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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 6, 2001

Honorable Robert S. Zimmerman, Jr., Secretary
Department of Health
802 Health and Welfare Building
Harrisburg, PA 17108

Re: Regulation #10-154 (IRRC #2075)
Department of Health
Drug and Alcohol Facilities and Services

Dear Secretary Zimmerman:

The Independent Regulatory Review Commission approved your regulation on December 6, 2001. Our Order is enclosed and is available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Alvin C. Bush
Vice Chairman

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Enclosure

cc: Honorable Dennis M. O'Brien, Majority Chairman, House Health and Human Services Committee
Honorable Frank L. Oliver, Democratic Chairman, House Health and Human Services Committee
Honorable Harold F. Mowery, Jr., Chairman, Senate Public Health and Welfare Committee
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee
Nia Wilson, Legal Counsel, House Health and Human Services Committee
Stanley Mitchell, Chief Counsel, House Health and Human Services Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held December 6, 2001

Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
Robert J. Harbison, III
John F. Mizner, by Phone

Regulation No. 10-154
Department of Health
Drug and Alcohol Facilities and Services

On November 1, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 701; deletes portions of Chapters 709, 711 and 713; and adds Chapter 705. The proposed regulation was published in the November 13, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was originally submitted to the Commission on August 24, 2001. On September 13, 2001, the Commission received a request from the Department to toll consideration of this final-form regulation to make clarifications and corrections to seven provisions. On October 15, 2001, the Department submitted its revisions to the final-form regulation to the Commission. On October 23, 2001, the revised final-form regulation was disapproved by both the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In response, the Department withdrew the final-form regulation on October 29, 2001. The Department made further revisions and resubmitted the final-form regulation on November 14, 2001.

This regulation replaces existing physical plant requirements for residential and nonresidential drug and alcohol treatment and rehabilitation facilities with requirements that are consistent with current health, safety, and fire and panic code requirements.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. §§ 751-25, 751-31, 1690.104(a)(16) and 1690.104(j)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Alvin C. Bush, Vice Chairman