and required. They represent a dramatic improvement in the protection of the patients and employees at the facilities, and they are clear to allow for precise and uniform enforcement.

Regulations repealed by this amendment relating to physical plants were located in eight separate subchapters, each dealing with a different type of facility. Those regulations were, for the most part, identical. The more logical approach being applied here is to consolidate all physical plant regulations into one chapter where they can be easily referenced, and to delete the separate physical plant regulations located throughout.

SUMMARY

This final rulemaking amends 28 Pa. Code Part V (relating to drug and alcohol facilities and services) by amending §701.1 (general definitions) in Chapter 701 (relating to general provisions); deleting various sections in Chapters 709 (relating to standards for licensure of freestanding treatment facilities), 711 (relating to standards for certification of treatment activities which are a part of a health care facility), and 713 (relating to standards for appeal of prevention and intervention activities). This final rulemaking also adds Chapter 705 (relating to physical plant standards).

GENERAL COMMENTS

Proposed rulemaking was published at 29 Pa. B. 5835 (November 13, 1999). A 30-day comment period was provided. The Department received comments from 17 commentators. The commentators were The Independent Regulatory Review Commission (IRRC), the Department of Public Welfare, (DPW) (which provided informal comments to the Department in the Spring of 2000, after the public comment period closed), 4 legislators, 2 counties, the Pennsylvania Halfway House Association, the Philadelphia Alliance and 7 providers. Some comments were identical to others and, where duplicated, are only recited once.

Many of the comments received from the DPW suggested that these regulations be made consistent with the DPW's Child Residential and Day Treatment Facility regulations (55 Pa. Code §3800.1 et seq.). As much as possible, such consistency has been achieved.

The single most commented upon item was in proposed §705.5(b) (relating to sleeping accommodations). This subsection requires that each facility maintain certain minimum square footage requirements for resident bedrooms. The main concern expressed by facilities is that the proposed square footage requirements would impose substantial burdens on facilities to the extent that significant costs would be incurred in achieving compliance. They commented further that, in the absence of compliance, a significant number of beds would be lost, resulting in significant revenue losses and the ultimate closing of facilities.

The Department has considered these comments, and after consultation with staff of IRRC and the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, the Department has agreed to exempt rooms that had been used as bedrooms prior to the effective date of the regulations in currently licensed facilities from the square footage per resident and the maximum number of residents per bedroom requirement. Therefore, rooms used as bedrooms as of the effective date of this regulation will be exempted from this requirement. After the effective date of the regulation, additional beds and additional or replacement bedrooms shall be subject to this requirement.

Finally, the Department consulted with the Department of Labor and Industry (L & I) regarding the Pennsylvania Construction Code Act (Act 45-1999) and regulations to be adopted with that code. It is anticipated that L & I's proposed regulations will be published soon. If an inconsistency is identified after the L & I regulations are issued in final-form, the Department will review its regulations at that time and determine whether amendments are necessary.

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. Definitions

Section 701.1 (relating to definitions) defines the types of facilities used in these regulations. No comments addressing this section were received. This section is adopted as proposed.

CHAPTER 705. PHYSICAL PLANT STANDARDS

This chapter addresses the standards for physical plant for residential and non-residential facilities. Most of the comments that were made to Subchapter A (relating to residential facilities) were also made to Subchapter B (relating to nonresidential facilities). Rather than repeat the comments and the Department's response to them, the Department will address the parallel regulations simultaneously and provide one response to similar comments applicable to both sections.

Section 705.1. General requirements for residential facilities; Section 705.21. General requirements for nonresidential facilities.

These sections establish general requirements for all facilities.

Comment: The preamble and proposed subsection (c) discuss licensure of facilities. However, licensure is not included in the general requirements. The regulations should be amended to include a cross-reference to existing requirements for licensure found in §§ 709.11 – 709.18.

Response: The Department agrees with this comment and has amended these sections to include a specific reference to the licensure requirements in Chapter 709 (relating to standards for licensure of freestanding treatment facilities).

Sections 705.2 and 705.22. Building exterior and grounds.

These sections deal with maintenance of the outside and grounds of all facilities.

Comment: The reference in paragraph (1) to playgrounds is not applicable.

Response: The Department disagrees with this comment. Often facilities admit women for treatment who have children. These children stay with their mothers. Thus, some residential facilities do have children and provide playground equipment for those children. Paragraph (1) does state that compliance is required “when applicable.”

Comments: Paragraph (2) requires grounds of the facility to be in “good condition.” The phrase “good condition” is unclear. The Department should either add specific requirements for the grounds or delete the requirement that the grounds be in good condition.

Use general and measurable words such as “free from hazards”.

Response: The Department agrees with these comments. The unclear language has been deleted and replaced with general and measurable language.

Comments: Paragraph (4) requires removal of garbage “on a regular basis, at least once a week.” The phrase “on a regular basis” is unnecessary and should be deleted.

Use general and measurable words such as “trash outside the facility shall be kept in closed receptacles that prevent the penetration of insects and rodents.”

Response: The Department agrees with these comments and has amended the paragraphs accordingly.

Section 705.3. Living rooms and lounges.

This section provides for minimum comfort standards in living spaces in residential facilities.

Comments: Proposed paragraph (1) is vague. The Department should delete “appropriately furnished” and “which creates a relaxed and comfortable atmosphere” or use standards that can be clearly understood and enforced.

Use general and measurable words such as “accommodate number of people” and “free from hazard”.

Response: The Department agrees with these comments and has amended the section accordingly.

Sections 705.4 and 705.23. Counseling areas.

These sections deal with providing for appropriate space and privacy for counseling.

Comments: The phrase “adequate space” in paragraph (1) is unclear. The Department should delete the term or use a standard that can be clearly understood and enforced.

Paragraph (2) is unclear. The Department should delete “comfortable furnishings” and “which are appropriate for the intended purpose” or use standards that can be clearly understood and enforced.

The term “sufficient” in paragraph (3) is not measurable.

The Department should clarify that there should not be excessive noise that disturbs counseling sessions in paragraph (4).

Response: The Department agrees with these comments and has amended these sections accordingly.

Section 705.5. Sleeping accommodations.

This section establishes minimal adequate safety standards for sleeping quarters in residential facilities.

Comment: Reference should be made to the various provisions of 55 Pa. Code §3800.102 (relating to bedrooms).

Response: This section has been rewritten to be consistent with DPW regulations.

Comment: Subsection (a) has several vague requirements. Paragraph (1) requires bed frames to be of “solid construction” and “sized appropriately to the needs of the resident.” Paragraphs (2) and (3) use the term “comfortable.” The Department should delete these phrases, or use standards that can be clearly understood and enforced.

Response: This subsection is rewritten as suggested. Paragraphs (2) and (3) were combined, as were paragraphs (4) and (5). The word “comfortable” has been deleted in several paragraphs.

Comments: Subsection (b) requires facilities to provide a minimum of 60 square feet of bedroom space per bed (including space occupied by furniture) for each resident sharing a room and a minimum of 80 square feet for single bedrooms. The square footage requirement is unreasonable. The Department should reconsider the impact of this provision. This requirement could cause facilities to eliminate beds and lose significant income.

The Department states that existing facilities would be exempted from certain requirements which might impose costs too great for them to absorb and continue to function effectively. The Department should explain

- the need for this requirement and why the square footage requirements are not included with the “grandfather” exemptions in §705.1(c),

- how many currently licensed facilities would not meet the requirement in subsection (b) based on their current population, and
- how many beds would be lost to existing facilities and how much income these facilities would lose as a result of the proposed square footage requirements.

A significant number of long standing programs will be adversely affected by the 60 square feet per resident requirement.

The “retrofit or close” effect of this section would be very hurtful, especially in the area of women’s and children’s services.

The listed dimensions would create a conflict in the ability of licensed facilities to serve persons due to limitations of existing bedrooms in terms of floor space and ceiling height.

In requiring a minimum of 60 square feet of space per bed, subsection (b) does not exempt existing facilities. If these regulations are made effective, some facilities would be unable to meet the requirement. The population of these facilities would be reduced. These facilities have been licensed for a certain number of residents. This regulation conflicts with the current licensing capacity of the facility. This regulation would decrease the number of available treatment beds within the Commonwealth. Those facilities operating at less capacity would have increased per diem costs. In essence, it would cost more per day to treat an individual and fewer individuals will receive treatment at the same costs to the Commonwealth as before these regulations.

In the case of facilities serving women with children, where the children are residents with their addicted mother, it is often clinically appropriate to have the children in the bedroom with the mothers, thus increasing the number of individuals in excess of four. The standard would result in future programs that serve women with children being forced to provide bedrooms which would accommodate fewer than four women residents because the children would have to be counted in the bedroom number. This regulation would result in higher cost of construction which could not be adequately reimbursed through a fee for service arrangement.

These regulations result in the decommissioning of available beds, thereby decreasing the availability of treatment services to those in need.

While available beds would decrease, the per diem costs of each bed would increase proportionately. Replacing these beds would be difficult, if not impossible. Zoning for drug and alcohol facilities has become more difficult each year. In some cities and townships, the establishment of a drug and alcohol facility is impossible. When zoning is permitted, it is usually in neighborhoods with older buildings making renovations very expensive.

A 110 square foot space with a bunk bed would only accommodate one resident. This site would cause some programs to reduce their population to a point where they would no longer be able to financially support themselves.

The 60 square feet space requirement will place a severe hardship on many existing treatment facilities and halfway houses. Most nonprofit organizations operate under stringent budget constraints. When they are forced to eliminate beds to meet space standards, the loss

in revenue will force many to reduce staff, placing further limits on treatment availability.

The loss of only a few beds could force small agencies to close. Existing agencies should be grandfathered, permitting them to continue utilizing current sleeping accommodations.

The American Correctional Association (ACA) Standards for Adult Community Residential Services' sleeping accommodations requirement is 25 square feet of unencumbered space per client, a lower space requirement than that proposed in this section. When the number of clients (beds) must be reduced, staff must be terminated and treatment capability is reduced, stressing an already taxed system.

