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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 898 Session of  
2019

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INTRODUCED BY SCHWANK, YAW, BLAKE AND YUDICHAK, OCTOBER 15, 2019

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REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 15, 2019

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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, further providing for department powers  
23 and duties and establishing the Drug and Alcohol Facility  
24 License Account; and making inconsistent repeals of certain  
25 provisions of the Human Services Code.

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

28 Section 1. Section 2301-A(9) of the act of April 9, 1929  
29 (P.L.177, No.175), known as The Administrative Code of 1929, is  
30 amended and the section is amended by adding subsections to

1 read:

2 Section 2301-A. Powers and duties.

3 (a) General rule.--The Department of Drug and Alcohol  
4 Programs shall have the power and its duty shall be:

5 \* \* \*

6 (9) [The department shall have the power to promulgate  
7 the rules and regulations necessary to carry out the  
8 provisions of this article.] In carrying out its functions  
9 with regard to licensure and certification of drug and  
10 alcohol treatment facilities and activities:

11 (i) To issue a license or certificate of compliance  
12 without conducting an onsite inspection to any applicant  
13 that, during the previous two years:

14 (A) Has held a license or certificate of  
15 compliance continuously.

16 (B) Has not been issued a provisional license or  
17 certificate of compliance.

18 (ii) Notwithstanding subparagraph (i), to conduct an  
19 onsite inspection of at least 50% of the licensed and  
20 certified facilities and activities each year and to  
21 conduct an onsite inspection of every facility and  
22 activity at least every two years.

23 (iii) To require payment of the following fees prior  
24 to issuance of a license or certificate of compliance:

25 (A) A fee of \$500 plus a \$5 per person capacity  
26 fee for issuance of a license or certificate of  
27 compliance other than a provisional license or  
28 provisional certificate of compliance, up to a  
29 maximum aggregate total of \$2,000.

30 (B) A fee of \$250 plus a \$5 per person capacity

1 fee for issuance of a first provisional license or  
2 first provisional certificate of compliance, up to a  
3 maximum aggregate total of \$1,750.

4 (C) A fee of \$500 plus a \$5 per person capacity  
5 fee for issuance of a second provisional license or  
6 second provisional certificate of compliance, up to a  
7 maximum aggregate total of \$2,000.

8 (D) A fee of \$1,000 plus a \$5 per person  
9 capacity fee for issuance of a third provisional  
10 license or third provisional certificate of  
11 compliance, up to a maximum aggregate total of  
12 \$2,500.

13 (E) A fee of \$2,000 plus a \$5 per person  
14 capacity fee for issuance of a fourth provisional  
15 license or fourth provisional certificate of  
16 compliance, up to a maximum aggregate total of  
17 \$3,500.

18 (b) Drug and Alcohol Facility License Account.--The Drug and  
19 Alcohol Facility License Account is established as a restricted  
20 account in the General Fund of the State Treasury from which the  
21 Department of Drug and Alcohol Programs may expend money to  
22 conduct its licensing and certification functions.

23 (c) Fee increases.--

24 (1) The fees imposed under subsection (a)(9)(iii) shall  
25 be increased every 10 years by the percentage, if any, by  
26 which the Consumer Price Index for the most recent calendar  
27 year exceeds the Consumer Price Index for All Urban  
28 Consumers, published by the United States Department of Labor  
29 for the calendar year 2019.

30 (2) For the purposes of this subsection, the Consumer

1 Price Index for any calendar year shall mean the average of  
2 the Consumer Price Index for All Urban Consumers, published  
3 by the United States Department of Labor, as of the close of  
4 the 12-month period ending on August 31 of each calendar  
5 year.

6 (3) A fee increased under this subsection shall be  
7 rounded to the nearest whole dollar.

8 (d) Regulations.--The Department of Drug and Alcohol  
9 Programs shall have the power to promulgate the rules and  
10 regulations necessary to carry out the provisions of this  
11 article.

12 (e) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "Certificate of compliance." A certificate which indicates  
16 that the Department of Drug and Alcohol Programs has found a  
17 drug and alcohol treatment activity, which is part of a licensed  
18 health care facility, to be in full or substantial compliance  
19 with standards established by the department.

20 "License." A certificate which indicates that the Department  
21 of Drug and Alcohol Programs has found a freestanding treatment  
22 facility to be in full or substantial compliance with standards  
23 established by the department.

24 Section 2. Sections 1003, 1006 and 1009 of the act of June  
25 13, 1967 (P.L.31, No.21), known as the Human Services Code, are  
26 repealed insofar as they are inconsistent with the amendment of  
27 section 2301-A(9) of the act.

28 Section 3. This act shall take effect in 180 days.