

Regulatory Analysis Form		This space for use by IRRC 2001 APR 11 PM 2:08 REVIEW COMMISSION IRRC Number: # 2186
(1) Agency Department of Health		
(2) I.D. Number (Governor's Office Use) 10-164		
(3) Short Title Drug and Alcohol Facilities and Services-Standards for Approval of Prevention and Intervention Activities		
(4) PA Code Cite 4 Pa. Code §§259.1 and 259.2. 28 Pa. Code §§701.1 (in part)-701.13, 713.1-713.5, 713.11- 713.18, 713.21-713.29 and 713.41-713.43	(5) Agency Contacts & Telephone Numbers Primary Contact: John C. Hair, Director Bureau of Community Program Licensure & Certification (717) 783-8665 Secondary Contact: Cheryl D. Williams, Director Division of Drug & Alcohol Program Licensure (717) 783-8675	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and non-technical language. The regulations to be rescinded are Standards for Approval of Prevention and Intervention Activities, along with their accompanying definitions.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The Department is proposing to rescind regulations which were promulgated under the authority of Articles IX and X of the Public Welfare Code (62 P.S. §§901-1059), as transferred to the Department by Reorganization Plans No. 2 of 1977 (71 P.S. §751-25) and No. 4 of 1981 (71 P.S. §751-31) and the Pennsylvania Drug and Alcohol Control Act (71 P.S. §1690.101 <u>et seq.</u>		

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(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.

No

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

The Department is proposing to rescind these regulations because the delivery of prevention services has changed significantly over the past several years. In order to better address the needs of the substance abuse prevention services delivery system and maximize existing resources, it will be necessary to eliminate the current regulatory process relating to prevention activities. This rescission will produce two beneficial results.

First, the rescission will reduce the overload on program licensure survey staff resources and enable the Department to focus attention on oversight where it is most needed, that is oversight of facilities which provide drug and alcohol abuse treatment.

Second, the rescission will provide the Bureau of Drug and Alcohol Programs (BDAP), the Bureau which formulates prevention policy, oversees prevention services implementation and provides funding for prevention, the freedom to shape and adapt to the continual change in the prevention services area. It will allow BDAP, through contracts with local single county authorities, to implement new prevention programs as they are developed, including the current six federal strategies of prevention. Further, because prevention methods are constantly being improved, and many necessary services do not even fit within the current definition of prevention activities, rescission will allow the Department to include a much broader array of entities and providers into the service delivery and funding structure who would otherwise be excluded because of the narrow and antiquated regulatory definition.

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

None.

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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.)

The general public will benefit in that limited public resources used for licensing and enforcement will be used more efficiently. Further, prevention funding can be expanded to include innovative programs and grassroots organization which are able to offer beneficial treatment programs but which would have been previously excluded from licensing and funding because of narrow and out-dated regulations. Approximately 156 approved prevention facilities will no longer be required to incur expenses associated with complying with regulatory standards.

(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.)

No one will be adversely affected.

(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.)

None.

(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.

In May of 1998, the Pa. Department of Health's Bureau of Drug and Alcohol Programs convened a workgroup of stakeholders including two prevention associations, The Pennsylvania Association of County Drug and Alcohol Administrators (PACDAA) and The Pennsylvania Chemical Abuse Certification Board (PCACB), along with the Department's Division of Drug and Alcohol Program Licensure to develop an alternative to the current prevention approval process in preparation for the rescission of these regulations. The group met monthly and completed the project in April, 2000.

(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.

Cost savings may be realized by the regulated community because expenses incurred in complying with regulations can be eliminated. No other legal, accounting or consulting procedures will be required.

(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.

None

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

The proposed rescission will permit the Department staff and other resources to be directed toward the oversight of facilities providing substance abuse treatment services. The result will allow for more efficient regulatory oversight of the substance abuse treatment delivery system, thus ensuring safer and more effective substance abuse treatment

(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.

Not Measurable.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

N/A

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

N/A

Program	FY - 3	FY - 2	FY - 1	Current FY

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

Benefits have been described above. With no costs associated with this rescission, benefits outweigh the costs.

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

None.

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

None.

(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.

Not Applicable.

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

No competitive disadvantages will result. Comparison to other states is not applicable.

(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.

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

No.

(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.

