

LICENSING ALERT

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Division of Drug and Alcohol Program Licensing
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Drug and Alcohol Staffing Regulations Interpretive Guidelines

Attached is a copy of the interpretive guidelines which were developed for the staffing regulations for drug and alcohol treatment activities. The regulations took effect March 4, 1996, and the Division anticipates reviewing for compliance during regular site inspections beginning in September.

Should you have questions regarding this Alert, please contact the Division of Drug and Alcohol Program Licensing at (717) 783-8675.

Attachment



COMMONWEALTH OF PENNSYLVANIA – DEPARTMENT OF HEALTH

CHAPTER 704, STAFFING REQUIREMENTS FOR DRUG AND ALCOHOL TREATMENT ACTIVITIES

§ 704.1. Scope.

This chapter applies to staff persons employed by drug and alcohol treatment facilities which are licensed or approved under Chapters 157, 709 and 711 (relating to drug and alcohol services; standards for licensure of freestanding treatment activities; and standards for certification of treatment activities which are a part of a health care facility) with the exception of staff persons employed in intake, evaluation and referral facilities as delineated in Chapter 709, Subchapter D (relating to standards for intake, evaluation, and referral activities) and Chapter 711, Subchapter C (relating to standards for intake evaluation and referral activities). Staff persons shall possess the qualifications set forth in this chapter and shall also participate in training as required in this chapter.

§ 704.2. Compliance plan.

- (a) The project's governing body shall approve a written compliance plan to insure that the staff persons affected by this chapter meet the appropriate educational and experiential qualifications and receive training as stipulated in this chapter.

The facility must provide a statement that verifies the intent of the project to comply with this chapter. This statement must be approved by the governing body and documented via meeting minutes or governing body sign off.

- (b) The plan documenting the qualifications and training of staff shall be presented to Department licensing representatives at the time of the project's site visit.

§ 704.3. General requirements for projects.

- (a) The project shall develop a written policy to address relapse of recovering clinical personnel. The project's policy shall also address the discipline of nonrecovering employees who abuse alcohol and other drugs.
- (b) The project shall develop a policy that addresses the recruitment and hiring of staff persons who are appropriate to the population to be served. Every effort shall be made to hire staff persons representative of that population.

- (c) Clerical and other support staff shall be employed in sufficient numbers to insure efficient and safe operation of all of the services provided by the project.
- (d) Inpatient nonhospital facilities except for transitional living facilities and licensed facilities providing halfway house services shall have awake staff coverage 24 hours a day. Halfway houses shall have at least one staff person on the premises at all times.

Halfway houses are licensed inpatient nonhospital facilities which meet the Department's funding pool criteria for halfway house or are members of a state or national professional halfway house association.

§ 704.4. Compliance with staff qualifications.

Staff qualifications as delineated in this chapter apply to all staff including those under contract. Individuals performing the duties as described in this chapter need to meet the qualifications.

- (a) This chapter applies to project directors, facility directors, clinical supervisors, counselors and counselor assistants hired or promoted on or after March 4, 1996.
- (b) Project directors and facility directors who were hired prior to March 4, 1996, need not comply with the specific qualifications listed in § 704.5 (relating to qualifications for the positions of project director and facility director). They shall comply with § § 704.11(a) – (f) and 704.12 (relating to staff development program; and full-time equivalent (FTE) maximum client/staff and client/counselor ratios).
- (c) A facility director who transfers to the same position in another facility operated by the same project after March 4, 1996, need not meet the qualifications set forth in § 704.5(c).
- (d) A project director who accepts a position as a project director in a different project after March 4, 1996 shall comply with § 704.5(c).
- (e) Persons employed as clinical supervisors and counselors who were hired or promoted prior to March 4, 1996, who do not meet the appropriate staff qualifications shall show evidence that they are working toward full compliance. They shall be in full compliance with this chapter by March 6, 2000. Upon completion of course work, transcripts and other forms of documentation shall be placed in the individual's personnel file. A licensing representative will check progress at the time of the project site visit.

§ 704.5. Qualifications for the positions of project director and facility director.

- (a) A drug and alcohol treatment project shall have a project director responsible for the overall management of the project and staff and each drug and alcohol treatment facility shall have a facility director responsible for the overall management of the facility and staff unless the project has but one facility.

Each project must designate a director for each facility. This director may be full or part time.

- (b) If the facility does not have a clinical supervisor on staff, clinical responsibilities shall be addressed in one of the following ways:

This standard applies to those facilities which are not required by this chapter to have a clinical supervisor.

