

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 938 Session of 2021

INTRODUCED BY BROOKS, NOVEMBER 5, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, NOVEMBER 5, 2021

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 powers and  
 23 duties.

24 The General Assembly of the Commonwealth of Pennsylvania  
 25 hereby enacts as follows:

26 Section 1. Section 2301-A of the act of April 9, 1929  
 27 (P.L.177, No.175), known as The Administrative Code of 1929, is  
 28 amended by adding a paragraph to read:

29 Section 2301-A. Powers and duties.

1 The Department of Drug and Alcohol Programs shall have the  
2 power and its duty shall be:

3 \* \* \*

4 (8.2) As follows:

5 (i) To promulgate regulations for the following that  
6 affect licensed drug and alcohol treatment providers:

7 (A) The implementation of new or additional  
8 licensing requirements for drug and alcohol  
9 facilities.

10 (B) The implementation of new or additional drug  
11 and alcohol staff credentialing requirements.

12 (C) The implementation of new or additional drug  
13 and alcohol counselor staffing ratios.

14 (D) The implementation of new or major  
15 programmatic changes and requirements imposed on drug  
16 and alcohol facilities, including the requirement of  
17 adding programs that significantly increase the cost  
18 of delivering care and meeting staffing requirements.

19 (ii) Notwithstanding subparagraph (i), to promulgate  
20 any proposed regulatory requirement not currently in  
21 effect or for any regulatory requirement that has been  
22 delayed by the General Assembly through legislation. The  
23 Department of Drug and Alcohol Programs shall provide for  
24 the promulgation of regulations pursuant to all  
25 procedures for publication, notice and comment and other  
26 regulatory review required for administrative regulations  
27 provided by the laws of this Commonwealth.

28 (iii) Nothing in this paragraph shall preclude the  
29 Department of Drug and Alcohol Programs from implementing  
30 the established American Society of Addiction Medicine

1           criteria for drug and alcohol treatment providers.

2           \* \* \*

3           Section 2. This act shall take effect in 30 days or December  
4 31, 2021, whichever is later.