The space requirements contained in the proposed standard would have a tremendous impact on the public treatment system and result in significantly increased costs. For programs that utilize bunk beds, the requirement would be excessive. The requirement will result in the loss of beds, thus increasing rates.

Sixty square feet per person will negatively affect programs to the extent of severely limiting total treatment capability accessible to publicly funded clients.

Response: Bedrooms containing beds included in the licensed capacity of facilities licensed as of the effective date of this regulation will be exempted from the requirement relating to square footage per resident. This exemption will not apply to new bedrooms if a facility expands its capacity or renovates to relocate or add bedrooms. Also, this exemption will not apply if the facility relocates or rebuilds. The square footage requirements have been reduced from 80 square feet to 70 square feet for individuals occupying a single bedroom.

Wording has been added to reduce the square footage requirements when bunk beds are used from 60 square feet per person to 50 square feet per person. In essence, this allows for two people, with beds, dressers, chairs and anything else they might have, to share a 10x10 room.

This regulation will not affect programs with women and children. Children will not be considered residents for the purpose of calculating the square feet of bedroom floor space required per resident or the maximum number of residents per bedroom.

Similar standards established in other states were reviewed in formulating this subsection. The standard for a majority of states is consistent with this regulation. The following are some examples: New Jersey requires 70 square feet of clear floor space for single occupancy and a minimum of 50 square feet of clear floor space per patient, with 3 feet of clear space between and at the foot of beds. Rhode Island requires 85 square feet for single occupancy and 60 square feet per person for multiple occupancy. Montana requires 100 square feet for single occupancy and 80 square feet per person with no more than 4 persons per room. New York requires 100 square feet exclusive of closet space for single occupancy and 80 square feet per person with a maximum of 4 persons per room, with an exception of 60 square feet per person for alcohol treatment of less than 5 days.

Subsection (c) is rewritten as suggested.

Subsection (d) is combined with subsection (b) as suggested.

No comment was received on subsections (e)-(h). They have been relettered (d)-(g). The former subsection (f), now subsection (e), has been rewritten for clarification.

Subsection (h) is new, based on suggestions from commentators.

Subsection (i) applies to bedrooms, not the entire facility.

Comments: Subsection (j) should more directly state its requirements, such as “Bedrooms located in a basement shall meet the following requirements:....”

Paragraph (1) uses the vague term “appropriate.” The Department should delete this term.

Paragraph (3) requires two basement exits “each located reasonably remote from the other in a manner to reduce the possibility that both will be blocked in an emergency situation.” It is unclear how a facility would comply with this phrase. The Department should amend this language to more clearly state its intent.

Response: This subsection has been rewritten as recommended.

Other change: The Department added subsection (h) (relating to bedroom windows) based on a recommendation that these regulations be consistent with 55 Pa. Code §3800.1 et seq. (relating to child residential and day treatment facility regulations). Facilities licensed prior to the effective date of these regulations shall be exempt from this provision.

Sections 705.6 and 705.24. Bathrooms.

These sections provide standards for bathrooms in residential and nonresidential facilities.

Comment: In §705.6 (3) the Department should delete “adequate” and “to meet the needs of the residents” or provide a more definitive standard.

Response: The Department agrees with this comment and has amended this paragraph. This section also now sets a measurable standard for the temperature of hot water.

Comment: In §705.6 there is no mention of toiletry items and non-slip surfaces.

Response: The Department agrees with this comment and has added a provision regarding slip-resistant surfaces for bathtubs and showers in paragraph (4).

Comments: Section 705.24 (1) requires bathrooms to be “conveniently located throughout the facility.” It is unclear what the phrase “conveniently located throughout the facility” means. The Department should amend this language to state a more definitive standard.

Section 705.24 (1) uses the term “lavatories.” Paragraph (3) uses the phrase “toilet and washrooms.” For consistency, the Department should use the term “bathrooms” in those paragraphs.

Response: The Department agrees with these comments. The vague unclear language has been deleted and the words and phrases have been changed to be consistent throughout.

This section also now sets a measurable standard for the temperature of hot water.

Sections 705.7 and 705.25. Food service.

These sections provide for health and safety standards in food preparation areas for all facilities.

Comment: The term “adequate” in paragraph (1) is vague and should be deleted.

Response: The Department agrees with this comment and has revised the paragraph accordingly.

Comment: “Food preparation areas” should be added to paragraph (3).

Response: The Department agrees and has added the language.

Comment: “Cleanable” should be deleted from paragraph (4).

Response: The Department agrees and has deleted the word.

Comment: The term “properly” in paragraph (5) is vague. Similar requirements in the Department of Public Welfare’s Child Residential and Day Treatment Facilities regulations

(55 Pa. Code §3800.104(e)) specify that cold food must be stored at or below 40 degrees Fahrenheit, hot food at or above 140 degrees Fahrenheit, and frozen foods at or below 0 degrees Fahrenheit. The Department should consider including specific temperature storage requirements in the final regulation.

Response: The Department agrees with this comment and has adopted those standards.

Other changes: The Department deleted the words “and dining” from paragraph (7) because this section relates to food preparation areas only and not dining areas. Also, this section has been renamed “food service” to take into account situations where food is prepared and cooked for residents in other than traditional kitchen areas. This section allows for facilities to contract with food vendors or caterers for food service to their residents. In those cases, this section’s requirements pertaining to an onsite food preparation area or central food preparation area would not apply. This section also provides for a facility to be served by a single, central food preparation area. This includes “campus-type” arrangements where several residential facilities exist in close proximity and food is prepared within one of the buildings or in an adjacent central “dining hall” area on the campus. This also includes multiple facilities where food is delivered to one or more facilities within a certain geographic area from a central food preparation area operated by the facility either at one of the residential facilities or at a separate location.

For nonresidential facilities, food service is not required. When food service is provided, it may be provided by onsite or central areas, or by contractual arrangements with vendors or caterers.

The health requirements relating to food service, storage, preparation and safety apply to residential and nonresidential facilities only if the facility operates an onsite food preparation area or a central food preparation area.

Sections 705.8 and 705.26. Heating and cooling.

These sections deal with temperature standards in all facilities.

Comments: As written, paragraph (1) would require all facilities to have air conditioning to maintain an indoor temperature of no more than 90 degrees.

Do all facilities have air conditioning and is the use of fans excluded? The Department should allow for fans or explain the need for this requirement.

Response: The Department agrees with these comments. The language has been revised to require some type of mechanical ventilation whenever the indoor temperature exceeds 90 degrees.

Comment: Paragraph (2) appears to apply to portable (non-kerosene) electric heaters that have already received approval by Federal regulators concerning their safety. Facilities in

older buildings, where heating is generally adequate, still may have certain areas that require supplemental heaters to ensure appropriate temperatures are consistently maintained, especially on very cold or windy days. The requirement to ensure that supplemental heating devices are permanently mounted could cause facilities to incur great expense. Also, in some cases, they are prohibited by landlords.

Response: The Department understands these concerns. Nevertheless, it is of great concern to the Department that portable, unsecured heating devices pose a very high risk of fire. Protecting the health and safety of patients and staff outweighs permitting such devices. Furthermore, this provision is consistent with 55 Pa. Code Section 3800 (relating to residential and day treatment facilities).

Finally, these facilities are licensed only by State authority. There is no Federal regulation of drug and alcohol treatment facilities. Therefore, it is unclear what the commentator means when it states that “Federal regulators” have approved these devices for use in licensed facilities. That a particular device has received some type of “safety” approval by a Federal agency is irrelevant for the purposes herein.

Sections 705.9 and 705.27. General safety and emergency procedures.

These sections deal with general safety and emergency procedures.

Comments: Paragraph (4) requires each facility to “provide written procedures for staff and residents to follow in case of an internal or external emergency or disaster.” The difference between an “emergency” and a “disaster” is unclear. Furthermore, paragraph (4) refers to “emergencies” and paragraph (5) refers to “fire, or other disaster situations.” If there is a distinction between an “emergency” and a “disaster,” the Department should define these terms in section 701.1 (relating to general definitions). If there is no distinction, the Department should use a single term consistently.

Paragraph (4) requires the written procedures to be developed with assistance from “qualified fire and safety personnel.” To improve clarity, the Department should specify the credentials necessary to be considered “qualified fire and safety personnel.” The Department should clarify who reviews the procedures and when the review is conducted.

Paragraph (4)(ii) is lengthy and unclear. The requirements should be listed separately. Also, transfer and evacuation procedures should address situations where the residents are impaired by drugs or alcohol.

The regulatory meaning of “internal or external” emergency is the same and these words should be deleted.

Response: The Department agrees with these comments. Paragraph (4) has been rewritten as suggested to enhance clarity and eliminate vagueness.

Comment: In paragraph (5), all reportable incidents should fall into this category to make it more comprehensive and global.

Response: This is the only mandatory reportable incident provision. At some time in the future, the Department may amend the general licensure requirements to include a reportable incidents section and move the requirements of paragraph (5) to that section. The Department has not amended this paragraph based upon the comment.

Sections 705.10 and 705.28. Fire safety.

These sections deal with fire safety.

Comments: Subsection (a)(1)(ii) requires facilities to maintain two exits on every floor. Each exit is to be “remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation.” If the intent of subsection (a)(1)(ii) is to prevent everyone from crowding one exit in an emergency, the Department could specify the number of exits required in relation to the number of occupants per floor in residential facilities. The Department could also specify the minimum distance required between exits. Finally, the phrase “reasonably ensure” is vague and should be deleted.

In §§705.10 (a)(1)(iii) and 705.28 (a)(1)(iv) the term “guards” is vague. The Department should define this term or use another term that more clearly indicates what is required on stairs, ramps, balconies and landings.

Response: The Department agrees with these comments. These subparagraphs have been rewritten and §§705.10 (a)(1)(iv) and 705.28 (a)(1)(v) have been deleted, as appropriate, to provide clarity.

Comments: Subsection (b) requires the facility to “maintain” smoke detectors and fire alarms, but does not state how quickly a malfunctioning alarm must be repaired. Section 3800.130(g) (relating to smoke detectors and fire alarms) of DPW’s regulations require repairs to be made within 48 hours of when the smoke detector or fire alarm is discovered to be inoperable. Subsection (b) should specify that if the smoke detectors or fire alarms are inoperable, repairs must be completed within a specific timeframe.