- (1) A facility director who has direct responsibility for clinical services shall meet the qualifications in at least one of the paragraphs of § 704.7(b) (relating to qualifications for the position of counselor).

Where the director provides clinical supervision or counseling, he/she must meet the qualifications for the position of counselor.

- (2) If the facility director does not meet counselor qualifications and the facility employs less than eight counselors, a lead counselor or part-time clinical supervisor shall be appointed.

- (c) The project director and the facility director shall meet the qualifications in at least one of the following paragraphs:

- (1) A Master's Degree or above from an accredited college with a major in medicine, chemical dependency, psychology, social work, counseling, nursing (with a specialty in nursing/health administration, nursing/counseling education or a clinical specialty in the human services), public administration, business management or other related field and 2 years of experience in a human service agency, preferably in a drug and alcohol setting, which includes supervision of others, direct service and program planning.

- (2) A Bachelor's Degree from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a specialty in nursing/health administration, nursing/counseling education or a clinical specialty in the human services), public administration, business management or other related field and 3 years of experience in a human service agency, preferably in a drug and alcohol setting, which includes supervision of others, direct service and program planning.

- (3) An Associate Degree from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a specialty in nursing/health administration, nursing/counseling education or a clinical specialty in the human services), public administration, business management or other related field and 4 years of experience in a human service agency, preferably in a drug and alcohol setting, which includes supervision of others, direct service and program planning.

§ 704.6. Qualifications for the position of clinical supervisor.

- (a) A drug and alcohol treatment project shall have a full-time clinical supervisor for every eight full-time counselors or counselor assistants, or both.
- (b) A clinical supervisor shall meet at least one of the following groups of qualifications:
 - (1) A Master's Degree or above from an accredited college with a major in medicine, chemical dependency, psychology, social work, counseling, nursing (with a clinical specialty in administration or the human services) or other related field and 2 years of clinical experience in a health or human service agency which includes 1 year of working directly with the chemically dependent.
 - (2) A Bachelor's Degree from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a clinical specialty in administration or the human services) or other related field and 3 years of clinical experience in a health or human service agency which includes 1 year of working directly with the chemically dependent person.
 - (3) An Associate Degree from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a clinical specialty in administration or the human services) or other related field and 4 years of clinical experience in a health or human service agency which includes 1 year of working directly with the chemically dependent person.
 - (4) Full certification as an addictions counselor by a statewide certification body which is a member of a National certification body or certification by another state government's substance abuse counseling certification board and 3 years of clinical experience in a health or human service agency which includes 1 year of working directly with the chemically dependent person. The individual shall also complete a Department approved core curriculum training which includes a component on clinical supervision skills.
- (c) Clinical supervisors and lead counselors who have not functioned for 2 years as supervisors in the provision of clinical services shall complete a core curriculum in clinical supervision. Training not provided by the Department shall receive prior approval from the Department.
- (d) If a clinical supervisor or lead counselor has less than 2 years of clinical experience working directly with the chemically dependent person, 6 of the training hours required in § 704.11(e)(2) and (f)(2) (relating to staff development program) during the first year of employment shall be in diseases of addiction.
- (e) Clinical supervisors are required to participate in documented monthly meetings with their supervisors to discuss their duties and performance for the first 6 months of employment in that position. Frequency of meetings thereafter shall be based upon the clinical supervisor's skill level.

The clinical supervisor's skill level should be documented prior to reducing the frequency of the meetings.

§ 704.7. Qualifications for the position of counselor.

- (a) Drug and alcohol treatment projects shall be staffed by counselors proportionate to the staff/client and counselor/client ratios listed in § 704.12 (relating to full-time equivalent (FTE) maximum client/staff and client/counselor ratios).
- (b) Each counselor shall meet at least one of the following groups of qualifications:
 - (1) Current licensure in this Commonwealth as a physician.
 - (2) A Master's Degree or above from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a clinical specialty in the human services) or other related field which includes a practicum in a health or human service agency, preferably in a drug and alcohol setting. If the practicum did not take place in a drug and alcohol setting, the individual's written training plan shall specifically address a plan to achieve counseling competency in chemical dependency issues.
 - (3) A Bachelor's Degree from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a clinical specialty in the human services) or other related field and 1 year of clinical experience (a minimum of 1,820 hours) in a health or human service agency, preferably in a drug and alcohol setting. If a person's experience did not take place in a drug and alcohol setting, the individual's written training plan shall specifically address a plan to achieve counseling competency in chemical dependency issues.
 - (4) An Associate Degree from an accredited college with a major in chemical dependency, psychology, social work, counseling, nursing (with a clinical specialty in the human services) or other related field and 2 years of clinical experience (a minimum of 3,640 hours) in a health or human service agency, preferably in a drug and alcohol setting. If a person's experience was not in a drug and alcohol setting, the individual's written training plan shall specifically address a plan to achieve counseling competency in chemical dependency issues.
 - (5) Current licensure in this Commonwealth as a registered nurse and a degree from an accredited school of nursing and 1 year of counseling experience (a minimum of 1,820 hours) in a health or human service agency, preferably in a drug and alcohol setting. If a person's experience was not in a drug and alcohol setting, the individual's written training plan shall specifically address a plan to achieve counseling competency in chemical dependency issues.

