

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2614 Session of
1996

INTRODUCED BY KENNEY, TRUE, FAJT, O'BRIEN, KING, BAKER, MELIO,
MUNDY, GEIST, BEBKO-JONES, STRITTMATTER, WASHINGTON,
CAPPABIANCA, OLASZ, OLIVER AND BUXTON, MAY 13, 1996

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 13, 1996

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; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for duties of the
21 Office of Drug and Alcohol Programs; and making repeals.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding a
26 section to read:

1 Section 2125. Duties of Office of Drug and Alcohol
2 Programs.--(a) The Office of Drug and Alcohol Programs shall
3 establish a grievance procedure to handle complaints and
4 grievances regarding the provision of drug and alcohol treatment
5 services.

6 (b) Because of the physical and psychological nature of
7 alcohol and drug abuse with the potential for accidents,
8 impairment, withdrawal and danger to the public safety,
9 complaints and grievances regarding alcohol and drug treatment
10 shall follow a one-level grievance procedure and shall be
11 resolved in thirty (30) days from submission of the complaint.

12 (c) Managed care entities shall routinely advise subscribers
13 of the grievance procedure and how to initiate the procedure.

14 (d) A treatment provider who has provided a service to a
15 subscriber may initiate the grievance procedure.

16 (e) At the point of an inquiry requiring corrective action
17 or a complaint regarding drug and alcohol treatment services,
18 subscribers shall be advised of the one-step grievance
19 procedure.

20 (f) The subscriber may be advised of the procedure by oral
21 or written communication or by posting in a health care
22 facility. Information shall be directed to the subscriber. The
23 information and advice cannot be conducted over the telephone.
24 Managed care entities, any entities responsible for assessing or
25 approving drug and alcohol treatment delivery and drug and
26 alcohol treatment providers shall routinely advise subscribers
27 of the grievance procedure and how to initiate the process.

28 (g) At the point of denial of requested drug and alcohol
29 treatment, the entity, managed care entities, any entities
30 responsible for assessing or approving drug and alcohol

1 treatment delivery and drug and alcohol treatment providers
2 shall advise subscribers of the grievance procedure and of how
3 to initiate the process.

4 (h) (1) There shall be established within ODAP a registry of
5 drug and alcohol clinicians working in ODAP-licensed drug and
6 alcohol facilities qualified to conduct grievance reviews.

7 (2) The minimum qualifications for a clinician are as
8 follows:

9 (i) A masters or bachelors degree or certified addiction
10 counselor certificate.

11 (ii) Five years' experience in addiction treatment programs
12 servicing public and private clients. This experience shall
13 include drug and alcohol clinical experience in both inpatient
14 and outpatient settings with demonstrated strength in client
15 assessment.

16 (3) A case assigned to a clinician shall have identifying
17 matter, such as patient name, name of the treatment program and
18 the managed care entity's name removed. The clinician shall not
19 review a case where there is a conflict of interest.

20 (4) The registry shall consist of noncivil service
21 positions.

22 (i) ODAP shall compile and maintain records on inquiries
23 requiring corrective action, complaints and grievances regarding
24 alcohol and drug treatment services.

25 (j) ODAP shall promulgate rules and regulations to implement
26 this section.

27 (k) As used in this section:

28 "Managed care entity" means a health care system that
29 integrates any financing and delivery of health care services.

30 The term shall include, but not be limited to, an insurer,

1 health maintenance organization, managed care firm or third-
2 party administrator.

3 "ODAP" means the Office of Drug and Alcohol Programs in the
4 Department of Health.

5 Section 2. (a) Section 14 of the act of December 29, 1972
6 (P.L.1701, No.364), known as the Health Maintenance Organization
7 Act, is repealed insofar as it is inconsistent with this act.

8 (b) All other acts and parts of acts are repealed insofar as
9 they are inconsistent with this act.

10 Section 3. This act shall take effect in 60 days.