

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 875 Session of 2023

INTRODUCED BY TARTAGLIONE, DILLON, KANE, COLEMAN, FONTANA,
SCHWANK AND COSTA, AUGUST 16, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, AUGUST 16, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in powers and duties of the Department of Drug
 22 and Alcohol Programs, adding provisions relating to workforce
 23 assisting individuals with substance use disorders; and
 24 imposing duties on the Pennsylvania Advisory Council on Drug
 25 and Alcohol Abuse.

26 The General Assembly of the Commonwealth of Pennsylvania
 27 hereby enacts as follows:

28 Section 1. Article XXIII-A of the act of April 9, 1929
 29 (P.L.177, No.175), known as The Administrative Code of 1929, is

1 amended by adding a subarticle to read:

2 SUBARTICLE C

3 WORKFORCE ASSISTING INDIVIDUALS WITH

4 SUBSTANCE USE DISORDERS

5 Section 2321-A. Definitions.

6 The following words and phrases when used in this subarticle
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Certification body." A national certification body, or a
10 Statewide certification body that is a member of a national
11 certification body, that provides credentialing services for
12 individuals seeking certification for positions in the
13 workforce.

14 "Council." The Pennsylvania Advisory Council on Drug and
15 Alcohol Abuse established under the act of April 14, 1972
16 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol
17 Abuse Control Act.

18 "Department." The Department of Drug and Alcohol Programs of
19 the Commonwealth.

20 "Workforce." The individuals in this Commonwealth, including
21 individuals employed in the positions outlined under 28 Pa. Code
22 Ch. 704 (relating to staffing requirements for drug and alcohol
23 treatment activities) and other nonclinical positions, whose
24 work primarily entails providing services to individuals
25 recovering from or affected by a substance use disorder.

26 Section 2322-A. Training and certification practices.

27 The department shall ensure instructive, attainable and
28 accountable training and certification practices as they relate
29 to the workforce in accordance with this subarticle.

30 Section 2323-A. Certification bodies.

1 In the event that the department enters into a contract with,
2 endorses or otherwise recognizes a certification body to provide
3 credentialing services for individuals seeking certification for
4 positions within the workforce, the department shall ensure by
5 contract, endorsement or other means of recognition that there
6 is at least one other certification body that also provides
7 similar credentialing services.

8 Section 2324-A. Conflict of interest.

9 It shall constitute a conflict of interest, and be unlawful,
10 for a certification body to offer or require completion of its
11 own self-developed training by individuals seeking certification
12 for positions within the workforce unless the training material
13 is strictly limited to ensuring safety or ethical conduct.

14 Section 2325-A. Training approval process.

15 (a) Duty of department.--The department shall require each
16 certification body to establish a clear and impartial process
17 for training approval, including a standardized application
18 procedure and approval criteria.

19 (b) Submission of process to department and posting.--A
20 certification body shall submit the training approval process to
21 the department and make the process publicly accessible on the
22 certification body's publicly accessible Internet website so
23 that an applicant may submit a request for training approval
24 electronically or in writing.

25 (c) Department review.--Upon initial establishment or in the
26 event that a certification body proposes a change to the
27 training approval process, the department shall conduct a
28 review. The review shall be conducted in consultation with
29 Statewide drug and alcohol addiction treatment and recovery
30 community associations and shall consider:

1 (1) The effects on recruitment and retention of the
2 workforce.

3 (2) The impact on individuals from marginalized
4 communities who seek positions within the workforce.

5 (3) Other factors deemed relevant by the department or
6 by Statewide drug and alcohol addiction treatment and
7 recovery community associations as the factors relate to the
8 appropriate training of the workforce.

9 (d) Time period for review and notification.--After review,
10 the department shall have 45 days to notify, electronically or
11 in writing, the certification body of approval or disapproval of
12 the establishment of or a proposed change to the training
13 approval process. Electronic or written notice of approval as
14 submitted by the department shall be considered a necessary
15 condition for the establishment of or a proposed change to a
16 training approval process by a certification body.

17 Section 2326-A. Training approval requests.

18 (a) Certification body decision.--The department shall
19 require that a certification body in receipt of an applicant's
20 request for training approval shall either approve or deny the
21 request and notify the applicant, electronically or in writing,
22 no later than 15 days after the request's submission. In the
23 event a certification body does not issue a decision within the
24 15-day period, the training shall be considered approved and
25 promptly implemented by the certification body.

26 (b) Notification of denial.--In a notification of denial,
27 the certification body shall enumerate the reasons for denial
28 based on the established approval criteria and provide
29 recommendations for the request's revision that, if implemented
30 by the applicant, would constitute an approved request.

1 (c) Revised request.--

2 (1) Following notification of denial, an applicant may
3 submit a revised request for training approval.

4 (2) The certification body shall either approve or deny
5 the revised request and notify the applicant, electronically
6 or in writing, no later than seven days after the revised
7 request's submission.

8 (3) In the event a certification body does not issue a
9 decision within seven days of the revised request's
10 submission, the revised training shall be considered approved
11 and promptly implemented by the certification body.

12 Section 2327-A. First-level appeal.

13 (a) Duty of department.--The department shall require each
14 certification body to establish a clear and impartial process of
15 appeal of a denial of an applicant's request or revised request
16 for training approval.

17 (b) Right of appeal.--An applicant has the right to appeal a
18 denial of a request or revised request for training approval to
19 the certification body that issued the denial.