- (6) Full certification as an addictions counselor by a statewide certification body which is a member of a National certification body or certification by another state government's substance abuse counseling certification board.

§ 704.8. Qualifications for the position of counselor assistant.

- (a) A person who does not meet the educational and experiential qualifications for the position of counselor may be employed as a counselor assistant if the requirements of at least one of the following paragraphs are met. However, a project may not hire more than one counselor assistant for each employe who meets the requirements of clinical supervisor or counselor.
 - (1) A Master's Degree in a human service area.
 - (2) A Bachelor's Degree in a human service area.
 - (3) Licensure in this Commonwealth as a registered nurse.
 - (4) An Associate's Degree in a human service area.
 - (5) A high school diploma or General Education Development (GED) equivalent.
- (b) A counselor assistant shall also complete the training requirements in § 704.11 (relating to staff development program).
- (c) In addition to training, assignment of a full caseload shall be contingent upon the supervisor's positive assessment of the counselor assistant's individual skill level.

The supervisor must provide documentation of the assessment.

§ 704.9. Supervision of counselor assistant.

- (a) *Supervision.* A counselor assistant shall be supervised by a full-time clinical supervisor or counselor who meets the qualifications in § 704.6 or § 704.7 (relating to qualifications for the position of clinical supervisor; and qualifications for the position of counselor).
- (b) *Performance evaluation.* The counselor assistant shall be given a written semiannual performance evaluation based upon measurable performance standards. If the individual does not meet the standards at the time of evaluation, the counselor assistant shall remain in this status until the supervised period set forth in subsection (c) is completed and a satisfactory rating is received from the counselor assistant's supervisor.
- (c) *Supervised period.*
 - (1) A counselor assistant with a Master's Degree as set forth in § 704.8(a)(1) (relating to qualifications for the position of counselor assistant) may counsel

clients only under the close supervision of a trained counselor or clinical supervisor for at least the first 3 months of employment.

- (2) A counselor assistant with a Bachelor's Degree as set forth in § 704.8(a)(2) may counsel clients only under the close supervision of a trained counselor or clinical supervisor for at least the first 6 months of employment.
- (3) A registered nurse as set forth in § 704.8(a)(3) may counsel clients only under the close supervision of a trained counselor or clinical supervisor for at least the first 6 months of employment.
- (4) A counselor assistant with an Associate Degree as set forth in § 704.8(a)(4) may counsel clients only under the close supervision of a trained counselor or clinical supervisor for at least the first 9 months of employment.
- (5) A counselor assistant with a high school diploma or GED equivalent as set forth in § 704.8(a)(5) may counsel clients only under the direct observation of a trained counselor or clinical supervisor for the first 3 months of employment. For the next 9 months, the counselor assistant may counsel clients only under the close supervision of a lead counselor or a clinical supervisor.

§ 704.10. Promotion of counselor assistant.

- (a) A counselor assistant who satisfactorily completes one of the sets of qualifications in § 704.7 (relating to qualifications for the position of counselor) may be promoted to the position of counselor.
- (b) A counselor assistant shall document to the facility director that he is working toward counselor status. This information shall be documented upon completion of each calendar year.
- (c) A counselor assistant shall meet the requirements for counselor within 5 years of employment. A counselor assistant who has accumulated less than 7,500 hours of employment during the first 5 years of employment will have 2 additional years to meet the requirements for counselor.
- (d) A counselor assistant who cannot meet the time requirements in subsection (c) may submit to the Department a written petition requesting an exception. The petition shall describe the circumstances that make compliance with subsection (c) impracticable and shall be approved by both the clinical supervisor or lead counselor and the project director. Granting of the petition will be within the discretion of the Department.