Refer to 55 Pa. Code §3800.130(b), (f) and (g).

Response: The Department agrees with these comments and has amended the subsection to be consistent with the above-referenced provisions.

Comments: Subsection (c)(4) requires facilities to instruct all staff and residents in the use of fire extinguishers. The primary responsibility of a resident in the case of a fire is to sound the alarm and then to get out. Instructing a resident in the use of a fire extinguisher implicitly requires a resident to use a fire extinguisher and may place the resident at risk. The Department should reconsider the requirement for residents to be instructed in the use of fire extinguishers.

This subsection should specify that if the fire extinguisher is inoperable, repairs must be completed within a specific timeframe.

Response: The Department agrees with these comments and has revised this subsection accordingly.

Comments: Fire drills should be conducted quarterly or semiannually.

Subsection (d)(1) requires a fire drill to be conducted every 60 days. Since the duration of treatment for some residents and clients of nonresidential facilities may be less than 60 days, the Department should consider more frequent fire drills. Alternatively, the Department could require individual fire drill instruction for new residents. The Department should also define “special incidents.”

Subsection (d)(2) requires fire drills to be conducted at different times of the day and night. However, the regulation does not specifically require any drills to be conducted during sleeping hours. The Department should consider periodically requiring fire drills during sleeping hours.

Subsection (d)(3) requires that personnel on all shifts be “trained to perform assigned tasks during emergencies.” The Department should clarify what is included in the training and when the training must occur.

Refer to 55 Pa. Code §3800.132 (relating to fire drills).

Response: The Department agrees with these comments regarding monthly fire drills. It has adopted appropriate language.

Sections 705.11 and 705.29. Child care.

These sections establish safety provisions for child care in all facilities.

Comment: Paragraph (1)(ii) requires access to “suitable recreational equipment.” The term “suitable” is vague and should be deleted or replaced with more specific requirements.

Response: The Department agrees and has deleted the word “suitable.”

Comments: Rather than security screens, would safety locks suffice in certain circumstances?

Paragraph (2)(ii) requires safety screens for all windows. This requirement appears to be unnecessary for windows that do not open. The Department should revise this requirement to apply to all operable windows.

Paragraph (2)(iii) requires protective caps for each electrical outlet within reach of small children. How is “small” defined? Basically, a child can reach all outlets. Because of the ambiguity of the language, the Department should delete the phrase “within reach of small children” from these paragraphs.

Paragraph (2)(iv) requires facilities to secure storage areas where “potentially dangerous” substances are kept. The Department should delete the phrase “potentially dangerous” or define it so that it can be clearly understood and enforced.

Response: The Department agrees with these comments and has reworded these paragraphs accordingly.

REPEALED SECTIONS

The Department is repealing the various sections relating to physical plant regulations scattered throughout Title 28 Part V. The physical plant sections which are repealed are those in Chapter 709, Subchapter C (relating to general standards for free standing treatment activities) and Subchapter G (relating to standards for inpatient nonhospital activities – transportation living facilities (TLFs)), Chapter 711, Subchapter C (relating to standards for intake, evaluation and referral activities), Subchapter D (relating to standards for inpatient nonhospital activities - residential treatment and rehabilitation), Subchapter E (relating to standards for inpatient nonhospital activities - short-term detoxification), Subchapter F (relating to standards for inpatient nonhospital activities - transitional living facilities (TLFs)) and Subchapter G (relating to standards for partial hospitalization activities) and Chapter 713, Subchapter C (relating to general standards for prevention and intervention activities).

FISCAL IMPACT

There will be some fiscal impact on the drug and alcohol treatment facilities. Due to “grandfathering” provisions, no existing licensed facilities will be required to reduce the number of currently licensed beds. The majority of licensed facilities (638 outpatient) will not be affected at all by the regulation relative to sleeping accommodations.

The remainder of the regulations received little or no comment, indicating that the vast majority of facilities believe that the regulations are appropriate and are already in compliance with them or consider compliance to be achievable at little additional cost.

These regulations will have minimal fiscal impact on the Department. At most, Department staff might be required to spend additional time at each facility. Field representatives inspected physical plant under the previous regulations. The general scope of the inspection, though for the most part not enforceable under the previous regulations, included most of what is now regulated. Where staff could previously only make suggestions to facilities on how to improve health and safety, they can now enforce regulations to make real and substantive health and safety improvements. The net increase in Commonwealth costs in terms of staff inspection time, however, will be negligible.

PAPERWORK REQUIREMENTS

A system for inspection of facilities is currently in place. It is anticipated that new inspection forms will be created to replace current forms. The net increase in paperwork is expected to be minimal.

EFFECTIVE DATE/SUNSET DATE

The amendments will become effective upon publication in the *Pennsylvania Bulletin*. For currently licensed facilities, compliance with the amendments will be required within nine months after they become effective. For any facility that has applied for licensure but has not yet been licensed prior to the effective date of these amendments and for any facility that applies for licensure after the effective date of the amendments, compliance will be required as part of the licensure process. No sunset date has been established. The Department will review and monitor the effectiveness of these regulations on a continuing basis.

STATUTORY AUTHORITY

Statutory Authority for these regulations is found in Articles IX and X of the Public Welfare Code (62 P.S. §§901-1059) (relating to the licensure of facilities), which require regulations for adequate and proper provisions for (i) fire prevention, (ii) water supply and sewage disposal, (iii) sanitation, (iv) lighting and heating, (v) ventilation, (vi) safety, (vii) equipment, (viii) bed space, (ix) record keeping and (x) humane care, and which authorize and empower the Department to adopt regulations establishing minimum standards for building, equipment, operation, care, program and services and for the issuance of licenses, as transferred to the Department of Health by Reorganization Plan Number 2 of 1977 (71 P.S. §751-25) (relating to the transfer of drug and alcohol facility licensure authority from the

Department of Public Welfare to the Governor's Council on Drug and Alcohol Abuse) and Reorganization Plan Number 4 of 1981 (71 P.S. §751-31) (relating to the transfer of the powers and duties of the Governor's Council on Drug and Alcohol Abuse to the Department of Health), and the Pennsylvania Drug and Alcohol Abuse Control Act, 1972-63, as amended (71 P.S. §1690.01 et seq.) (relating to the control, prevention, treatment and rehabilitation aspects of drug and alcohol abuse programs), which gives the Department the power to promulgate rules and regulations necessary to carry out the provisions of the act.

REGULATORY REVIEW

Under Section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), on November 1, 1999, the Department submitted a copy of the proposed rulemaking published at 29 Pa. B. 5835 to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment. In compliance with section 5.1(a) of the Regulatory Review Act (71 P.S. §745.5(a)), the Department submitted a copy of the final-form regulation to IRRC and the Committees on August 24, 2001. In addition, the Department provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy is available to the public upon request.

On September 13, 2001, the Department requested that the regulations be tolled in accordance with section 5.1(g)(1) of the Regulatory Review Act in order to consider

revisions recommended by IRRC. IRRC did not object to tolling. The Department submitted the revised regulations to the Committees and to IRRC for their review on October 15, 2001.

On October 23, 2001, the Committees notified IRRC that they disapproved the regulations. On October 29, 2001, the Department withdrew the final-form regulations in order to make changes to the regulations to satisfy the concerns of the Committees. The Department resubmitted the revised final form regulations to the Committees and to IRRC for their review on November ____, 2001.

These final-form regulations were (deemed) approved by the House Health and Human Services Committee and the Senate Public Health and Welfare Committee on _____. IRRC met on _____, and approved the regulations in accordance with section 5.1(e) of the Regulatory Review Act. The Office of Attorney General approved the regulations on _____.

CONTACT PERSON

Questions regarding these final-form regulations may be submitted to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Pennsylvania Department of Health, 132 Kline Plaza, Suite A, Harrisburg, Pennsylvania 17104, (717) 783-8665. Persons with disabilities may submit questions in alternative formats such as by audio tape or Braille. Speech or learning impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons with

disabilities who would like to obtain this document in an alternative format (ie., large print, audio tape or Braille) may contact Mr. Hair so that necessary arrangements may be made.

FINDINGS

The Department finds:

1. Public notice of intention to adopt the regulations adopted by this order has been given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201 and 1202), and the regulations thereunder, 1 Pa. Code §§7.1 and 7.2.
2. A public comment period was provided as required by law.
3. The adoption of the final-form regulations is necessary and appropriate.

ORDER

The Department, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 28 Pa. Code, Part V, are amended by amending §701.1; by adding §§705.1-705.11 and §§705.21-705.29; and by repealing §§709.27, 709.74, 711.45, 711.57, 711.67, 711.77, 711.88 and 713.27, as set forth in Annex A.
- (b) The Secretary of Health shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

- (c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.
- (d) The Secretary of Health shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (e) This order shall take effect upon publication in the *Pennsylvania Bulletin*.
 - (1) For currently licensed facilities, compliance will be required within nine months after the amendments become effective.
 - (2) For any facility that applies for licensure after the amendments become effective, compliance will be required as part of the licensure process.
 - (3) For any facility that has applied for licensure before the amendments become effective but is not licensed until after the amendments become effective, compliance will be required as part of the licensure process.

GENERAL COMMENTS

Proposed rulemaking was published at 29 Pa. B. 5835 (November 13, 1999). A 30-day comment period was provided. The Department received comments from 17 commentators. The commentators were The Independent Regulatory Review Commission (IRRC), the Department of Public Welfare, (DPW) (which provided informal comments to the Department in the Spring of 2000, after the public comment period closed), 4 legislators, 2 counties, the Pennsylvania Halfway House Association, the Philadelphia Alliance and 7 providers. Some comments were identical to others and, where duplicated, are only recited once.

Many of the comments received from the DPW suggested that these regulations be made consistent with the DPW's Child Residential and Day Treatment Facility regulations (55 Pa. Code §3800.1 et seq.). As much as possible, such consistency has been achieved.