Yes. The Department of Health, Division of Drug and Alcohol Program Licensure will no longer be required to complete annual licensing visit reports and other paperwork on the activities being removed from regulation. Hence, those reporting forms will be eliminated.

(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.

None.

(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?

The expected effective date of the rescission will be upon publication as final-form regulation in the Pennsylvania Bulletin. All licenses and certificates of approval will expire at that time.

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

None

Repeal Analysis Form

Agency Department of Health	This space for use by IRRC IRRC Number <u>2184</u> Date received
(2) I.D. Number (Governor's Office Use) 10-164	
(3) Short Title Drug and Alcohol Abuse Prevention Activities Approval	
(4) PA Code Cite 4 Pa. Code, in part and 28 Pa. Code, in part	(5) Agency Contact and Telephone Number: John C. Hair, Director Bureau of Community Program Licensure and Certification (717) 783-8665
(6) Type (check one) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input type="checkbox"/> Yes: By the Governor <input type="checkbox"/> Yes: By the Attorney General <input checked="" type="checkbox"/> No
(8) Briefly explain in clear and non-technical language the regulation: The regulations to be rescinded are standards for the approval of drug and alcohol abuse prevention activities.	
(9) Briefly explain why this regulation is proposed for repeal: The activities do not provide treatment to clients. These services provide information and other services related to prevention and cessation of drug and alcohol use and abuse. These activities are more appropriately controlled through contract with local governments and entities which subcontract for the services according to local needs and requirements. The Department's resources will be more efficiently directed to monitoring activities where treatment actually occurs.	
(10) Please list the proposed schedule for repeal noting any public comment periods: Publication of the proposed rescission shall be in the <u>Pennsylvania Bulletin</u> providing for a 30-day public comment period. The Department will then proceed to have the rescission approved in final form. The rescission is to be effective immediately upon publication of the final form regulation in the <u>Pennsylvania Bulletin</u> .	
(11) State any costs and/or savings associated with the repeal: No additional costs will be incurred. A savings of resources will occur in that licensing personnel will no longer be required to survey these activities, thus being able to more efficiently survey drug and alcohol treatment facilities.	

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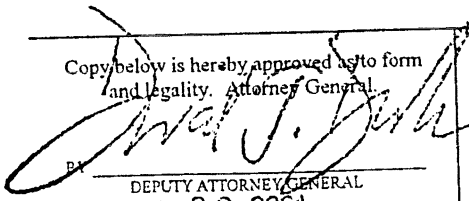
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BY DEPUTY ATTORNEY GENERAL

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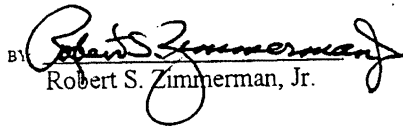
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(AGENCY)

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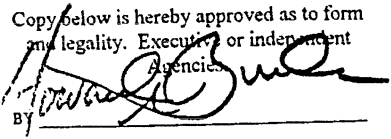
DATE OF ADOPTION:

BY 
Robert S. Zimmerman, Jr.

TITLE: Secretary of Health

Check if applicable. Copy not approved. Objections attached.

Copy below is hereby approved as to form and legality. Executive or independent Agencies



BY

9/1/00

DATE OF APPROVAL

(Deputy General Counsel)
(~~Chief Counsel, Independent Agency~~)
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

DEPARTMENT OF HEALTH
PROPOSED RULEMAKING

[4 Pa. Code Part XI]
Governor's Council on Drug and Alcohol Abuse

[28 Pa. Code Part V]
Drug and Alcohol Facilities and Services

Notice is hereby given that the Department of Health (Department) proposes to rescind Title 4, in part, and Title 28, Part V, in part, of the Pennsylvania Code under the authority of the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P.S. §1690.101 et seq., Reorganization Plan No. 2 of 1977, 71 P.S. §751-25, and Reorganization Plan No. 4 of 1981, 71 P.S. §751-31. The portions being rescinded include the regulations relating to prevention activities in Title 4 and regulations relating to education, information and alternative activities in Title 28, as set forth in Annex A hereto. The regulations being repealed pertain to standards for approval of drug and alcohol abuse prevention and intervention activities. These activities are generically referred to as prevention activities.

