

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1354 Session of  
1995

INTRODUCED BY MICHLOVIC, FAJT, GAMBLE AND TRELLO, APRIL 19, 1995

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
APRIL 19, 1995

AN ACT

1 Amending the act of April 14, 1972 (P.L.221, No.63), entitled,  
2 as amended, "An act establishing the Pennsylvania Advisory  
3 Council on Drug and Alcohol Abuse; imposing duties on the  
4 Department of Health to develop and coordinate the  
5 implementation of a comprehensive health, education and  
6 rehabilitation program for the prevention and treatment of  
7 drug and alcohol abuse and drug and alcohol dependence;  
8 providing for emergency medical treatment; providing for  
9 treatment and rehabilitation alternatives to the criminal  
10 process for drug and alcohol dependence; and making repeals,"  
11 further providing for the definitions of "drug dependent  
12 person" and "State plan"; adding definitions; providing for  
13 the establishment, powers and duties of local drug and  
14 alcohol councils; providing for the appointment of single  
15 county authority administrator and for the administrator's  
16 powers and duties; providing for the development of certain  
17 model programs; and providing for appeals.

18 The General Assembly finds that the treatment of drug or  
19 alcohol addiction is in the best interest of the Commonwealth.

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 Section 1. The definitions of "drug dependent person" and  
23 "State plan" in section 2(b) of the act of April 14, 1972  
24 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol  
25 Abuse Control Act, amended December 20, 1985 (P.L.529, No.119),

1 are amended and the section is amended by adding definitions to  
2 read:

3 Section 2. Definitions:

4 \* \* \*

5 (b) As used in this act:

6 \* \* \*

7 "Drug or alcohol dependent person" means a person who is  
8 using a drug, controlled substance or alcohol, and who is in a  
9 state of psychic or physical dependence, or both, arising from  
10 administration of that drug, controlled substance or alcohol on  
11 a continuing basis. Such dependence is characterized by  
12 behavioral and other responses which include a strong compulsion  
13 to take the drug, controlled substance or alcohol on a  
14 continuous basis in order to experience its psychic effects, or  
15 to avoid the discomfort of its absence. This definition shall  
16 include those persons commonly known as "drug addicts" or  
17 "alcoholics."

18 \* \* \*

19 "Local authority" means the county commissioners of a county,  
20 or the appropriate elected officials in home rule counties, or  
21 two or more of these acting in concert.

22 "ODAP" means Office of Drug and Alcohol Programs in the  
23 Department of Health.

24 \* \* \*

25 "Single county authority" or "SCA" means a drug and alcohol  
26 program established by a county or two or more counties, or the  
27 nonprofit agency designated by the county or counties which is  
28 responsible for planning and administering the local drug and  
29 alcohol system.

30 "State plan" means the master State plan for the control,

1 prevention, intervention, treatment, rehabilitation, research,  
2 education and training aspects of drug and alcohol abuse and  
3 dependence problems.

4 \* \* \*

5 Section 2. The act is amended by adding sections to read:

6 Section 4.1. Appointment and Powers and Duties of Local Drug  
7 and Alcohol Council.--(a) Local authorities shall appoint a  
8 local drug and alcohol council. The council shall consist of up  
9 to fifteen members appointed by the board of commissioners who  
10 shall serve at the discretion of the local authorities.

11 (b) The number of officers, length of their terms and other  
12 related matters shall be approved by the board of commissioners  
13 based on the nonbinding guidelines developed by the Pennsylvania  
14 Advisory Council on Drug and Alcohol Abuse.

15 (c) A local drug and alcohol council shall have the power  
16 and its duties shall be:

17 (1) To review and evaluate the single county authority's  
18 drug and alcohol needs, services, facilities and special  
19 programs with emphasis on local health, welfare and social  
20 service program needs.

21 (2) To develop, together with the SCA administrator, annual  
22 plans for drug and alcohol needs as required by the ODAP.

23 (3) To make recommendations to local authorities regarding  
24 the program and any other matters relating to drug and alcohol  
25 services in the county, including the purchase of service  
26 contracts and the extent of funds required to implement the  
27 program.

28 (4) To review performance under the SCA program and to  
29 recommend a system of program evaluation.

30 Section 4.2. Single County Authority Administrator.--(a)

The board of commissioners of each county shall appoint a single county authority administrator from a list of not less than two names submitted by the local drug and alcohol council.

(b) The SCA administrator shall have the following powers and duties:

(1) To administer the county's drug and alcohol program.

(2) To ensure that county drug and alcohol services as required by this act are available to the limit of allocated funds.

(3) To provide staff services to the local drug and alcohol council.

(4) To make reports to the department in the form required by the department, including such information as may be required by the department.

(5) To develop, in cooperation with the local drug and alcohol council, annual plans as required by this act for drug and alcohol services.

(6) To submit for approval by local authorities and the department annual plans containing the estimated costs for the provision of services, establishment and operation of facilities and other related matters.

(7) To review and evaluate local facilities and to cooperate with the department in order to maintain the established standards.

(8) To maintain open and effective lines of communication with government and private health, welfare and social service agencies and organizations.

(9) To submit an annual report to local authorities, the Pennsylvania Advisory Council on Drug and Alcohol Abuse and the department which shall detail all activities of the program and

1 its administration.

2 (10) To analyze and evaluate the drug and alcohol needs in  
3 the county and recommend improvement to the local drug and  
4 alcohol council and local authorities, and to conduct research,  
5 investigate, take steps and adopt measures that are necessary in  
6 order to properly carry out duties assigned to the SCA  
7 administrator.

8 Section 3. Section 13 of the act is amended to read:

9 Section 13. Financial Obligations.--(a) Except for minors,  
10 all persons receiving treatment under this act shall be subject  
11 to the provisions of Article V of the act of October 20, 1966  
12 (P.L.96), known as the "Mental Health and Mental Retardation Act  
13 of 1966," in so far as it relates to liabilities and payments  
14 for services rendered by the Commonwealth.

15 (b) The Commonwealth shall transmit twenty-five per cent of  
16 the total funds allocated to each SCA for the fiscal year on or  
17 before the beginning of each quarter of the fiscal year.

18 (c) The financial liability of the SCA for payments for  
19 services pursuant to this act shall be limited to ten per cent.

20 Section 4. The act is amended by adding sections to read:

21 Section 13.1 Model Programs.--In order to meet a need which  
22 is presently unmet, the department may, on a time-limited basis  
23 of thirty-six months, develop model programs and contract  
24 directly for their operations so long as the total allocation  
25 for such direct contracts, other than to local authorities, does  
26 not exceed five per cent of the total Federal or State  
27 allocation made by the General Assembly and the county where the  
28 provider or the direct contract providers are located.

29 Section 13.2. Appeals.--A single county authority or a local  
30 authority may appeal any adjudication of the department pursuant

1 to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure  
2 of Commonwealth agencies). Appeals from adjudications of a  
3 single county authority or a local authority shall be taken  
4 pursuant to 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and  
5 procedure of local agencies).

6       Section 5. This act shall take effect in 60 days.