The single most commented upon item was in proposed §705.5(b) (relating to sleeping accommodations). This subsection requires that each facility maintain certain minimum square footage requirements for resident bedrooms. The main concern expressed by facilities is that the proposed square footage requirements would impose substantial burdens on facilities to the extent that significant costs would be incurred in achieving compliance. They commented further that, in the absence of compliance, a significant number of beds would be lost, resulting in significant revenue losses and the ultimate closing of facilities.

The Department has considered these comments, and after consultation with staff of IRRC and the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, the Department has agreed to exempt rooms that had been used as bedrooms prior to the effective date of the regulations in currently licensed facilities from the square footage per resident and the maximum number of residents per bedroom requirement. Therefore, rooms used as bedrooms as of the effective date of this regulation will be exempted from this requirement. After the effective date of the regulation, additional beds and additional or replacement bedrooms shall be subject to this requirement.

Finally, the Department consulted with the Department of Labor and Industry (L & I) regarding the Pennsylvania Construction Code Act (Act 45-1999) and regulations to be adopted with that code. It is anticipated that L & I's proposed regulations will be published soon. If an inconsistency is identified after the L & I regulations are issued in final-form, the Department will review its regulations at that time and determine whether amendments are necessary.

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. Definitions

Section 701.1 (relating to definitions) defines the types of facilities used in these regulations. No comments addressing this section were received. This section is adopted as proposed.

in revenue will force many to reduce staff, placing further limits on treatment availability. The loss of only a few beds could force small agencies to close. Existing agencies should be grandfathered, permitting them to continue utilizing current sleeping accommodations.

The American Correctional Association (ACA) Standards for Adult Community Residential Services' sleeping accommodations requirement is 25 square feet of unencumbered space per client, a lower space requirement than that proposed in this section. When the number of clients (beds) must be reduced, staff must be terminated and treatment capability is reduced, stressing an already taxed system.

The space requirements contained in the proposed standard would have a tremendous impact on the public treatment system and result in significantly increased costs. For programs that utilize bunk beds, the requirement would be excessive. The requirement will result in the loss of beds, thus increasing rates.

Sixty square feet per person will negatively affect programs to the extent of severely limiting total treatment capability accessible to publicly funded clients.

Response: Bedrooms containing beds included in the licensed capacity of facilities licensed as of the effective date of this regulation will be exempted from the requirement relating to square footage per resident. This exemption will not apply to new bedrooms if a facility expands its capacity or renovates to relocate or add bedrooms. Also, this exemption will not apply if the facility relocates or rebuilds. The square footage requirements have been reduced from 80 square feet to 70 square feet for individuals occupying a single bedroom.

Wording has been added to reduce the square footage requirements when bunk beds are used from 60 square feet per person to 50 square feet per person. In essence, this allows for two people, with beds, dressers, chairs and anything else they might have, to share a 10x10 room.

This regulation will not affect programs with women and children. Children will not be considered residents for the purpose of calculating the square feet of bedroom floor space required per resident or the maximum number of residents per bedroom.

Similar standards established in other states were reviewed in formulating this subsection. The standard for a majority of states is consistent with this regulation. The following are some examples: New Jersey requires 70 square feet of clear floor space for single occupancy and a minimum of 50 square feet of clear floor space per patient, with 3 feet of clear space between and at the foot of beds. Rhode Island requires 85 square feet for single occupancy and 60 square feet per person for multiple occupancy. Montana requires 100 square feet for single occupancy and 80 square feet per person with no more than 4 persons per room. New York requires 100 square feet exclusive of closet space for single occupancy and 80 square feet per person with a maximum of 4 persons per room, with an exception of 60 square feet per person for alcohol treatment of less than 5 days.

Subsection (c) is rewritten as suggested.

Subsection (d) is combined with subsection (b) as suggested.

No comment was received on subsections (e)-(h). They have been relettered (d)-(g).

The former subsection (f), now subsection (e), has been rewritten for clarification.

This section also now sets a measurable standard for the temperature of hot water.

Sections 705.7 and 705.25. Food service.

These sections provide for health and safety standards in food preparation areas for all facilities.

Comment: The term “adequate” in paragraph (1) is vague and should be deleted.

Response: The Department agrees with this comment and has revised the paragraph accordingly.

Comment: “Food preparation areas” should be added to paragraph (3).

Response: The Department agrees and has added the language.

Comment: “Cleanable” should be deleted from paragraph (4).

Response: The Department agrees and has deleted the word.

Comment: The term “properly” in paragraph (5) is vague. Similar requirements in the Department of Public Welfare’s Child Residential and Day Treatment Facilities regulations

(55 Pa. Code §3800.104(e)) specify that cold food must be stored at or below 40 degrees Fahrenheit, hot food at or above 140 degrees Fahrenheit, and frozen foods at or below 0 degrees Fahrenheit. The Department should consider including specific temperature storage requirements in the final regulation.

Response: The Department agrees with this comment and has adopted those standards.

Other changes: The Department deleted the words “and dining” from paragraph (7) because this section relates to food preparation areas only and not dining areas. Also, this section has been renamed “food service” to take into account situations where food is prepared and cooked for residents in other than traditional kitchen areas. This section allows for facilities to contract with food vendors or caterers for food service to their residents. In those cases, this section’s requirements pertaining to an onsite food preparation area or central food preparation area would not apply. This section also provides for a facility to be served by a single, central food preparation area. This includes “campus-type” arrangements where several residential facilities exist in close proximity and food is prepared within one of the buildings or in an adjacent central “dining hall” area on the campus. This also includes multiple facilities where food is delivered to one or more facilities within a certain geographic area from a central food preparation area operated by the facility either at one of the residential facilities or at a separate location.

For nonresidential facilities, food service is not required. When food service is provided, it may be provided by onsite or central areas, or by contractual arrangements with vendors or caterers.

The health requirements relating to food service, storage, preparation and safety apply to residential and nonresidential facilities only if the facility operates an onsite food preparation area or a central food preparation area.

Sections 705.8 and 705.26. Heating and cooling.

These sections deal with temperature standards in all facilities.

Comments: As written, paragraph (1) would require all facilities to have air conditioning to maintain an indoor temperature of no more than 90 degrees.

Do all facilities have air conditioning and is the use of fans excluded? The Department should allow for fans or explain the need for this requirement.

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Comment: Paragraph (2) appears to apply to portable (non-kerosene) electric heaters that have already received approval by Federal regulators concerning their safety. Facilities in

FISCAL IMPACT

There will be some fiscal impact on the drug and alcohol treatment facilities. Due to "grandfathering" provisions, no existing licensed facilities will be required to reduce the number of currently licensed beds. The majority of licensed facilities (638 outpatient) will not be affected at all by the regulation relative to sleeping accommodations.

The remainder of the regulations received little or no comment, indicating that the vast majority of facilities believe that the regulations are appropriate and are already in compliance with them or consider compliance to be achievable at little additional cost.

These regulations will have minimal fiscal impact on the Department. At most, Department staff might be required to spend additional time at each facility. Field representatives inspected physical plant under the previous regulations. The general scope of the inspection, though for the most part not enforceable under the previous regulations, included most of what is now regulated. Where staff could previously only make suggestions to facilities on how to improve health and safety, they can now enforce regulations to make real and substantive health and safety improvements. The net increase in Commonwealth costs in terms of staff inspection time, however, will be negligible.

PAPERWORK REQUIREMENTS

A system for inspection of facilities is currently in place. It is anticipated that new inspection forms will be created to replace current forms. The net increase in paperwork is expected to be minimal.

(2) HAVE A CERTIFICATE OF OCCUPANCY FROM THE DEPARTMENT OF LABOR AND INDUSTRY OR ITS LOCAL EQUIVALENT.

(a) (3) ~~The residential facility shall comply~~ COMPLY with applicable Federal, State and local laws and ordinances.

(b) ~~The residential facility shall have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.~~

(c) (4) A residential facility licensed prior to _____ is exempt BE EXEMPT from §705.5 (B), (c), ~~(e) and (f)~~ (E), (F) and (I) (relating to sleeping accommodations),

~~OR EXEMPT FROM THE PROVISIONS OF §705.5 (B), (c), (e) AND (f) (E), (F) AND (I) (RELATING TO SLEEPING ACCOMMODATIONS), AS BEDROOMS PRIOR TO THE EFFECTIVE DATE OF THE REGULATION IN FACILITIES LICENSED AS OF THE EFFECTIVE DATE OF THE REGULATION. IF A FACILITY EXPANDS ITS CAPACITY OR RENOVATES EXISTING OR ADDS BEDROOMS, THIS RULE SHALL APPLY TO THE NEW BEDROOMS. IF THE FACILITY RENOVATES OR REPAIRS THIS CAPACITY, THE RULE SHALL~~

§705.2. Building exterior and grounds.

The residential facility shall:

- (1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.
- (2) Keep the grounds of the facility in good condition and shall ensure that the grounds are free from any hazard to health and safety **CLEAN, SAFE, SANITARY AND IN GOOD REPAIR AT ALL TIMES FOR THE SAFETY AND WELL-BEING OF RESIDENTS, EMPLOYEEES AND VISITORS. THE EXTERIOR OF THE BUILDING AND THE BUILDING GROUNDS OR YARD SHALL BE FREE OF HAZARDS.**
- (3) Keep exterior exits, stairs and walkways lighted at night.
- (4) Store securely all TRASH, garbage and rubbish in noncombustible, covered containers THAT PREVENT THE PENETRATION OF INSECTS AND RODENTS, and remove it on a regular basis, at least once every week.