A. **PURPOSE OF THE REGULATION**

The purpose of the rescission is to delete the regulations relating to approval of prevention and intervention activities. A key benefit of the rescission is that Department staff and other limited resources will no longer need to review prevention and intervention activities and, therefore, may be directed toward oversight of entities providing substance abuse treatment services. This rescission will increase the efficiency of the Division of Drug and Alcohol Program Licensure and allow for better regulatory oversight of the substance abuse treatment delivery system. It will also result in the redirection of state government efforts from general prevention activities to specific treatment activities to ensure the safe and effective delivery of substance abuse treatment services.

The Department is proposing to rescind these regulations because regulation of the substance abuse service delivery system has changed significantly over the past few years. More changes are predicted in the coming years based on current plans to change the health care delivery system at both the state and federal levels. Even now, much is being done in the field of substance abuse prevention which does not fit within the current definitions of prevention activities, and hence, are not regulated, but yet which are completely appropriate and relevant prevention activities. Further, much of what is defined and regulated is no longer being conducted due to the evolving nature of drug and alcohol abuse prevention services.

To better address the needs of the substance abuse service delivery system and maximize existing resources, it is necessary to modify regulatory oversight and cease the approval of prevention activities. This elimination will reduce the overload on survey staff resources and enable the Department to focus its attention on the oversight of activities which actually provide treatment to the substance abusing client.

The activities that the Department will cease approving do not provide treatment to clients. The Department's resources will be better used by focusing on activities by which specific substance abuse treatment services are being provided. Prevention activities and services

generally provide to the general population and special high risk groups only information regarding the nature and extent of alcohol and other drug abuse and addictions and their effects on individuals, families and communities. Currently, the Department approves approximately 100 prevention activities.

B. REQUIREMENTS OF THE REGULATIONS

The following provisions would be repealed:

- A. Title 4, Administration, Part XI, Governor's Council on Drug and Alcohol Abuse, Chapter 259.

Sections 259.1 and 259.2 would be repealed. These sections deal with the prevention activities in Title 28 which would be repealed.

- B. Title 28, Health and Safety, Part V, Drug and Alcohol Facilities and Services, Chapters 701 (in part) and 713.

The definitions relating to prevention activities in Section 701 would be repealed. Chapter 713, relating to standards for approval of prevention and intervention activities, would be repealed.

C. AFFECTED PERSONS

The rescission will become effective upon publication of final rulemaking. At that time, there will no longer be any regulations governing the activities to which the repealed regulations applied. Thus, approvals for prevention activities addressed in the affected regulations will expire at the time of the publication of these regulations in final-form. Further, no new prevention activities will be approved as of the effective date of the final rescission of the regulations. The lack of any Department approval, however, will not prohibit the continuation of these activities. They will merely no longer be licensed or approved by the Department.

D. FISCAL IMPACT

The rescission of the standards for approval of drug and alcohol abuse prevention and intervention activities will have no measurable fiscal impact on the Commonwealth, local government, the private sector, or the general public.

E. COST AND PAPERWORK ESTIMATE

There will be neither additional costs nor additional paperwork to the Commonwealth, local governments or the private sector resulting from the rescission of these regulations.

F. EFFECTIVE DATE/SUNSET DATE

The repeal of the relevant portions of Title 4 and of Title 28 will be effective upon final publication in the Pennsylvania Bulletin. No sunset date is necessary.

G. STATUTORY AUTHORITY

The Department was authorized by the General Assembly pursuant to Reorganization Plan No. 2 of 1977, 71 P.S. §751-25, Reorganization Plan No. 4 of 1981, 71 P.S. §751-31, and amendments to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P.S. §1690 et seq. (Act 63), to assume the functions and responsibilities of the Governor's Council on Drug and Alcohol Abuse (Council). The Council's authority to regulate and promulgate rules and regulations was transferred to the Department through those reorganization plans. See Reorganization Plan No. 2 of 1977, 71 P.S. §751-25 (transferring duties under the Public Welfare Code with regard to regulation, supervision, and licensing of drug and alcohol facilities to the Council), Reorganization Plan No. 4 of 1981, 71 P.S. §751-31 (transferring the functions of the Council to the Department and establishing the Council as an advisory council) and the 1985 Amendments to Act 63, 71 P.S. §1690.101 et seq., as amended by Act of Dec. 20, 1985, P.L. 529, No. 119, (amending Act 63 to reference the Pennsylvania Advisory Council on Drug and Alcohol Abuse (Advisory Council)).