20 (c) Appeal process.--

21 (1) A certification body shall make the appeal process
22 publicly accessible on its Internet website so that an
23 applicant who has been denied a request or revised request
24 for training approval may file an appeal electronically or in
25 writing.

26 (2) An applicant filing an appeal may submit supporting
27 material, and the certification body shall consider the
28 supporting material.

29 (3) No later than 15 days after an appeal is filed by an
30 applicant, the certification body shall issue a decision of

1 reversal or affirmation and notify the applicant
2 electronically or in writing.

3 (4) In the event of an affirmation, the certification
4 body shall enumerate the reasons for upholding the previous
5 denial based on the established approval criteria. In the
6 event of a reversal, the certification body shall promptly
7 approve and implement the training.

8 (5) The appeal process enumerated in this section shall
9 be considered a first-level appeal.

10 Section 2328-A. Second-level appeal.

11 If an applicant's first-level appeal is affirmed by a
12 certification body, an applicant has the right and may file a
13 further appeal to the Pennsylvania Advisory Council on Substance
14 Use in accordance with section 2331-A. The appeal process under
15 this section and section 2331-A shall be considered a second-
16 level appeal.

17 Section 2329-A. Annual review.

18 (a) Duty of department.--No later than 60 days after the
19 effective date of this section, and at least once in each
20 subsequent year thereafter, the department shall hold a meeting
21 with Statewide drug and alcohol addiction treatment and recovery
22 community associations to review the status of certification
23 requirements as they relate to the workforce.

24 (b) Comment period required.--The department shall allow a
25 period of 30 days immediately prior to the meeting to receive
26 comment by the public, which may be submitted to the department
27 electronically or in writing, for consideration at the meeting.

28 (c) Purpose and requirements.--The purpose and requirements
29 of the review are as follows:

30 (1) To identify and enumerate all certification

1 requirements required by the department's regulations or
2 certification bodies that are unnecessary, unreasonable or
3 unduly burdensome as they relate to the recruitment,
4 retention and appropriate training of the workforce,
5 including, but not limited to, formal education, work
6 experience and time in recovery requirements.

7 (2) To identify and enumerate any certification
8 requirement that is currently omitted by the department's
9 regulations or certification bodies and that, if implemented,
10 would advance the recruitment, retention and appropriate
11 training of the workforce.

12 (3) To examine the types of trainings that are approved
13 and disapproved by certification bodies and identify and
14 enumerate additional types of training that, if implemented,
15 would advance the recruitment, retention and appropriate
16 training of the workforce.

17 (d) Report.--Based on its findings, the department shall
18 produce a report, make it available on the department's publicly
19 accessible Internet website and submit the report,
20 electronically or in writing, to Statewide drug and alcohol
21 addiction treatment and recovery community associations and each
22 certification body. The report shall:

23 (1) Issue directives to change, add or remove
24 certification requirements to each certification body.

25 (2) Make recommendations related to future training
26 approval practices to each certification body.

27 (3) Enumerate any department regulation that should be
28 amended or rescinded and any additional material not
29 currently implemented that should be promulgated.

30 (4) Make recommendations to Statewide drug and alcohol

1 addiction treatment and recovery community associations
2 related to the development of future trainings.

3 Section 2330-A. Compliance required.

4 No later than 30 days after receiving a copy of the annual
5 report under section 2329-A, a certification body shall
6 implement any change, addition or removal of certification
7 requirements as required by the report's directives.
8 Implementation of the annual report's directives within 30 days
9 shall be considered a necessary condition for compliance with
10 the provisions of this subarticle.

11 Section 2331-A. Pennsylvania Advisory Council on Drug and
12 Alcohol Abuse.

13 (a) Duty to review second-level training approval appeals.--
14 The council shall review second-level training approval appeals.

15 (b) Process.--The council shall review each second-level
16 appeal filed by an applicant through a clear and impartial
17 process available on the department's publicly accessible
18 Internet website so that an applicant may file an appeal to the
19 council electronically or in writing.

20 (c) Consideration.--In review of an appeal, the council
21 shall consider:

22 (1) The training's effects on recruitment and retention
23 of the workforce.

24 (2) The impact on individuals from marginalized
25 communities who seek positions within the workforce.

26 (3) Any other factor deemed relevant by the council as
27 the factor relates to the appropriate training of the
28 workforce.

29 (d) Decision.--The council shall review an appeal and issue
30 a decision of affirmation or reversal by majority vote no later

1 than the second meeting in which a quorum of council members is
2 present after the date the appeal is submitted to the council by
3 the applicant.

4 (e) Submission of supporting material and hearing.--

5 (1) An applicant filing an appeal and the certification
6 body that denied the applicant's request for training
7 approval may each submit supporting material, and the
8 supporting material shall be duly considered by the council.

9 (2) The council may request that the applicant or the
10 certification body submit additional evidence and may call a
11 hearing requesting the applicant and a representative of the
12 certification body appear before the council to provide
13 testimony.

14 (f) Notice of decision.--

15 (1) In the event the council affirms the previous
16 decision of the certification body, the council shall notify
17 the applicant and the certification body and shall enumerate
18 the reasons for upholding the previous decision.

19 (2) In the event the council reverses the previous
20 decision of the certification body, the council shall notify
21 the applicant and the certification body, and the
22 certification body shall promptly approve and implement the
23 training.

24 Section 2. This act shall take effect in 90 days.