

LICENSING ALERT 03-2023

This Licensing Alert replaces Licensing Alert No. 4-97

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May 18, 2023

Effective Date: Immediately

Subject: Requests for Exceptions to Regulations, Part V. Drug and Alcohol Activities, Chapter 701

Purpose: To provide information regarding the process to request an exception to the Department's licensing regulations.

Background: Licensed Drug and Alcohol Facilities and Recovery Houses may request an exception to any of the Department's licensing regulations found in 28 Pa. Code, Chapters 701, 704, 705, 709, 710, 711, 715, and 717.

For Licensed Drug and Alcohol Treatment Facilities:

§ 701.11. Exceptions to this part

- a) SCAs and projects may submit a written request to the Department for an exception to a provision of [28 Pa. Code Part V, Chs. 701-717].
- b) The Secretary or a designee may grant an exception to this part upon application, or upon his own initiative, when it has been determined that, under the circumstances, the granting of the exception will be:
 1. In furtherance of sound project or program implementation.
 2. Consistent with the policy objectives of this part.
- c) The granting or denial of an exception to this part will be in writing, will be signed by the Secretary or a designee, and will set forth the reasons.
- d) Exceptions will not be granted to standards and regulations which are mandated by State or Federal statutes, or Federal regulations which shall be met for certification of eligibility for Federal funds.

§ 709.4. Exceptions.

- a) The Department may, within its discretion and for good reason, grant exceptions or extensions of time to this chapter when the policy objectives of this chapter are met, but no exception may be granted which contravenes the authorizing statute.

- b) The project director shall submit a written request for an exception which shall include the approval of the governing body.
- c) Exceptions will not be granted for a situation in which a provisional license would be appropriate.

For Licensed Recovery Houses: 28 Pa. Code § 717.4. Exceptions.

- a) The Department may, in its discretion, grant exceptions or extensions of time to this chapter upon a showing by a drug and alcohol recovery house that it meets the policy objectives of this chapter. The Department will not grant an exception that violates any statute.
- b) A drug and alcohol recovery house shall submit all requests for exceptions in writing.

Exception requests must be submitted in writing on attached template or letterhead approved by the governing body or sole proprietor of the facility, and include the following:

1. Facility Name
2. Reference to the applicable regulation
3. Detailed reason for the exception request to include evidence that there was an attempt to comply with the regulation(s)
4. Indicate the timeframe of the exception
5. What steps has the facility taken to comply with the regulation? Please explain
6. How does the facility plan to reach compliance with the regulation without need for the exception? Please explain

If an exception is granted for a drug and alcohol treatment facility, the Department reserves the right to revoke the exception at any time in accordance with 28 Pa. Code §§ 701.12 and 709.5.

Exception requests to 28 Pa Code § 715.25 (relating to prohibitions of medication units), which states narcotic treatment medication units are prohibited should refer to [Licensing Alert 02-2022 - Medication Units](#) published September 27, 2022, for additional information.

The attached form may be used for submitting exception requests.

Please send all questions regarding this Licensing Alert, and direct exception requests to RA-licensuredivision@pa.gov.



EXCEPTION REQUEST FORM

Licensed Drug and Alcohol Facilities and Recovery Houses

Submit this form to RA-licensuredivision@pa.gov and include the facility license number in the subject line of the exception request.

Facility License Number:

Facility Name:

Regulation the facility is requesting an exception to:

The detailed reason for the exception request is:

Indicate the time frame of the requested exception:

What steps has the facility taken to comply with the regulation? Please explain:



Does the facility have a plan to reach compliance with the regulation without need for the exception? Yes/No. If yes, please explain:

Signature of the Governing Body below serves as Governing Body approval for this request.

Thank you,

Signature indicating approval of Governing Body

Date

****Submit this form RA-licensuredivision@pa.gov and include the facility license number in the subject line of the exception request.**