H. REGULATORY REVIEW

Under Section 5(a) of the Regulatory Review Act, 71 P.S. §745.1 et seq., the Department submitted a copy of the proposed regulations on April 11, 2001 to the Independent Regulatory Review Commission and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed regulations, the Department has provided the Commission 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 of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed regulations, it will notify the Department by June 21, 2001. Such notification shall specify the regulatory review criteria which have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor, of objections raised.

I. CONTACT PERSON

Interested persons are invited to submit all questions, comments, suggestions or objections in writing regarding the repeal of the regulations to John C. Hair, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, within 30 days after publication of this notice in the Pennsylvania

Bulletin. Persons with a disability who wish to submit questions regarding the proposed regulations may do so by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800-654-5984[TT]). Persons who require an alternative format of this document may contact Mr. Hair so that necessary arrangements may be made.

ANNEX A

DEPARTMENT OF HEALTH

TITLE 4 – ADMINISTRATION

PART XI. GOVERNOR'S COUNCIL ON DRUG AND ALCOHOL ABUSE

CHAPTER 259. [PREVENTION AND TRAINING] (Reserved).

§259.1. [Prevention.] (Reserved).

[(a) *Statement of policy.* The policy relating to prevention and training shall be as follows:

- (1) In order to prevent new incidence and decrease the prevalence of drug and alcohol abuse, the Council is committed to prevention efforts which shall include school-based and community-based programs.
- (2) The major components of prevention programs which the Council endorses shall include life skill building processes, information dissemination and the utilization of activities which act as alternatives to the use of drugs.
- (3) Prevention approaches which are generic to ameliorating the causes of destructive behaviors should be jointly funded with other agencies at all levels of service delivery where feasible.

(b) *Functions.* The Council or its contractors shall perform the following:

- (1) Design and develop approaches for drug and alcohol abuse prevention.
- (2) Evaluate drug and alcohol abuse prevention approaches.
- (3) Provide technical assistance to and coordinate the prevention efforts of the SCAs and other prevention organizations.
- (4) Recommend innovative and effective established prevention strategies.
- (5) Prepare and develop curriculum materials and audio-visual aids.
- (6) Coordinate collection and availability of resource materials.]

§259.2. [Training.] (Reserved).

[(a) *Statement of policy.* In order to provide quality drug and alcohol prevention, intervention, and treatment services, the Council shall establish a comprehensive statewide drug and alcohol training system. The Council shall use local resources for training whenever possible and

shall use existing training projects when available rather than creating new projects. The Council shall establish competency-based training programs.

(b) *Functions.* The Council shall perform the following functions:

(1) *Prevention training.* The Council or its contractors shall:

- (i) Train school, community and program personnel, on a limited basis, in the application of effective prevention approaches.
- (ii) Provide in-service professional skills training for prevention specialists working in school and community-based prevention projects.
- (iii) Develop and disseminate materials for training.
- (iv) Develop standards for prevention trainers.
- (v) Provide for the evaluation of prevention training materials and training.

(2) *Intervention and treatment training.* The Council or its contractors shall:

- (i) Provide in-service professional skills training for personnel working in the drug and alcohol field.
- (ii) Provide orientation and training for personnel working in drug and alcohol related fields on a limited basis.
- (iii) Develop and disseminate materials for training.
- (iv) Develop standards for intervention and treatment trainers.
- (v) Provide for the evaluation of intervention and treatment training materials and training.]

TITLE 28 - HEALTH AND SAFETY

PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

CHAPTER 701. GENERAL DEFINITIONS

Subchapter A. Definitions

§701.1. General definitions.

[*Alternative activity* – The provision of work-oriented, recreational and other experiences to fill the physical, emotional, social, and spiritual needs of the individual, family, and community.]

[*Certificate of approval* – A certificate which indicates that the Department has found a prevention/intervention activity to be in full or substantial compliance with standards established under this part.]

[*Education/information activity* – The provision of activities and factual data aimed at the development of decision-making skills, goal setting, values awareness and clarification, personal motivation, meaning and purpose, and development of communication and interpersonal skills to increase knowledge and understanding about drugs and alcohol and their effect.]