§ 704.11. Staff development program.

- (a) *Components.* The project director shall develop a comprehensive staff development program for agency personnel including policies and procedures for the program

indicating who is responsible and the time frames for completion of the following components:

- (1) An assessment of staff training needs.

Evidence of this assessment could include questionnaires completed by all staff with data compiled, or a narrative summarizing group discussion of needs.

- (2) An overall plan for addressing these needs.

This plan is based on the assessment of staff training needs which should address training subjects, trainers, and proposed dates of training.

- (3) A mechanism to collect feedback on completed training.

- (4) An annual evaluation of the overall training plan.

This evaluation should determine the extent to which the plan addressed the identified needs, including a determination of the extent to which implementing the plan eliminated or satisfied the identified needs.

(b) *Individual training plan.*

- (1) A written individual training plan for each employee, appropriate to that employee's skill level, shall be developed annually with input from both the employee and the supervisor.

The individual training plan should identify the subject areas and potential resources for training which meet the requirements for the employee's position and which relate to the employee's skill level and interest. This applies to clinical as well as nonclinical employees.

- (2) This plan shall be based upon an employee's previous education, experience, current job functions and job performance.

- (3) Each individual employee shall complete the minimum training hours as listed in subsections (d) – (g). The subject areas in subsections (d) – (g), with the exception of subsection (g), are suggested training areas. They are not mandates. Subject selections shall be based upon needs delineated in the individual's training plan.

(c) *General training requirements.*

These requirements apply to all staff including those under contract.

- (1) Staff persons and volunteers shall receive a minimum of 6 hours of HIV/AIDS and at least 4 hours of tuberculosis, sexually transmitted diseases and other health related topics training using a Department approved curriculum. Counselors and

counselor assistants shall complete the training within the first year of employment. All other staff shall complete the training within the first 2 years of employment.

- (2) CPR certification and first aid training shall be provided to a sufficient number of staff persons, so that at least one person trained in these skills is onsite during the project's hours of operations.

This provision applies to each facility within a project.

- (3) At least one-half of all training in this section shall be provided by trainers not directly employed by the project unless the project employs staff persons specifically to provide training for its organization and staff.
- (4) An individual who holds more than one position in a facility shall meet the training requirement hours set forth for the individual's primary position. Subject areas shall be selected according to the individual's training plan. Primary position is defined as that position for which an individual was hired.

(d) *Training requirements for project directors and facility directors.*

- (1) Subject areas for training shall be selected according to the training plan for each individual.
- (2) A project director and facility director shall complete at least 12 clock hours of training annually in areas such as:
 - (i) Fiscal policy.
 - (ii) Administration.
 - (iii) Program planning.
 - (iv) Quality assurance.
 - (v) Grantsmanship.
 - (vi) Program licensure.
 - (vii) Personnel management.
 - (viii) Confidentiality.
 - (ix) Ethics.
 - (x) Substance abuse trends.
 - (xi) Developmental psychology.

- (xii) Interaction of addiction and mental illness.
- (xiii) Cultural awareness.
- (xiv) Sexual harassment.
- (xv) Relapse prevention.
- (xvi) Disease of addiction.
- (xvii) Principles of Alcoholics Anonymous and Narcotics Anonymous.

(e) *Training requirements for clinical supervisors.*

- (1) Subject areas for training shall be selected according to the training plan for each individual.
- (2) Each clinical supervisor shall complete at least 12 clock hours of training annually in areas such as:
 - (i) Supervision and evaluation.
 - (ii) Counseling techniques.
 - (iii) Substance abuse trends and treatment methodologies in the field of addiction.
 - (iv) Confidentiality.
 - (v) Codependency/Adult Children of Alcoholics (ACOA) issues.
 - (vi) Ethics.
 - (vii) Interaction of addiction and mental illness.
 - (viii) Cultural awareness.
 - (ix) Sexual harassment.
 - (x) Developmental psychology.
 - (xi) Relapse prevention.
 - (xii) Disease of addiction.
 - (xiii) Principles of Alcoholics Anonymous and Narcotics Anonymous.

