
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 941 Session of
2023

INTRODUCED BY BROOKS, TARTAGLIONE, KANE, BREWSTER, DILLON, COSTA
AND CAPPELLETTI, SEPTEMBER 28, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, SEPTEMBER 28, 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, further providing for powers and duties
23 and providing for regulatory flexibility during opioid
24 epidemic.

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

27 Section 1. Section 2301-A(7) of the act of April 9, 1929
28 (P.L.177, No.175), known as The Administrative Code of 1929, is
29 amended and the section is amended by adding a paragraph to

1 read:

2 Section 2301-A. Powers and duties.

3 The Department of Drug and Alcohol Programs shall have the
4 power and its duty shall be:

5 * * *

6 (7) [To submit an annual report to the General Assembly
7 which shall specify the actions taken and services provided
8 and funds expended and an evaluation of their effectiveness.
9 The annual report shall also contain the current State plan.
10 The Department of Drug and Alcohol Programs shall submit such
11 additional reports as may be requested by the General
12 Assembly and recommendations to further the prevention,
13 treatment and control of drug and alcohol abuse and
14 dependence.] As follows:

15 (i) To submit an annual report to the General
16 Assembly which shall:

17 (A) Specify the actions taken, services provided
18 and funds expended, including an evaluation of their
19 effectiveness.

20 (B) Contain the current State plan.

21 (C) Contain the most recent quarterly
22 evaluations by the Department of Drug and Alcohol
23 Programs of the information specified under paragraph
24 (8.2) (i).

25 (D) Specify the actions taken in accordance with
26 section 2303-A.

27 (ii) To submit additional reports as requested by
28 the General Assembly and recommendations to further the
29 prevention, treatment and control of drug and alcohol
30 abuse and dependence.

1 * * *

2 (8.2) To support the following:

3 (i) Substance use disorder treatment providers and
4 their workforce by evaluating, on a quarterly basis:

5 (A) Barriers to entry into the workforce,
6 including years of experience in the field of
7 substance use disorder treatment, counseling, therapy
8 or other functions beyond the qualifications
9 specified under 28 Pa. Code Ch. 704 (relating to
10 staffing requirements for drug and alcohol treatment
11 activities).

12 (B) Efforts to address the barriers specified
13 under clause (A).

14 (ii) Individuals in recovery seeking to work in the
15 field of addiction treatment and recovery as provided in
16 paragraph (1)(xiv).

17 * * *

18 Section 2. The act is amended by adding a section to read:

19 Section 2303-A. Regulatory flexibility during opioid epidemic.

20 (a) Suspension.--The following regulations are suspended
21 during an opioid epidemic, as provided under subsection (c):

22 (1) 28 Pa. Code § 704.7(b)(1) (relating to
23 qualifications for the position of counselor) insofar as the
24 regulation precludes an individual licensed in this
25 Commonwealth as any of the following from serving as a
26 counselor:

27 (i) A certified registered nurse practitioner under
28 the act of May 22, 1951 (P.L.317, No.69), known as The
29 Professional Nursing Law.

30 (ii) A physician assistant under the act of October

1 5, 1978 (P.L.1109, No.261), known as the Osteopathic
2 Medical Practice Act, or the act of December 20, 1985
3 (P.L.457, No.112), known as the Medical Practice Act of
4 1985.

5 (2) 28 Pa. Code § 704.7(b)(3), (4) and (5) insofar as
6 the regulation requires a counselor to have a certain amount
7 of years of clinical experience in a health or human service
8 agency, if the counselor meets the postsecondary degree
9 requirements specified under 28 Pa. Code § 704.7(b)(3), (4)
10 or (5).

11 (3) 28 Pa. Code § 704.8(a) (relating to qualifications
12 for the position of counselor assistant) insofar as the
13 regulation prohibits a counselor supervisor or counselor to
14 supervise more than one counselor assistant. In such a case,
15 the counselor supervisor or counselor may not supervise more
16 than three counselor assistants.

17 (4) 28 Pa. Code § 704.12(a)(1) (relating to full-time
18 equivalent (FTE) maximum client/staff and client/counselor
19 ratios) insofar as the regulation prohibits:

20 (i) One full-time equivalent primary care staff
21 person to be available for every 14 clients during
22 primary care hours.

23 (ii) An individual licensed in this Commonwealth as
24 any of the following from fulfilling the on-call
25 physician requirement:

26 (A) A certified registered nurse practitioner
27 under The Professional Nursing Law.

28 (B) A physician assistant under the Osteopathic
29 Medical Practice Act or the Medical Practice Act of
30 1985.

1 (5) 28 Pa. Code § 704.12(a)(3)(i) insofar as the
2 regulation prohibits one full-time equivalent counselor to be
3 available for every 12 adult clients.

4 (6) 28 Pa. Code § 704.12(a)(6) insofar as the regulation
5 prohibits one full-time equivalent counselor caseload from
6 exceeding 50 active clients who have been in treatment for
7 fewer than two years. Each client who has been in treatment
8 for two years or more shall not count toward the outpatient
9 caseload per counselor.

10 (7) 28 Pa. Code § 704.12(d) insofar as the regulation
11 prohibits the suspension of regulations under this
12 subsection.

13 (b) Notification.--A project director shall notify the
14 Department of Drug and Alcohol Programs in writing or by email
15 of the intent to utilize the regulatory flexibility under this
16 section.

17 (c) Applicability.--

18 (1) This section shall apply during the existence of an
19 opioid epidemic. For purposes of this section, an opioid
20 epidemic shall be deemed to exist beginning on the effective
21 date of this section.

22 (2) This section shall not apply when an opioid epidemic
23 does not exist.

24 (3) Except for the opioid epidemic deemed to exist
25 beginning on the effective date of this section, the
26 Secretary of Drug and Alcohol Programs shall, upon
27 determining that an opioid epidemic does or does not exist,
28 transmit notice to the Legislative Reference Bureau for
29 publication in the next available issue of the Pennsylvania
30 Bulletin. The periods of applicability of this section shall

1 begin or end upon publication of the notice in the
2 Pennsylvania Bulletin.

3 (d) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Opioid epidemic." A public health crisis in which illicit
7 opioid use and abuse results in more than 1,000 confirmed
8 overdose deaths from an opioid in a calendar year over at least
9 three consecutive years in this Commonwealth, as the number of
10 deaths are reported by the Department of Health in the Coroner
11 and Medical Examiner Onboarding and Drug Overdose Death Monthly
12 Surveillance Report.

13 "Project director." The administrator of the treatment
14 project who is responsible for the overall management of the
15 project and staff and who meets the education and experience
16 requirements under 28 Pa. Code Ch. 704 (relating to staffing
17 requirements for drug and alcohol treatment activities).

18 Section 3. This act shall take effect immediately.