[*Prevention level* – Planned strategies designed to preclude or reduce those uses of drugs and alcohol which have a negative impact on the individual, the family, and the larger society. Negative impact includes the physical, mental, or social consequences which result in the reduction of optimum functioning at home, in school, at work, or in the community. Research and experience have shown that an approach to prevention which promotes positive behaviors is defined as that which includes increased self-understanding, improved interpersonal and human relations skills, enhanced ability to relate to social institutions, and effective coping behaviors to deal with stress. Prevention activities are targeted at the total population with emphasis on delivery of those services prior to the manifestation of inappropriate behaviors. Prevention activities can be delivered through schools, media, family or community agencies, and groups.]

§701.13. [Contact person.] (Reserved).

Questions concerning this part should be directed to the Office of Policy and Planning, Office of Drug and Alcohol Programs, Department of Health, Health and Welfare Building, Harrisburg, Pennsylvania 17120.]

CHAPTER 713. [STANDARDS FOR APPROVAL OF PREVENTION AND INTERVENTION ACTIVITIES] (Reserved).

Subchapter A. [General Provisions.] (Reserved).

§713.1. [Scope.] (Reserved).

- (a) This chapter established the procedures of the issuance of a certificate of approval to drug and alcohol prevention and intervention facilities.
- (b) This chapter also established the standards by activity for project approval under the act for drug and alcohol prevention and intervention facilities.]

§713.2. [Policy.] (Reserved).

[Persons, partnerships, corporations, or other legal entities intending to provide drug and alcohol prevention or intervention services, utilizing paid staff, shall be approved by the Department.]

§713.3. [Legal base.] (Reserved).

[The authority of the Department to approve drug and alcohol prevention and intervention activities is established under the act.]

§713.4. [Exceptions.] (Reserved).

- (a) The Department may grant exceptions or extensions of time to this part when the policy objectives of this part are met, but no exception will be granted which contravenes the authorizing statute.
- (b) The project director shall submit a written request for an exception which shall include the approval of the governing body.
- (c) Exceptions may not be granted for a situation in which a provisional certificate of approval would be appropriate.]

§713.5. [Revocation of exceptions.] (Reserved).

- [(a) An exception granted under this chapter may be revoked by the Department. Notice of revocation will be in writing and will include the reason for the action of the Department and a specific date upon which the exception will be terminated.
- (b) In revoking an exception, the Department will provide for a reasonable time between the date of written notice of revocation and the date of termination of an exception for the project to come into compliance with this part.
- (c) If a project wishes to request a reconsideration of a denial or revocation of an exception, it shall do so in writing to the Department within 30 days of receipt of the adverse notification.]

Subchapter B. [Approval procedures] (Reserved).

§713.11. [Application for approval.] (Reserved).

- [(a) Persons, partnerships, corporations, or other legal entities intending to provide drug and alcohol prevention or intervention services, shall apply for a certificate of approval from the Department. Application shall be made using forms and procedures prescribed by the Department.
- (b) The certificate shall expire 1 year from the date of issuance. Prior to the expiration of the current certificate, the Department shall notify the project of the dates for an annual on-site inspection for renewal of certificate of approval.
- (c) The Department will notify the appropriate SCA of applications for and issuance of a certificate of approval to a facility or individual within the SCA's area of responsibility.]

§713.12. [Full certificate of approval.] (Reserved).

- [(a) A certificate of approval shall be issued when, after an on-site inspection by an authorized representative of the Department, it has been determined that requirements for a certificate of approval under this part, have been met.
- (b) A certificate of approval shall indicate the name of the facility or individual, the address, the date of issuance and the types of activities authorized.
- (c) The current certificate of approval shall be displayed in a public and conspicuous place where authorized services are being provided.]

§713.13. [Provisional certificate of approval.] (Reserved).

- [(a) The Department will issue a provisional certificate, valid for a specific time period of no more than 6 months, when a facility or individual:
 - (1) Has substantially, but not completely, complied with applicable requirements for a certificate of approval.
 - (2) Is complying with a course of correction approved by the Department.
 - (3) Has existing deficiencies that will not adversely alter the health, welfare or safety of the facility's clients.
- (b) Within 15 working days of receipt of the deficiency report, a facility or individual shall submit a plan to correct deficiencies noted during the site visits.
- (c) A provisional certificate of approval may be renewed no more than three times.
- (d) Upon compliance with this part, a regular certificate of approval will be issued.]

§713.14. [Restrictions on certificate of approval.] (Reserved).