- ~~(5)~~ (3) A chest of drawers STORAGE AREA FOR CLOTHING.
- ~~(6)~~ Closet or wardrobe space with clothing racks and shelves accessible to the resident.
- (b) For each resident sharing a EACH SHARED bedroom, the residential facility shall provide a minimum of HAVE AT LEAST 60 square feet of bedroom FLOOR space per bed RESIDENT MEASURED WALL TO WALL, including space occupied by furniture. WHEN BUNK BEDS ARE USED, EACH BEDROOM SHALL HAVE AT LEAST 50 SQUARE FEET OF FLOOR SPACE PER RESIDENT MEASURED WALL TO WALL. BUNK BEDS SHALL AFFORD ENOUGH SPACE IN BETWEEN EACH BED AND THE CEILING TO ALLOW A RESIDENT TO SIT UP IN BED. BUNK BEDS SHALL BE EQUIPPED WITH A SECURELY ATTACHED LADDER CAPABLE OF SUPPORTING A RESIDENT. BUNK BEDS SHALL BE EQUIPPED WITH SECURELY ATTACHED RAILINGS ON EACH OPEN SIDE AND OPEN END OF THE BUNK. THE USE OF BUNK BEDS SHALL BE PROHIBITED IN DETOXIFICATION PROGRAMS. For each resident occupying a EACH single bedroom, the facility shall have a minimum of 80 AT LEAST 70 square feet of bedroom FLOOR space PER RESIDENT MEASURED WALL TO WALL, including space occupied by furniture.
- (c) No more than four residents shall sleep in one SHARE A bedroom.
- ~~(d)~~ (D) When a residential facility uses bunk beds, each mattress shall be positioned to allow each occupant to sit up in bed. WHEN CALCULATING THE SQUARE FEET OF BEDROOM FLOOR SPACE UNDER SUBSECTION (B) OR THE NUMBER OF RESIDENTS PER BEDROOM UNDER SUBSECTION (C), CHILDREN OCCUPYING A BEDROOM WITH AN ADULT FAMILY MEMBER OR GUARDIAN SHALL NOT BE INCLUDED AS RESIDENTS.
- ~~(e)~~ (E) Each bedroom shall have direct access to a corridor or external exit.
- ~~(f)~~ (F) A bedroom may not be used as a regular means of egress FROM OR ACCESS TO ANOTHER PART OF THE FACILITY.
- ~~(g)~~ (G) Sole entrances to stairways or basements may not be located in a resident's bedroom.
- ~~(h)~~ (H) Each bedroom shall be ventilated by operable windows or have mechanical ventilation.

- (7) Maintain each faucet and toilet BATHROOM in a functional, clean and sanitary manner at all times.

§705.7. Kitchens. FOOD SERVICE.

The residential facility:

(A) A RESIDENTIAL FACILITY SHALL PROVIDE MEALS TO RESIDENTS THROUGH ONSITE FOOD PREPARATION AREAS, A CENTRAL FOOD PREPARATION AREA, OR CONTRACTUAL ARRANGEMENTS WITH VENDORS OR CATERERS.

(B) A RESIDENTIAL FACILITY MAY OPERATE A CENTRAL FOOD PREPARATION AREA TO PROVIDE FOOD SERVICES TO MULTIPLE FACILITIES OR LOCATIONS. A RESIDENTIAL FACILITY THAT OPERATES AN ONSITE FOOD PREPARATION AREA OR A CENTRAL FOOD PREPARATION AREA SHALL:

- (1) Shall have at least one kitchen HAVE A FOOD PREPARATION AREA with a refrigerator, a sink, a stove, an oven, and adequate cabinet space for storage needs.
- (2) Shall clean CLEAN and disinfect food preparation areas and appliances following each prepared meal.
- (3) Shall thoroughly clean CLEAN all eating, drinking and cooking utensils AND ALL FOOD PREPARATION AREAS after each usage and store the utensils in a clean enclosed area.
- (4) Shall ensure ENSURE that storage areas for foods are cleanable and free of food particles, dust and dirt.
- (5) Shall properly refrigerate or store in closed or sealed containers which are labeled by content and date of preparation, all prepared food items KEEP COLD FOOD AT OR BELOW 40° F, HOT FOOD AT OR ABOVE 140° F, AND FROZEN FOOD AT OR BELOW 0° F.
- (6) Shall store STORE all food items off the floor.
- (7) May not permit PROHIBIT pets in the kitchen and dining area FOOD PREPARATION AREA.

The nonresidential facility shall:

- (1) ~~Provide lavatories which are conveniently located throughout the facility~~
BATHROOMS TO ACCOMMODATE STAFF, CLIENTS AND OTHER USERS OF THE FACILITY.
- ~~(2) Maintain lavatory facilities in a functional, clean and sanitary manner.~~
- (2) **PROVIDE A SINK, A WALL MIRROR, AN OPERABLE SOAP DISPENSER, AND EITHER INDIVIDUAL PAPER TOWELS OR A MECHANICAL DRYER IN EACH BATHROOM.**
- (3) **HAVE HOT AND COLD WATER UNDER PRESSURE. HOT WATER TEMPERATURE MAY NOT EXCEED 120° F.**
- (4) **PROVIDE PRIVACY IN TOILETS BY DOORS.**
- ~~(3) (5) Ventilate toilet and wash rooms~~ **BATHROOMS** ~~by exhaust fan or window.~~
- ~~(4) (6) Provide toilet paper at each toilet at all times.~~
- ~~(5) Furnish each bathroom with a sink, wall mirror, a soap dispenser, and either individual paper towels or a mechanical dryer.~~
- ~~(6) Provide privacy in toilets by doors.~~
- (7) **MAINTAIN EACH BATHROOM IN A FUNCTIONAL, CLEAN AND SANITARY MANNER AT ALL TIMES.**

§705.25. Kitchens. FOOD SERVICE.

The nonresidential facility providing meals to clients:

A NONRESIDENTIAL FACILITY MAY PROVIDE MEALS TO CLIENTS THROUGH ONSITE FOOD PREPARATION AREAS, A CENTRAL FOOD PREPARATION AREA, OR CONTRACTUAL ARRANGEMENTS WITH VENDORS OR CATERERS. A NONRESIDENTIAL FACILITY WHICH OPERATES AN ONSITE FOOD PREPARATION AREA OR A CENTRAL FOOD PREPARATION AREA SHALL:

- (1) ~~Shall have at least one kitchen~~ **HAVE A FOOD PREPARATION AREA**
with a refrigerator, a sink, a stove, an oven, and adequate cabinet space for

Annex A

TITLE 28. HEALTH AND SAFETY

* * *

PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

* * *

Chapter 701. GENERAL PROVISIONS

Subchapter A. DEFINITIONS

§701.1 General definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * *

Nonresidential facility - A facility that does not provide sleeping accommodations and provides one or more of the following activities: outpatient, partial hospitalization, intake, evaluation or referral activities.

* * *

Residential facility - An inpatient, nonhospital facility or inpatient freestanding psychiatric hospital that provides sleeping accommodations and provides one or more of the following activities: residential treatment and rehabilitation services, transitional living services or short-term detoxification services, 24 hours a day.

* * *

Chapter 705. PHYSICAL PLANT STANDARDS

SUBCHAPTER A. RESIDENTIAL SERVICES FACILITIES

§705.1. General requirements for inpatient nonhospital RESIDENTIAL facilities (residential treatment and rehabilitation).

THE RESIDENTIAL FACILITY SHALL:

- (1) HOLD A LICENSE PURSUANT TO CHAPTER 709 (RELATING TO STANDARDS FOR LICENSURE OF FREESTANDING TREATMENT FACILITIES).

(2) HAVE A CERTIFICATE OF OCCUPANCY FROM THE DEPARTMENT OF LABOR AND INDUSTRY OR ITS LOCAL EQUIVALENT.

~~(a)~~ (3) ~~The residential facility shall comply~~ COMPLY with applicable Federal, State and local laws and ordinances.

~~(b)~~ The residential facility shall have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.

~~(c)~~ (4) A residential facility licensed prior to _____ is exempt **BE EXEMPT** from §705.5 (B), (c), ~~(e) and (f)~~ (E), (F) and (I) (relating to sleeping accommodations), **FOR ROOMS THAT HAD BEEN USED AS BEDROOMS PRIOR TO [THE EFFECTIVE DATE OF THE REGULATION] IN FACILITIES LICENSED AS OF [THE EFFECTIVE DATE OF THE REGULATION]. IF A FACILITY EXPANDS ITS CAPACITY OR RENOVATES TO RELOCATE OR ADD BEDROOMS, THIS EXEMPTION DOES NOT APPLY TO THE NEW BEDROOMS. IF THE FACILITY RELOCATES OR REBUILDS, THIS EXEMPTION DOES NOT APPLY.**

§705.2. Building exterior and grounds.

The residential facility shall:

- (1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.
- (2) Keep the grounds of the facility in good condition and shall ensure that the grounds are free from any hazard to health and safety **CLEAN, SAFE, SANITARY AND IN GOOD REPAIR AT ALL TIMES FOR THE SAFETY AND WELL-BEING OF RESIDENTS, EMPLOYEEES AND VISITORS. THE EXTERIOR OF THE BUILDING AND THE BUILDING GROUNDS OR YARD SHALL BE FREE OF HAZARDS.**
- (3) Keep exterior exits, stairs and walkways lighted at night.
- (4) Store securely all TRASH, garbage and rubbish in noncombustible, covered containers THAT PREVENT THE PENETRATION OF INSECTS AND RODENTS, and remove it on a regular basis, at least once every week.

§705.3. Living rooms and lounges.

The residential facility shall:~~(1) Contain~~ **CONTAIN** at least one appropriately furnished living room or lounge which creates a relaxed and comfortable atmosphere for the free and informal use of clients, and their families **AND INVITED GUESTS. THE FACILITY SHALL** ~~(2) Maintain~~ **MAINTAIN** furnishings in a state of good repair.

§705.4. Counseling areas and office space.

The residential facility shall:

- (1) Maintain adequate space for both individual and group counseling sessions.
- (2) Maintain counseling areas with comfortable furnishings which are appropriate for the intended purpose and which are in good repair.
- (3) Ensure sufficient privacy so that counseling sessions cannot be seen or heard outside the counseling room. Counseling room walls shall extend from the floor to the ceiling.
- (4) Provide office space, including clerical space, separate and apart from LOCATE counseling areas and which will **IN SUCH A MANNER THAT NOISE DOES not present a distraction DISTURB or interference to-INTERFERE WITH counseling SESSIONS.**

§705.5. Sleeping accommodations.