(f) *Training requirements for counselors.*

- (1) Subject areas for training shall be selected according to the training plan for each individual.
 - (2) Each counselor shall complete at least 25 clock hours of training annually in areas such as:
 - (i) Client recordkeeping.
 - (ii) Confidentiality.
 - (iii) Pharmacology.
 - (iv) Treatment planning.
 - (v) Counseling techniques.
 - (vi) Drug and alcohol assessment.
 - (vii) Codependency.
 - (viii) Adult Children of Alcoholics (ACOA) issues.
 - (ix) Disease of addiction.
 - (x) Aftercare planning.
 - (xi) Principles of Alcoholics Anonymous and Narcotics Anonymous.
 - (xii) Ethics.
 - (xiii) Substance abuse trends.
 - (xiv) Interaction of addiction and mental illness.
 - (xv) Cultural awareness.
 - (xvi) Sexual harassment.
 - (xvii) Developmental psychology.
 - (xviii) Relapse prevention.
 - (3) If a counselor has been designated as lead counselor supervising other counselors, the training shall include courses appropriate to the functions of this position and a Department approved core curriculum or comparable training in supervision.
- (g) *Training requirements for counselor assistants.*

- (1) Each counselor assistant shall complete at least 40 clock hours of training the first year and 30 clock hours annually thereafter in areas such as:
 - (i) Pharmacology.
 - (ii) Confidentiality.
 - (iii) Client recordkeeping.
 - (iv) Drug and alcohol assessment.
 - (v) Basic counseling.
 - (vi) Treatment planning.
 - (vii) The disease of addiction.
 - (viii) Principles of Alcoholics Anonymous and Narcotics Anonymous.
 - (ix) Ethics.
 - (x) Substance abuse trends.
 - (xi) Interaction of addiction and mental illness.
 - (xii) Cultural awareness.
 - (xiii) Sexual harassment.
 - (xiv) Developmental psychology.
 - (xv) Relapse prevention.
- (h) *Training Hours.* Training hours are not cumulative from one personnel classification to another.

The total hours required for training are specific to each job position and are not transferable to a new position. An appointment to a new position would require accumulating the training hours for that position over the next 12 months.

§ 704.12. Full-time equivalent (FTE) maximum client/staff and client/counselor ratios.

- (a) *General requirements.* Projects shall be required to comply with the client/staff and client/counselor ratios in paragraphs (1) – (6) during primary care hours. These ratios refer to the total number of clients being treated including clients with diagnoses other than drug and alcohol addiction served in other facets of the project. Family units may be counted as one client.

For those activities (see 1-2 below) which require primary care staff coverage, each facility should identify the hours during which primary care treatment services are provided.

- (1) *Inpatient nonhospital detoxification (residential detoxification).*
 - (i) There shall be one FTE primary care staff person available for every seven clients during primary care hours.
 - (ii) There shall be a physician on call at all times.

The facility should provide documentation (letter of agreement, contract) of the availability of a physician 24 hours per day, 365 days per year.

- (2) *Inpatient hospital detoxification.* There shall be one FTE primary care staff person available for every five clients during primary care hours.
- (3) *Inpatient nonhospital treatment and rehabilitation (residential treatment and rehabilitation).*
 - (i) Projects serving adult clients shall have one FTE counselor for every eight clients.
 - (ii) Projects serving adolescent clients shall have one FTE counselor for every six clients.
- (4) *Inpatient hospital treatment and rehabilitation (general, psychiatric or specialty hospital).*
 - (i) Projects serving adult clients shall have one FTE counselor for every seven clients.
 - (ii) Projects serving adolescent clients shall have one counselor for every five clients.
- (5) *Partial hospitalization.* Partial hospitalization programs shall have a minimum of one FTE counselor who provides direct counseling services to every ten clients.
- (6) *Outpatients.* FTE counselor caseload for counseling in outpatient programs may not exceed 35 active clients.

There should be a minimum of one FTE counselor for every 35 clients in any phase of outpatient treatment.

- (b) *Counselor assistants.* Counselor assistants may be included in determining FTE ratios when the counselor assistant is eligible for a caseload.

See § 704.8(a) and § 704.9(c) for eligibility requirements. A counselor assistant's FTEs will be computed based on the ratios stated in § 704.12(a)(1-6).

- (c) *Exemption for transitional living.* Specific client/staff ratios are not required for transitional living facilities.
- (d) *Exceptions.* A project director may submit to the Department a written petition requesting an exception to the client/staff and client/counselor ratios in this section. The petition shall describe how the characteristics of the program and its client mix support the request for the exception and shall be approved by the governing body. Granting the petition shall be at the discretion of the Department. Long-term residential facilities and halfway houses which include a client's participation in schooling or employment as part of a treatment day are examples when requests for exceptions will be considered.