- [(a) A certificate of approval applies only to the person, the named facility, the premises designated therein and the activities noted, and is not transferable.
- (b) Utilizing appropriate Department forms, the holder of a certificate of approval shall notify the Department within 90 days of the occurrence of any of the following conditions:
 - (1) Change in ownership.
 - (2) Change in name of the facility.
 - (3) Change in location of the facility.
 - (4) Change in activity.
 - (5) Change in authorized maximum capacity.
 - (6) Closing of facility.
- (c) Failure to notify the Department under subsection (b) will result in automatic expiration of the certificate.]

§713.15. [Right to enter and inspect.] (Reserved).

- [(a) For the purpose of determining continuing conformity of the holder of a certificate of approval to this title, an authorized representative of the Department has a right to enter, visit and inspect a facility approved or applying for a certificate of approval under this chapter.
- (b) the authorized Department representative shall have full and free access to the records of the facility and its clients.
- (c) The authorized Department representative has the right to interview clients as part of the visitation and inspection process.]

§713.16. [Notification of deficiencies.] (Reserved).

- [(a) The authorized Department representative shall leave appropriate Department forms with the facility director to address areas of noncompliance with this part.
- (b) These forms shall be completed and submitted to the Division of Licensing within 15 working days after the site visit.
- (c) No approval may be issued until a plan of action has been approved by the Department.]

§713.17. [Refusal or revocation of certificate.] (Reserved).

- [(a) The Department may revoke or refuse to issue a certificate of approval for any of the following reasons:
 - (1) Failure to comply with a directive issued by the Department.
 - (2) Violation of, or noncompliance with, this chapter.
 - (3) Failure to comply with a plan of correction approved by the Department, unless the Department approves an extension or modification of the plan of correction.
 - (4) Gross incompetence, negligence or misconduct in the operation of the facility.
 - (5) Fraud, deceit, misrepresentation or bribery in obtaining or attempting to obtain a certificate of approval.
 - (6) Lending, borrowing or using the certificate of approval of another facility or individual.
 - (7) Knowingly aiding or abetting the improper granting of a certificate of approval.
 - (8) Mistreating or abusing individuals cared for or treated by the facility or individual.
 - (9) Continued noncompliance in disregard of this part.
 - (10) Operating a facility that, by nature of its physical condition, endangers the health and safety of the public.

- (b) If the Department proposed to revoke or refuse to issue a certificate of approval, it will give written notice to the facility by certified mail, stating the following:
 - (1) The reasons for the proposed action.
 - (2) The specific time period for the facility or individual to correct deficiencies.
- (c) If the facility does not correct the deficiencies within the specified time, the Department will officially notify the holder of the certificate of approval that it shall show cause why its certificate of approval should not be revoked under 1 Pa. Code §35.14 (relating to orders to show cause), and that it has a right to a hearing authorized by the Department on this question. A request to the Department for a hearing shall be filed, in writing, within 30 days of receipt of the show cause order.
- (d) Subsection (c) supplements 1 Pa. Code §35.14.]

§713.18. [Hearings.] (Reserved).

- [(a) The Department will convene and conduct a show cause hearing for a facility under 1 Pa. Code §35.37 (relating to answers to orders to show cause) and this chapter.
- (b) An administrative hearing held under this section shall be conducted under 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).
- (c) The Department may institute appropriate legal proceedings to enforce compliance with this chapter.
- (d) This section supplements 1 Pa. Code Part II.]

Subchapter C. [General standards for prevention and intervention activities.] (Reserved).

§713.21. [Applicability.] (Reserved).

[The education/information and alternative activities, drop-in centers and hotline activities shall comply with this subchapter as well as with the subchapters defining an activity's specific standards.]

§713.22. [Governing body.] (Reserved).

- [(a) A project shall have a governing body, and legal responsibility for the project rests in the governing body.
- (b) If a project is publicly funded, not more than one staff member of the project may sit on the board at a designated time.
- (c) If the governing body consists of a board, the board shall adopt written policies which shall include, but not be limited to:
 - (1) A method of selection for membership.
 - (2) Qualifications for membership.
 - (3) Criteria for continued membership.
 - (4) Frequency of meetings.
- (d) The duties of the governing body include, but are not limited to, the following:
 - (1) Selecting a project director as the person officially responsible to the governing body.
 - (2) Identifying the project's purpose and philosophy.
 - (3) Describing the project's organizational structure.
- (e) If the facility or individual is publicly funded, the governing body shall make available to the public an annual report which shall include, but not be limited to:
 - (1) Activities and accomplishments of the preceding year.
 - (2) A financial statement of income and expenses.
 - (3) A statement disclosing the names of officers, directors and principal shareholders, where applicable.]

§713.23. [Project director.] (Reserved).

- [(a) The project director shall prepare and annually update a written manual delineating project policies and procedures.
- (b) The project director shall assist the governing body in formulating policy and shall present the following to the governing body at least annually:
 - (1) Project goals and objectives which include time frames and available resources.
 - (2) Written reports of project operations.
 - (3) Performance report summarizing the progress towards meeting goals and objectives.]

§713.24. [Services management.] (Reserved).

- [(a) The governing body shall adopt a written plan for the coordination of services which includes, but is not limited to:
 - (1) Prevention and intervention strategies and approaches utilized by the project.
 - (2) Written procedures for referral outlining cooperation with other service providers.
- (b) The project shall obtain written letters of agreement or understanding with primary referral sources.
- (c) The project shall maintain a current community resource listing of other health and social service agencies.]

§713.25. [Fiscal management.] (Reserved).

[The project shall obtain the services of an independent public accountant for an annual audit of financial activities associated with the project's drug/alcohol abuse services.]

§713.26. [Personnel management.] (Reserved).

- [(a) The governing body shall adopt and have implemented written project personnel policies and procedures which include, but are not limited to:
 - (1) Recruitment, selection, promotion and termination of staff.
 - (2) Utilization of volunteers.
 - (3) Wage and salary administration.
 - (4) Employee benefits.
 - (5) Working hours.
 - (6) Vacation and sick leave.
 - (7) Rules of conduct.
 - (8) Disciplinary actions.
 - (9) Supervision of staff.
 - (10) Work performance evaluations.
 - (11) Employee accidents and safety.
 - (12) Employee grievances.
- (b) The governing body shall adopt a written policy to implement and coordinate personnel management, which includes, but is not limited to:
 - (1) Confidential maintenance of personnel records.
 - (2) The dissemination of employment information to project staff.
 - (3) The orientation of new employees.
 - (4) The implementation of Federal, State and local statutes concerning fair employment practices.

- (c) The project director shall develop written policies and procedures to provide for ongoing staff training and staff evaluation. Documentation shall include, but not be limited to:
 - (1) An assessment of staff training needs.
 - (2) Plans for addressing these needs.
 - (3) A mechanism to collect feedback on training completed.
 - (4) An annual evaluation of the overall training program.

- (d) The personnel records shall include, but are not limited to:
 - (1) The application for employment.
 - (2) The results of reference investigation.
 - (3) The verification of training, experience and professional licensure, or registration, where applicable.
 - (4) Salary information.
 - (5) Work performance evaluation including the following:
 - (i) Individual staff performance shall be evaluated at least annually.
 - (ii) The individual shall be informed, by written copy, of their annual evaluation.
 - (6) Disciplinary actions.

- (e) The project director shall develop written policies on employee rights and demonstrate the project's efforts toward informing staff of the following:
 - (1) The employee's right to inspect his own records.
 - (2) The employee's right to request the correction or removal of inaccurate, irrelevant, outdated or incomplete information from the records.
 - (3) The employee's right to submit rebuttal data or memoranda to his own records.

- (f) There shall be written job descriptions for project positions which include, but are not limited to:
 - (1) Job title.
 - (2) Tasks and responsibilities of the job.
 - (3) The requisite skills, knowledge and experience.]

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

[The project shall have provisions for the following requirements:

- (1) Activity or counseling area.
- (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 local ordinances or regulations.]

§713.28. [Client rights.] (Reserved).

[The project shall develop policies and procedures which will prohibit discrimination in the provision of services on the basis of age, race, creed, sex, ethnicity, color, national origin, marital status, sexual orientation, handicap or religion.]

§713.29. [Uniform Data Collection System.] (Reserved).

- [(a) If a project utilized Department funds, it shall comply with the Department's UDCS.
- (b) A data collection and record keeping system shall be developed that allows for the efficient retrieval of data needed to measure the project's performance in relationship to its stated goals and objectives.]

Subchapter D. [STANDARDS FOR EDUCATION/INFORMATION AND ALTERNATE ACTIVITIES] (Reserved).

§713.41. [Project management activities.] (Reserved).

- (a) A prevention project shall provide written documentation of a needs assessment process.
- (b) Target populations shall be clearly defined, as indicated by the needs assessment.
- (c) A prevention project shall have written goals and objectives that are consistent with the Department's definition of prevention.
- (d) A prevention project shall provide written documentation of interagency coordination which shall include, but not be limited to, the following:
 - (1) Ongoing communication between projects or joint meetings of staff to share financial and general resources, or both.
 - (2) Cooperative programming or co-sponsorship of activities, or both.

- (e) A prevention project shall maintain records on the number of individuals served in a prevention session.
- (f) A prevention project shall develop written procedure to ensure that the confidentiality of program participants is protected.
- (g) A prevention project shall have a fee-for-service schedule when the project is funded on a fee-for-service basis.]

§713.42. [Methodology.] (Reserved).

- [(a) A prevention project shall provide services which address the following areas:
 - (1) Personal and interpersonal growth skills.
 - (2) Substance specific information.
 - (3) Alternatives to substance abuse.
 - (4) Early intervention and referral.
- (b) The prevention project shall show evidence of the use of experience-based learning and small group interaction in meeting the goals of the prevention project.
- (c) The project director shall develop a written policy regarding the screening and utilization of audio-visual materials. Provisions shall include, but not be limited to:
 - (1) A review committee of not less than three individuals to screen audio-visual material intended for use.
 - (2) Group leaders to provide sufficient introduction before audio-visual materials are used.
 - (3) Group leaders to provide sufficient follow-up after the audio-visual presentation.
- (d) A prevention project shall involve service recipients in pre-service planning.

§713.43. [Evaluation.] (Reserved).

- [(a) A prevention project shall provide for a mechanism to collect feedback from service recipients.
- (b) Participant feedback information shall be evaluated in order to assess service outcomes.

- (c) A prevention project shall summarize the progress towards meeting goals and objectives on at least an annual basis.]

Commonwealth of Pennsylvania



DEPARTMENT OF HEALTH

HARRISBURG

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

April 11, 2001

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

Re: Department of Health -- Proposed Regulations No. 10-164
Rescission of Drug and Alcohol Abuse Prevention Program Approval
Standards

Dear Mr. Nyce:

Attached are proposed regulations for review by your Committee in accordance with the Regulatory Review Act (71 P.S. §§745.4-745.15). These regulations contain the rescission of the standards for approval of drug and alcohol abuse prevention programs. The regulations are obsolete and no longer play a role in the Department's regulation and monitoring of drug and alcohol services. Viable, non-regulatory alternatives exist to monitor prevention services.

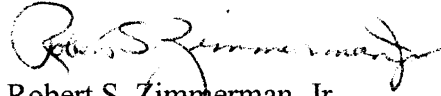
Section 5(g) of the Regulatory Review Act, 71 P.S. §745.5(g), provides that the Commission shall, within 10 days after the expiration of the Standing Committee review period, notify the proposing agency of any objections to the proposed regulations. The Department expects the regulations to be published on April 21, 2001. A 30-day comment period is provided.

Section 5.1(a) of the Regulatory Review Act, 71 P.S. §745.5a(a), provides that upon completion of the agency's review of comments, the agency shall submit to the Commission a copy of the agency's response to the comments received, the names and addresses of the commentators who have requested additional information relating to the final-form regulations, and the text of the final form regulations which the agency intends to adopt.

The Department will provide the Commission within 5 days of receipt, a copy of any comment received pertaining to the proposed regulations. The Department will also

provide the Commission with any assistance it requires to facilitate a thorough review of the proposed 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: 10-164
 SUBJECT: Governor's Council on Drug & Alcohol Abuse; Drug & Alcohol Facilities & Services
 AGENCY: Department of Health #2186

TYPE OF REGULATION

- X Proposed Regulation
- 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

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 INDEPENDENT REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4-11-01	<i>Maryanne Pelletier</i>	HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES
4/11/01	<i>Donna Hillman</i>	
4/11	<i>Kyote Kreiser</i>	SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE
	<i>Walter Sylve</i>	
4/11/01	<i>Uma Eckert</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
4/11/01	<i>C. Lee-Blair</i>	LEGISLATIVE REFERENCE BUREAU