- (a) In bedrooms, a EACH residential facility **BEDROOM, EACH RESIDENT shall furnish HAVE** the following for each resident:
 - (1) A bed frame of **WITH solid construction FOUNDATION and sized appropriately to the needs of the resident** **FIRE RETARDANT MATTRESS IN GOOD REPAIR.**
 - (2) A clean, comfortable mattress and foundation in good repair.
 - (3) (2) A clean, comfortable pillow **AND BEDDING APPROPRIATE FOR THE TEMPERATURE IN THE FACILITY.**
 - (4) Bed covering appropriate for climate.

~~(5)~~ (3) A chest of drawers **STORAGE AREA FOR CLOTHING.**

~~(6)~~ Closet or wardrobe space with clothing racks and shelves accessible to the resident.

~~(b)~~ For each resident sharing a EACH SHARED bedroom, the residential facility shall provide a minimum of **HAVE AT LEAST 60 square feet of bedroom FLOOR space per bed RESIDENT MEASURED WALL TO WALL,** including space occupied by furniture. WHEN BUNK BEDS ARE USED, EACH BEDROOM SHALL HAVE AT LEAST 50 SQUARE FEET OF FLOOR SPACE PER RESIDENT MEASURED WALL TO WALL. BUNK BEDS SHALL AFFORD ENOUGH SPACE IN BETWEEN EACH BED AND THE CEILING TO ALLOW A RESIDENT TO SIT UP IN BED. BUNK BEDS SHALL BE EQUIPPED WITH A SECURELY ATTACHED LADDER CAPABLE OF SUPPORTING A RESIDENT. BUNK BEDS SHALL BE EQUIPPED WITH SECURELY ATTACHED RAILINGS ON EACH OPEN SIDE AND OPEN END OF THE BUNK. THE USE OF BUNK BEDS SHALL BE PROHIBITED IN DETOXIFICATION PROGRAMS. For each resident occupying a EACH single bedroom, the facility shall have a minimum of 80 **AT LEAST 70 square feet of bedroom FLOOR space PER RESIDENT MEASURED WALL TO WALL,** including space occupied by furniture.

~~(c)~~ No more than four residents shall sleep in one **SHARE A bedroom.**

~~(d)~~ (D) When a residential facility uses bunk beds, each mattress shall be positioned to allow each occupant to sit up in bed. **WHEN CALCULATING THE SQUARE FEET OF BEDROOM FLOOR SPACE UNDER SUBSECTION (B) OR THE NUMBER OF RESIDENTS PER BEDROOM UNDER SUBSECTION (C), CHILDREN OCCUPYING A BEDROOM WITH AN ADULT FAMILY MEMBER OR GUARDIAN SHALL NOT BE INCLUDED AS RESIDENTS.**

~~(e)~~ (E) Each bedroom shall have direct access to a corridor or external exit.

~~(f)~~ (F) A bedroom may not be used as a regular means of egress **FROM OR ACCESS TO ANOTHER PART OF THE FACILITY.**

~~(g)~~ (G) Sole entrances to stairways or basements may not be located in a resident's bedroom.

~~(h)~~ (H) Each bedroom shall be ventilated by operable windows or have mechanical ventilation.

(I) EACH BEDROOM SHALL HAVE A WINDOW WITH A SOURCE OF NATURAL LIGHT.

~~(J)~~ A residential facility shall prohibit smoking and use of candles in bedrooms.

~~(K)~~ A residential facility may locate bedrooms **BEDROOMS LOCATED** in the A basement provided the **SHALL MEET THE** following criteria are met **REQUIREMENTS:**

(1) The bedroom shall have appropriate wall, floor and ceiling coverings such as tile, linoleum, paneling, or dry wall.

(2) The bedroom shall have a protective fire wall between the residents and any furnace.

~~(3) There shall be a minimum of two independent and accessible exits from the basement, each located reasonably remote from the other in such a manner to reduce the possibility that both will be blocked in an emergency situation.~~

§705.6. Bathrooms.

The residential facility shall:

(1) ~~Provide a bathroom containing one sink, one flush toilet and one bathtub or shower for every eight residents~~ **BATHROOMS TO ACCOMMODATE STAFF, RESIDENTS AND OTHER USERS OF THE FACILITY.**

(2) Provide A SINK, a wall mirror, a AN OPERABLE soap dispenser, and either individual paper towels or a mechanical dryer in each bathroom.

~~(3) Provide an adequate supply of hot and cold running water to meet the needs of the residents in each bathroom.~~ **HAVE HOT AND COLD WATER UNDER PRESSURE. HOT WATER TEMPERATURE MAY NOT EXCEED 120° F.**

(4) Provide privacy in toilets by doors, and in showers and bathtubs by partitions, doors or curtains. **THERE SHALL BE SLIP-RESISTANT SURFACES IN ALL BATHTUBS AND SHOWERS.**

(5) Ventilate toilet and wash rooms by exhaust fan or window.

(6) Provide toilet paper at each toilet at all times.

- (7) Maintain each faucet and toilet BATHROOM in a functional, clean and sanitary manner at all times.

§705.7. Kitchens. FOOD SERVICE.

The residential facility:

- (A) A RESIDENTIAL FACILITY SHALL PROVIDE MEALS TO RESIDENTS THROUGH ONSITE FOOD PREPARATION AREAS, A CENTRAL FOOD PREPARATION AREA, OR CONTRACTUAL ARRANGEMENTS WITH VENDORS OR CATERERS.
- (B) A RESIDENTIAL FACILITY MAY OPERATE A CENTRAL FOOD PREPARATION AREA TO PROVIDE FOOD SERVICES TO MULTIPLE FACILITIES OR LOCATIONS. A RESIDENTIAL FACILITY THAT OPERATES AN ONSITE FOOD PREPARATION AREA OR A CENTRAL FOOD PREPARATION AREA SHALL:
- (1) Shall have at least one kitchen HAVE A FOOD PREPARATION AREA with a refrigerator, a sink, a stove, an oven, and adequate cabinet space for storage needs.
 - (2) Shall clean CLEAN and disinfect food preparation areas and appliances following each prepared meal.
 - (3) Shall thoroughly clean CLEAN all eating, drinking and cooking utensils AND ALL FOOD PREPARATION AREAS after each usage and store the utensils in a clean enclosed area.
 - (4) Shall ensure ENSURE that storage areas for foods are cleanable and free of food particles, dust and dirt.
 - (5) Shall properly refrigerate or store in closed or sealed containers which are labeled by content and date of preparation, all prepared food items KEEP COLD FOOD AT OR BELOW 40° F, HOT FOOD AT OR ABOVE 140° F, AND FROZEN FOOD AT OR BELOW 0° F.
 - (6) Shall store STORE all food items off the floor.
 - (7) May not permit PROHIBIT pets in the kitchen and dining area FOOD PREPARATION AREA.

- (8) ~~Shall prohibit~~ **PROHIBIT** ~~smoking in kitchen~~ **FOOD PREPARATION areas.**

§705.8. Heating and cooling.

The residential facility:

- (1) Shall have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65° F in the winter. and WHEN INDOOR TEMPERATUTES EXCEED ~~no more than~~ 90° F, in the ~~summer.~~ MECHANICAL VENTILATION SUCH AS FANS OR AIR CONDITIONING SHALL BE USED.
- (2) May not permit in the facility heaters that are not permanently mounted or installed.

§705.9. General safety and emergency procedures.

The residential facility shall:

- (1) Be free of rodent and insect infestation.
- (2) Require that pets housed in the residential facility are cared for in a safe and sanitary manner.
- (3) Limit smoking to designated smoking areas.
- (4) Provide written procedures for staff and residents to follow in case of an internal or external emergency or disaster. (i) ~~These procedures shall be developed with the assistance of qualified fire and safety personnel.~~ (ii) ~~Procedures shall also~~ WHICH SHALL include provisions for:
- (I) ~~the~~ THE EVACUATION AND transfer of residents and staff to a safe location. ~~within the residential facility for the evacuation of residents and staff when necessary, and for assignments.~~
- (II) ASSIGNMENTS of staff during emergencies.
- (III) THE EVACUATION AND TRANSFER OF RESIDENTS IMPAIRED BY ALCOHOL OR OTHER DRUGS.
- (5) Notify the Department within 48 hours of a fire, other disaster, or situation which affects the continuation of services.

§705.10. Fire safety.

(a) Exits.

(1) The residential facility shall:

(i) Ensure that stairways, hallways and exits from rooms and from the residential facility are unobstructed.

(ii) Maintain at least two independent and accessible exits on every floor, each located remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation
A MINIMUM OF TWO EXITS ON EVERY FLOOR, INCLUDING THE BASEMENT, THAT ARE SEPARATED BY A MINIMUM DISTANCE OF 15 FEET.

(iii) Provide guards to prevent falls from the open sides of stairs, ramps, balconies and stair landings higher than 30 inches above the floor or grade below. **MAINTAIN EACH RAMP, INTERIOR STAIRWAY AND OUTSIDE STEPS EXCEEDING TWO STEPS WITH A WELL-SECURED HANDRAIL AND MAINTAIN EACH PORCH THAT HAS OVER AN 18 INCH DROP WITH A WELL-SECURED RAILING.**

(iv) ~~Provide a hand railing on each stairway.~~

(v)(IV) Clearly indicate exits by the use of signs.

(vi)(V) Light interior exits and stairs at all times.

(2) Portable ladders and rope escapes are not considered exits, but may be used in addition to standard exits.

(b) Smoke detectors and fire alarms. The residential facility shall:

(1) Maintain a minimum of one OPERABLE, automatic smoke detector on each floor, including the basement and attic.

(2) On floors with resident bedrooms, maintain a smoke detection device DETECTOR which shall be located outside the bedrooms WITHIN 15 FEET OF EACH BEDROOM DOOR. On floors with no resident bedrooms, the smoke detection device shall be located in a common area or hallway. All detection devices shall be interconnected.

(3) **REPAIR INOPERABLE SMOKE DETECTORS OR FIRE ALARMS WITHIN 48 HOURS OF THE TIME THE DETECTOR OR ALARM IS FOUND TO BE INOPERATIVE.**

~~(3)~~ (4) Maintain a manual fire alarm system that is audible throughout the facility in a residential facility where four or more residents reside.

~~(4)~~(5) Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories.

(6) **MAINTAIN ALL SMOKE DETECTORS AND FIRE ALARMS SO THAT EACH PERSON WITH A HEARING IMPAIRMENT WILL BE ALERTED IN THE EVENT OF A FIRE, IF ONE OR MORE RESIDENTS OR STAFF PERSONS ARE NOT ABLE TO HEAR THE SMOKE DETECTOR OR FIRE ALARM SYSTEM.**

(c) Fire extinguisher. The residential facility shall:

(1) Maintain a portable fire extinguisher with a minimum of an ABC rating, which shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, the residential facility shall maintain an additional fire extinguisher for each 2,000 square feet or fraction thereof.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen.

(i) This fire extinguisher shall meet the requirement of ~~paragraph (1),~~ for at least one portable fire extinguisher for a 2,000 square foot area.

(ii) ~~A residential facility shall place the fire~~ **THE** extinguisher in the ~~kitchen area~~ **SHALL BE LOCATED** near an exit and away from the cooking area.

(3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. **IF A FIRE EXTINGUISHER IS FOUND TO BE INOPERABLE, IT SHALL BE REPLACED OR REPAIRED WITHIN 48 HOURS OF THE TIME IT WAS FOUND TO BE INOPERABLE.**

(4) Instruct all staff ~~and residents~~ in the use of the fire extinguishers upon ~~resident admission or staff employment.~~ This instruction shall be documented by the ~~residential~~ facility.

(d) Fire drills. The residential facility shall:

- (1) ~~Conduct a fire drill every 60 days. The residential facility shall keep a written record of the date, hypothetical location of the fire, amount of time it took for evacuation, the number of staff and residents participating in the fire drill, and comments regarding special incidents.~~ **UNANNOUNCED FIRE DRILLS AT LEAST ONCE A MONTH.**
- (2) ~~Conduct fire drills at different times of the day and night. Hypothetical locations of the fire shall be different for each drill.~~ **DURING NORMAL STAFFING CONDITIONS.**
- (3) Ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies.
- (4) **MAINTAIN A WRITTEN FIRE DRILL RECORD INCLUDING THE DATE, TIME, THE AMOUNT OF TIME IT TOOK FOR EVACUATION, THE EXIT ROUTE USED, THE NUMBER OF PERSONS IN THE FACILITY AT THE TIME OF THE DRILL, PROBLEMS ENCOUNTERED AND WHETHER THE FIRE ALARM OR SMOKE DETECTOR WAS OPERATIVE.**
- (5) **CONDUCT A FIRE DRILL DURING SLEEPING HOURS AT LEAST EVERY 6 MONTHS.**
- (6) **PREPARE ALTERNATE EXIT ROUTES TO BE USED DURING FIRE DRILLS.**
- (7) **CONDUCT FIRE DRILLS ON DIFFERENT DAYS OF THE WEEK, AT DIFFERENT TIMES OF THE DAY AND NIGHT AND ON DIFFERENT STAFFING SHIFTS.**
- (8) **SET OFF A FIRE ALARM OR SMOKE DETECTOR DURING EACH FIRE DRILL.**
- (9) **PROHIBIT THE USE OF ELEVATORS DURING A FIRE DRILL OR A FIRE.**

§705.11. Child care.

When a residential facility admits children for services or for custodial care, the following requirements apply:

- (1) Building exterior and grounds. The residential facility shall:
 - (i) Fence off or have natural barriers to protect children for FROM all areas determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters or roads.
 - (ii) Provide access to outdoor recreational space and suitable recreational equipment.
- (2) Interior space. The residential facility shall:
 - (i) Provide an interior play area which meets the developmental and recreational needs of the children in care.
 - (ii) Maintain security screens OR SAFETY LOCKS for all OPERABLE windows.
 - (iii) Maintain protective caps over each electrical outlet within reach of small children.
 - (iv) Secure all storage areas where potentially dangerous HAZARDOUS AND POISONOUS substances are kept AND MATERIALS with safety latches or locks.

SUBCHAPTER B. NONRESIDENTIAL SERVICES FACILITIES

§705.21. General requirements for nonresidential treatment facilities.

The nonresidential facility shall:

- (1) **HOLD A LICENSE PURSUANT TO CHAPTER 709 (RELATING TO STANDARDS FOR LICENSURE OF FREESTANDING TREATMENT FACILITIES).**
- ~~(1)~~ (2) Have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.
- ~~(2)~~ (3) Comply with other applicable Federal, State and local laws and ordinances.

§705.22. Building exterior and grounds.

The nonresidential facility shall:

- (1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.
- (2) Keep the grounds of the facility ~~in good condition and shall ensure that the grounds are free from any hazard to health and safety~~ **CLEAN, SAFE, SANITARY AND IN GOOD REPAIR AT ALL TIMES FOR THE SAFETY AND WELL BEING OF CLIENTS, EMPLOYEES AND VISITORS. THE EXTERIOR OF THE BUILDING AND THE BUILDING GROUNDS OR YARD SHALL BE FREE OF HAZARDS.**
- (3) Keep exterior exits, stairs, and walkways lighted at night if in use.
- (4) Store ~~securely~~ all **TRASH** garbage and rubbish in noncombustible, covered containers **THAT PREVENT THE PENETRATION OF INSECTS AND RODENTS**, and ~~remove it on a regular basis, at least once every week.~~

§705.23. Counseling or activity areas and office space.

The nonresidential facility shall:

- (1) Maintain ~~adequate~~ space for both individual and group counseling sessions.
- (2) Maintain counseling areas with ~~comfortable~~ furnishings which are ~~appropriate for the intended purpose and~~ which are in good repair.
- (3) Ensure ~~sufficient~~ privacy so that counseling sessions cannot be seen or heard outside the counseling room. Counseling room walls shall extend from the floor to the ceiling.
- (4) ~~Provide office space, including clerical space, separate and apart from~~ **LOCATE** counseling areas and which shall **IN SUCH A MANNER THAT NOISE DOES not present a distraction DISTURB or interference to INTERFERE WITH counseling SESSIONS.**

§705.24. Bathrooms.

The nonresidential facility shall:

- (1) ~~Provide lavatories which are conveniently located throughout the facility~~
BATHROOMS TO ACCOMMODATE STAFF, CLIENTS AND OTHER USERS OF THE FACILITY.
- (2) ~~Maintain lavatory facilities in a functional, clean and sanitary manner.~~
- (2) **PROVIDE A SINK, A WALL MIRROR, AN OPERABLE SOAP DISPENSER, AND EITHER INDIVIDUAL PAPER TOWELS OR A MECHANICAL DRYER IN EACH BATHROOM.**
- (3) **HAVE HOT AND COLD WATER UNDER PRESSURE. HOT WATER TEMPERATURE MAY NOT EXCEED 120° F.**
- (4) **PROVIDE PRIVACY IN TOILETS BY DOORS.**
- (3) (5) ~~Ventilate toilet and wash rooms~~ **BATHROOMS** by exhaust fan or window.
- (4) (6) Provide toilet paper at each toilet at all times.
- (5) ~~Furnish each bathroom with a sink, wall mirror, a soap dispenser, and either individual paper towels or a mechanical dryer.~~
- (6) ~~Provide privacy in toilets by doors.~~
- (7) **MAINTAIN EACH BATHROOM IN A FUNCTIONAL, CLEAN AND SANITARY MANNER AT ALL TIMES.**

§705.25. Kitchens. FOOD SERVICE.

The nonresidential facility providing meals to clients:

A NONRESIDENTIAL FACILITY MAY PROVIDE MEALS TO CLIENTS THROUGH ONSITE FOOD PREPARATION AREAS, A CENTRAL FOOD PREPARATION AREA, OR CONTRACTUAL ARRANGEMENTS WITH VENDORS OR CATERERS. A NONRESIDENTIAL FACILITY WHICH OPERATES AN ONSITE FOOD PREPARATION AREA OR A CENTRAL FOOD PREPARATION AREA SHALL:

- (1) ~~Shall have at least one kitchen~~
HAVE A FOOD PREPARATION AREA
with a refrigerator, a sink, a stove, an oven, and adequate cabinet space for

storage needs.

- (2) Shall clean CLEAN and disinfect food preparation areas and appliances following each prepared meal.
- (3) Shall thoroughly clean CLEAN all eating, drinking and cooking utensils AND ALL FOOD PREPARATION AREAS after each usage and store the utensils in a clean enclosed area.
- (4) Shall ensure ENSURE that storage areas for foods are cleanable and free of food particles, dust and dirt.
- (5) Shall properly refrigerate or store in closed or sealed containers which are labeled by content and date of preparation, all prepared food items KEEP COLD FOOD AT OR BELOW 40° F, HOT FOOD AT OR ABOVE 140° F, AND FROZEN FOOD AT OR BELOW 0° F.
- (6) Shall store STORE all food items off the floor.
- (7) May not permit PROHIBIT pets in the kitchen FOOD PREPARATION AREA and dining areas.
- (8) Shall prohibit PROHIBIT smoking in kitchen FOOD PREPARATION areas.

§705.26. Heating and cooling.

The nonresidential facility:

- (1) Shall have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65° F in the winter and WHEN INDOOR TEMPERATURES EXCEED no more than 90° F, in the summer MECHANICAL VENTILATION SUCH AS FANS OR AIR CONDITIONING SHALL BE USED.
- (2) May not permit in the nonresidential facility heaters that are not permanently mounted or installed.

§705.27. General safety and emergency procedures.

The nonresidential facility shall:

- (1) Be free of rodent and insect infestation.

- (2) Require that pets which are housed in a nonresidential facility be cared for in a safe and sanitary manner.
- (3) Limit smoking to designated smoking areas.
- (4) Provide written procedures for staff and clients to follow in case of an internal or external emergency or disaster. (i) These procedures shall be developed with the assistance of qualified fire and safety personnel. (ii) Procedures shall also WHICH SHALL include provisions for:
 - (I) the THE evacuation of buildings or for the transfer of clients AND TRANSFER OF CLIENTS and staff to a safe location within the building, and for assignments.
 - (II) ASSIGNMENTS of staff during emergencies.
- (5) Notify the Division of Drug and Alcohol Program Licensure DEPARTMENT within 48 hours of a fire, other disaster or situation which affects the continuation of services.

§705.28. Fire safety.

(a) Exits.

- (1) The nonresidential facility shall:
 - (i) Ensure that stairways, hallways and exits from rooms and from the nonresidential facility are unobstructed.
 - (ii) Maintain at least two independent and accessible exits on every floor, each located remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation A MINIMUM OF TWO EXITS ON EVERY FLOOR, INCLUDING THE BASEMENT, THAT ARE SEPARATED BY A MINIMUM DISTANCE OF 15 FEET.
 - (iii) Clearly indicate exits by the use of signs.
 - (iv) (III) Provide guards to prevent falls from the open sides of stairs, ramps, balconies and stair landings higher than 30 inches above the floor or grade below. MAINTAIN EACH RAMP, INTERIOR STAIRWAY AND OUTSIDE STEPS EXCEEDING TWO STEPS WITH A WELL-SECURED HANDRAIL AND

MAINTAIN EACH PORCH THAT HAS OVER AN 18 INCH DROP WITH A WELL-SECURED RAILING.

~~(v)~~ Provide a hand railing for each stairway.

(IV) CLEARLY INDICATE EXITS BY THE USE OF SIGNS.

~~(vi)~~ (V) Light interior exits and stairs at all times.

(2) Portable ladders and rope escapes are not considered exits, but may be used in addition to standard exits.

(b) Smoke detectors and fire alarms. The nonresidential facility shall:

(1) Maintain a minimum of one OPERABLE automatic smoke detector on each floor, including the basement and attic.

(2) Place the smoke ~~detection device~~ DETECTOR in a common area or hallway. ~~Detection~~ ALL DETECTION devices shall be interconnected.

(3) REPAIR INOPERABLE SMOKE DETECTORS OR FIRE ALARMS WITHIN 48 HOURS OF THE TIME THE DETECTOR OR ALARM IS FOUND TO BE INOPERATIVE.

(4) MAINTAIN A MANUAL FIRE ALARM SYSTEM THAT IS AUDIBLE THROUGHOUT THE FACILITY.

~~(3)~~ (5) Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories.

(c) Fire extinguishers. The nonresidential facility shall:

(1) Maintain a portable fire extinguisher with a minimum of an ABC rating which shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, there shall be an additional fire extinguisher for each 2,000 square feet or fraction thereof.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen.

(i) This fire extinguisher SHALL meet the requirements of one

portable fire extinguisher for a 2,000 square foot area.

- (ii) The extinguisher shall be located near an exit and away from the cooking area.
- (3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. IF A FIRE EXTINGUISHER IS FOUND TO BE INOPERABLE, IT SHALL BE REPLACED OR REPAIRED WITHIN 48 HOURS OF THE TIME IT WAS FOUND TO BE INOPERABLE.
- (4) Instruct the staff in the use of the fire extinguisher upon staff employment. This instruction shall be documented by the facility.
- (d) Fire drills. The nonresidential facility shall:
 - (1) Conduct a fire drill every 60 days. The non-residential facility shall keep a written record of the date, hypothetical location of fire, amount of time it took for evacuation, the number of staff and residents participating in the fire drill and comments regarding special incidents UNANNOUNCED FIRE DRILLS AT LEAST ONCE A MONTH.
 - (2) Conduct fire drills at different times of the day and night. Hypothetical locations of the fire shall be different for each drill DURING NORMAL STAFFING CONDITIONS.
 - (3) Ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies.
 - (4) **MAINTAIN A WRITTEN FIRE DRILL RECORD INCLUDING THE DATE, ITEM, THE AMOUNT OF TIME IT TOOK FOR EVACUATION, THE EXIT ROUTE USED, THE NUMBER OF PERSONS IN THE FACILITY AT THE TIME OF THE DRILL, PROBLEMS ENCOUNTERED AND WHETHER THE FIRE ALARM OR SMOKE DETECTOR WAS OPERATIVE.**
 - (5) **PREPARE ALTERNATE EXIT ROUTES TO BE USED DURING FIRE DRILLS.**
 - (6) **CONDUCT FIRE DRILLS ON DIFFERENT DAYS OF THE WEEK, AT DIFFERENT TIMES OF THE DAY AND ON DIFFERENT STAFFING SHIFTS.**

- (7) SET OFF A FIRE ALARM OR SMOKE DETECTOR DURING EACH FIRE DRILL.
- (8) PROHIBIT THE USE OF ELEVATORS DURING A FIRE DRILL OR A FIRE.

§705.29. Child care.

When a nonresidential facility admits children for services or for custodial care, the following requirements apply:

- (1) Building exterior and grounds. The nonresidential facility shall:
 - (i) Fence off or have natural barriers to protect children ~~for~~ FROM all areas determined to be unsafe including steep grades, open pits, swimming pools, high voltage boosters or roads.
 - (ii) Provide access to outdoor recreational space and suitable recreational equipment.
- (2) Interior space. The nonresidential facility shall:
 - (i) Provide an interior play area which meets the developmental and recreational needs of the children in care.
 - (ii) Maintain security screens OR SAFETY LOCKS for all OPERABLE windows.
 - (iii) Maintain protective caps over each electrical outlet ~~within reach of small children.~~
 - (iv) Secure all storage areas where any potentially dangerous HAZARDOUS AND POISONOUS substances are kept AND MATERIALS with safety latches or locks.

* * *

Chapter 709. STANDARDS FOR LICENSURE OF FREESTANDING TREATMENT FACILITIES.

Subchapter C. GENERAL STANDARDS FOR FREESTANDING TREATMENT ACTIVITIES.

* * *

§709.27. [Physical plant.] (Reserved).

[The project shall have provisions for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) Fire drills.
- (7) General maintenance.
- (8) Food service areas, if applicable.
- (9) Disaster plan.
- (10) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (11) Compliance with applicable local ordinances and regulations.]

**Subchapter G. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES –
TRANSPORTATION LIVING FACILITIES (TLFs)**

* * *

§709.74. [Physical plant.] (Reserved).

[The transitional living facilities need not comply with §709.27 (relating to physical plants), but shall make provisions for activity areas.]

* * *

**Chapter 711. STANDARDS FOR CERTIFICATION OF TREATMENT ACTIVITIES
WHICH ARE A PART OF A HEALTH CARE FACILITY**

**Subchapter C. STANDARDS FOR CERTIFICATION OF TREATMENT ACTIVITIES
WHICH ARE A PART OF A HEALTH CARE FACILITY**

* * *

§711.45. [Physical plant.] (Reserved).

[When the project is not physically located with a health care facility, it shall be site visited annually for the following requirements:

- (1) Interview areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.

- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (8) Compliance with applicable local ordinances and regulations.]

Subchapter D. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES – RESIDENTIAL TREATMENT AND REHABILITATION

* * *

§ 711.57. [Physical plant.] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with applicable local ordinances and regulations.]

Subchapter E. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES – SHORT-TERM DETOXIFICATION

* * *

§ 711.67. [Physical plant.] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its

- equivalent.
- (9) Compliance with applicable local ordinances and regulations.]

**Subchapter F. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES –
TRANSITIONAL LICENSING FACILITIES (TLFs)**

* * *

§ 711.77. [Physical plant.] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with applicable local ordinances and regulations.]

Subchapter G. STANDARDS FOR PARTIAL HOSPITALIZATION ACTIVITIES

* * *

§ 711.88. [Physical plant.] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with applicable local ordinances and regulations.]

* * *

Chapter 713. STANDARDS FOR APPROVAL OF PREVENTION AND INTERVENTION ACTIVITIES

Subchapter C. GENERIC STANDARDS FOR PREVENTION AND INTERVENTION ACTIVITIES

* * *

§713.27. [Physical plant.] (Reserved).

[The project shall have provisions for the following requirements: . . .

- (1) Activity or counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) Disaster plan.
- (7) General maintenance.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with applicable local ordinances and regulations.]

Commonwealth of Pennsylvania



DEPARTMENT OF HEALTH

HARRISBURG

ROBERT S. ZIMMERMAN, JR., MPH
SECRETARY OF HEALTH

November 13, 2001

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17101

Re: Department of Health – Final Regulations No. 10-154
Physical Plant Regulations for Residential and Non Residential Treatment
Activities

Dear Mr. Nyce:

Enclosed is a copy of revisions to the withdrawn final form regulations for review by the Independent Regulatory Review Commission (IRRC) pursuant to the Regulatory Review Act (71 P.S. §§745.1-745.15).

The Department tolled the regulations on September 13, 2001, during the review period of the Standing Committees, in order to consider revisions recommended by IRRC. IRRC did not object to tolling. The Department submitted revisions to the Committees and to IRRC for their review of October 15, 2001. Concerns remained and on October 29, 2001, the Department withdrew the final-form regulations. The Department is now re-submitting for review the final-form regulations with revisions which address the outstanding concerns of the Committees and IRRC. For your convenience, we are submitting the pages of the preamble and regulations that contain revisions with those revisions highlighted, in addition to the entire revised text of the preamble and regulations.

Pursuant to the Act, the Committees shall have a 20-day review period. Also, IRRC shall have 10 days after the expiration of the Committee review period or until its next regularly scheduled meeting, whichever is longer, to review the final-form regulations with revisions. If the Committees or IRRC fail to disapprove the final-form regulations with revisions during their respective review periods, the regulations are deemed approved.

The Department will also provide the IRRC with any assistance it requires to facilitate a thorough review of the regulations. If you have any questions, please contact Deborah Griffiths, Director of the Office of Legislative Affairs, at (717) 783-3985.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Zimmerman, Jr.", written in a cursive style.

Robert S. Zimmerman, Jr.
Secretary of Health

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 10-154
 SUBJECT: Drug and Alcohol Facilities and Services
 AGENCY: Department of Health

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
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 INDEPENDENT REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
11/14	<u>Lila Burris</u>	HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES
11/14	<u>[Signature]</u>	
11/14	<u>Debbie Estar</u>	SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE
11/14	<u>C. Weikel</u>	
11/14	<u>E. Pagan</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU