

Annex A

TITLE 28. HEALTH AND SAFETY

PART V. DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

~~CHAPTER 701. GENERAL PROVISIONS~~

~~SUBCHAPTER A. DEFINITIONS~~

~~§ 701.1. General definitions.~~

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~~Drug and alcohol recovery house—As defined in Section 2311-A of the
Administrative Code of 1929 (71 P.S. § 613.11).~~

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~~SUBCHAPTER B. EXCEPTIONS~~

~~§ 701.11. Exceptions to this part.~~

~~(a) SCA's, [and] projects and drug and alcohol recovery houses may submit a
written request to the Department for an exception to a provision of this part.~~

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~~§ 701.12. Revocation of exceptions.~~

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~~(b) In revoking an exception, the Department will provide for a reasonable time
between the date of written notice of revocation and the date of termination of an
exception for the project, [or] an SCA or a drug and alcohol recovery house to
come into compliance with this part. Failure by the project, [or] an SCA or a
drug and alcohol recovery house to comply after the specified date may result
in enforcement proceedings under this part.~~

CHAPTER 717. STANDARDS FOR DRUG AND ALCOHOL RECOVERY HOUSE

LICENSURE

§ 717.1. Scope.

(a) This chapter establishes the procedures for the issuance of a drug and alcohol recovery house license.

(b) This chapter provides standards for the licensure of a drug and alcohol recovery house under subarticle B of Article XXIII-A of the Administrative Code of 1929 (71 P.S. §§ 613.11 – 613.18).

§ 717.2. Legal base.

The authority of the Department to license drug and alcohol recovery houses is established under Section 2312-A of the Administrative Code of 1929 (71 P.S. § 613.12).

§ 717.3. Definitions.

For purposes of this chapter, the following words have the following meanings:

***Drug*—As defined in section 2 of the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-102).**

***Drug and alcohol recovery house*—As defined in Section 2311-A of the Administrative Code of 1929 (71 P.S. § 613.11).**

***Full license*—A certificate issued by the Department when it has found a licensee in compliance with the requirements of this chapter.**

***Illicit*—Unlawful for the person to possess under the laws of the Commonwealth of Pennsylvania.**

License—A full or provisional certificate which indicates the Department has found a drug and alcohol recovery house to be in full or substantial compliance with the standards established under this chapter.

Licensee—A person, society, corporation, governing authority or partnership legally responsible for the administration and operation of a drug and alcohol recovery house to which the Department has issued a license.

Provisional license—A certificate issued by the Department when it has found the licensee in substantial but not complete compliance with the requirements of this chapter.

Volunteer—A person who assists in implementing daily program activities under the supervision of a project staff person or house manager without promise, expectation or receipt of compensation for services rendered.

§ 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.

§ 717.5. Revocation of exceptions.

(a) The Department may revoke an exception granted under this chapter. The Department will provide a written notice of revocation that states the reason for the revocation and a specific date when the revocation will take

effect.

(b) The Department will allow at least 30 days between the mailing date of the notice of revocation and the date of termination of an exception.

(c) A drug and alcohol recovery house may file a written appeal within 30 days of the mailing date of the notice of revocation of the exception.

§ 717.6. Application **and renewal.**

(a) An applicant for an initial license shall submit to the Department the following for each drug and alcohol recovery house:

(1) An application on a form prescribed by the Department.

(2) A copy of all policies and procedures required under sections 717.17-717.19 717.22, 717.24-717.28, and 717.30-717.31.

(3) An application fee of \$250.

(b) A licensee applying for **annual** renewal of a license shall submit to the Department the following for each drug and alcohol recovery house:

(1) An application on a form prescribed by the Department.

(2) A copy of all policies and procedures required under sections 717.17-717.19 717.22, 717.24-717.28, and 717.30-717.31 that have been revised since the previous application.

(3) **An application renewal** fee of \$250.

(c) The Department will assess a fee of \$250 in addition to the fees in subsections (a) and (b) for **each** issuance of a provisional license under § 717.8.

(d) The Department will assess a fee of \$100 in addition to the fees in subsections (a), (b), and (c) for issuance of a provisional license under § 717.8 based on a violation cited as a result of a complaint investigation. The Department may waive or reduce the fee under this subsection when the licensee fully implements an approved plan of correction.

(e) The Department will not issue or renew a license until the applicant or licensee has completed and submitted all forms, documents, and fees required under this section.

§ 717.7. Full licensure.

(a) The Department will issue a **full** license to operate the drug and alcohol recovery house when it determines, after an on-site inspection by an authorized representative of the Department, that the applicant or licensee has met the requirements for licensure under this chapter.

(b) The Department will issue a **full** license to an applicant or licensee and will indicate the name of the drug and alcohol recovery house, the address and the date of issuance.

(c) **The full license shall expire one year following the date it is issued.**

(~~d~~) The drug and alcohol recovery house shall display the current license in a public and conspicuous place in the drug and alcohol recovery house.

§ 717.8. Provisional licensure.

(a) The Department will issue a provisional license, valid for a specific time period of no more than 6 months when the Department finds that a drug and alcohol recovery house:

- (1) Has substantially, but not completely, complied with applicable requirements for licensure.
- (2) Is complying with a course of correction approved by the Department.
- (3) Has existing deficiencies that will not adversely alter the health, welfare or safety of the residents.
- (b) Within 15 working days of receipt of the deficiency report, the applicant or licensee shall submit a plan to correct deficiencies noted during the site visits.
- (c) The Department will not renew a provisional license more than three times.
- (d) The Department will issue a ~~regular full~~ license upon compliance with this part and receipt of the \$250 renewal fee.
- (e) The drug and alcohol recovery house shall display the current license in a public and conspicuous place in the drug and alcohol recovery house.

§ 717.9. Restriction on license.

- (a) A license applies to the licensee, the named drug and alcohol recovery house and the premises designated therein and is not transferable ~~prior to proper and timely notification as provided under subsection (b).~~
- (b) The licensee, using Department forms, shall notify the Department within 90 days of the occurrence of any of the following conditions:

 - (1) Change in ownership.
 - (2) Change in name of the drug and alcohol recovery house.
 - (3) Change in location of the drug and alcohol recovery house.

(4) Change in maximum ~~capacity~~occupancy.

(5) Closing of the drug and alcohol recovery house.

(c) Failure to notify the Department ~~as required~~ under subsection (b) will result in automatic expiration of the license.

§ 717.10. Right to enter and inspect.

(a) An authorized representative of the Department has the right to enter, visit, and inspect a drug and alcohol recovery house licensed or applying for a license under this chapter.

(b) The authorized Department representative shall have full and free access to the records of the drug and alcohol recovery house and its residents.

(c) The authorized Department representative has the right to interview residents as part of the visitation and inspection process.

§ 717.11. Notification of deficiencies.

(a) The ~~authorized~~ Department ~~representative will leave appropriate~~ ~~Department forms with~~ will provide written notice to the applicant or licensee ~~to address areas of any~~ noncompliance with regulations, ~~along with instructions for the applicant or licensee to submit and complete a plan to correct the noncompliance.~~

(b) The applicant or licensee shall complete and submit the ~~forms~~plan to ~~correct the noncompliance in accordance with the instructions~~ to the Department within 15 working days after the site visit.

(c) The Department will not ~~issue-renew~~ a license until it has approved a plan of action. ~~The Department will not issue a license to an applicant until the~~

applicant has corrected all noncompliance.

§ 717.12. Refusal or revocation of license.

(a) The Department may revoke or refuse to issue a license for any of the following reasons:

- (1) Failure to comply with a directive issued by the Department.**
- (2) Violation of, or noncompliance with, this chapter.**
- (3) Failure to comply with a plan of correction approved by the Department, unless the Department approves an extension or modification of the plan of correction.**
- (4) Gross incompetence, negligence or misconduct in the operation of the drug and alcohol recovery house.**
- (5) Fraud, deceit, misrepresentation or bribery in obtaining or attempting to obtain a license.**
- (6) Lending, borrowing or using the license of another drug and alcohol recovery house.**
- (7) Knowingly aiding or abetting the improper granting of a license.**
- (8) Mistreating or abusing ~~individuals cared for or treated by residents at~~ the drug and alcohol recovery house.**
- (9) Continued noncompliance in disregard of this part.**
- (10) Operating a drug and alcohol recovery house that, by nature of its physical condition, endangers the health and safety of the public.**

(b) If the Department proposes to revoke or refuse to issue a license, it will give written notice to the applicant or licensee by certified mail, stating the

following:

- (1) The reasons for the proposed action.
 - (2) The specific time period for the drug and alcohol recovery house to correct deficiencies.
- (c) If the drug and alcohol recovery house does not correct the deficiencies within the specified time, the Department will officially notify the applicant or licensee that it shall show cause why its license should not be denied or revoked under 1 Pa. Code § 35.14 (relating to orders to show cause), and that it has a right to a hearing authorized by the Department on this question. The applicant or licensee shall file a written request within 30 days of receipt of the show cause order.
- (d) Subsection (c) supplements 1 Pa. Code § 35.14.

§ 717.13. Hearings.

- (a) The Department will convene and conduct a show cause hearing for a drug and alcohol recovery house under 1 Pa. Code § 35.37 (relating to answers to orders to show cause) and this chapter.
- (b) An administrative hearing held under this section will be conducted under 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).
- (c) The Department may institute legal proceedings to enforce compliance with this chapter.
- (d) This section supplements 1 Pa. Code Part II.

§ 717.14. Fines.

- (a) The Department will impose fines on the operator of an unlicensed recovery house in accordance with Section 2316-A(a) of the Administrative Code of 1929 (71 P.S. § 613.16(a)).**
- (b) For purposes of a violation under Section 2316-A(a) of the Administrative Code of 1929 (71 P.S. § 613.16(a)), each day of operating a drug and alcohol recovery house that requires a license without a current license shall constitute a separate violation.**

§ 717.15. House Manager.

- (a) The licensee shall designate a house manager to be the administrator of the drug and alcohol recovery house who is responsible for the management of the drug and alcohol recovery house, staff and volunteers.**
- (b) The licensee shall identify the house manager in the application submitted to the Department and shall notify the Department in writing any time the house manager changes within 30 days.**
- (c) The house manager shall complete at least 6 hours of training in one or more of the following areas within 6 months of becoming house manager, and annually thereafter:**
- (1) Fiscal policy.**
 - (2) Administration.**
 - (3) Program planning.**
 - (4) Quality assurance.**
 - (5) Program licensure.**
 - (6) Personnel management.**

- (7) Confidentiality.
- (8) Ethics.
- (9) Trends in drug use and misuse.
- (10) Developmental psychology.
- (11) Interaction of addiction and mental illness.
- (12) Cultural awareness.
- (13) Sexual harassment.
- (14) Relapse prevention.
- (15) Substance use disorders.
- (16) Peer support or mutual aid groups.
- (17) Best practices for medication control and self-administration.
- (18) Infection control.

§ 717.16. Fiscal management.

The licensee shall ~~obtain the services of an independent certified public accountant for a financial audit of the drug and alcohol recovery house's operations every two years, under generally accepted accounting principles~~ develop and implement written policies and procedures for management of all funds received and expended by the drug and alcohol recovery house in accordance with standard accounting practices, including an itemized record and documentation of all revenues and expenditures.

§ 717.17. Personnel management.

- (a) The licensee shall develop and implement written personnel policies and procedures in compliance with State and Federal employment laws, including:**
- (1) The Pennsylvania Human Relations Act (43 P.S. §§ 951 – 963).**
 - (2) Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C.A. §§ 2000e – 2000e-17).**
 - (3) Title I of the Americans with Disabilities Act of 1990, as amended (42 U.S.C.A. 12111 – 12117).**
 - (4) The Age Discrimination in Employment Act of 1967, as amended (29 U.S.C.A. §§ 621 – 634).**
- (b) The written policies and procedures must include:**
- (1) Use of volunteers.**
 - (2) Rules of conduct.**
 - (3) Supervision of staff.**
 - (4) Orientation of new employees.**
 - (5) Prohibition on providing or using alcohol or illicit drugs on the premises of the drug and alcohol recovery house, including consequences for a violation of the policy.**
 - (6) Relapse of recovering staff and volunteers, including consequences for a violation of the policy.**
 - (7) Completion of a Pennsylvania State Police Criminal history record check for the house manager, all staff and volunteers before engaging in work at the drug and alcohol recovery house.**

(c) The licensee shall maintain a personnel record for the house manager and each staff person and volunteer, which must include:

(1) Application or resume.

(2) A Pennsylvania State Police criminal history record check.

(3) Disciplinary actions.

(4) A written job description for each drug and alcohol recovery house position.

(5) Documentation of training.

§ 717.18. Training.

(a) The licensee shall develop and implement written staff development policies and procedures that identify the person responsible and the time frames for completion of the following:

(1) An assessment of training needs for each staff person and volunteer.

(2) A plan for addressing those needs.

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

(b) The licensee shall conduct and document an evaluation of the training plan annually.

(c) In addition to training identified and provided under subsection (a), staff persons and volunteers shall complete the following within 90 days of becoming an employee or volunteer:

(1) Cardiopulmonary resuscitation (CPR) certification.

(2) First aid training, including training on overdose reversal medication.

(3) HIV/AIDS, tuberculosis and sexually transmitted diseases training using a Department approved curriculum.

(4) Fire prevention and emergency preparedness, including use of a fire extinguisher.

§ 717.19. Resident rights.

(a) The licensee shall develop and implement written policies and procedures on resident rights which must include:

(1) Residents shall retain all civil rights that have not been specifically curtailed by separate judicial or administrative determination by the appropriate legal authority.

(2) The licensee may not discriminate against a resident on the basis of age, race, sex, religion, ethnic origin, economic status, disability, sexual orientation or gender identity or expression.

(3) Residents have the right to inspect their own records.

(4) Residents have the right to request the correction of information in their records on the basis that it is inaccurate, irrelevant, outdated or incomplete.

(5) Residents have the right to submit a rebuttal to information in their records.

(6) Residents may attend a treatment facility of their choice outside of the drug and alcohol recovery house. The licensee may not require a resident to attend or prohibit a resident from attending a specific treatment facility.

(b) The licensee shall obtain written acknowledgement by residents that they have received notice of their rights.

§ 717.20. Resident records.

(a) The licensee shall maintain an individual record for each resident which must include:

(1) All records obtained ~~during intake~~ under § 717.22.

(2) Consent to residency form.

(3) Referrals to and from the drug and alcohol recovery house, if applicable.

(b) The licensee shall keep hard copy resident records in a locked cabinet and secure digital resident records on a protected data system.

(c) The licensee shall maintain resident records, regardless of format, for at least four years following the ~~discharge of a resident ending or completion of residency.~~

(d) If the licensee discontinues operation of a drug and alcohol recovery house, it shall notify the Department where it will store resident records.

§ 717.21. Resident roster.

(a) The licensee shall maintain a resident roster that identifies ~~each the date of each resident's startbeginning and admission, end of residency andor~~ completion of residency.

(b) The licensee shall maintain the information in subsection (a) on the resident roster for each resident for at least four years following the ~~discharge of the resident ending or completion of residency.~~

(c) The licensee shall store physical copies of the resident roster in a locked cabinet or secure digital copies of the resident roster in a protected data system.

(d) A licensee that discontinues operation of a drug and alcohol recovery house shall notify the Department where it will store the resident roster.

§ 717.22. ~~Intake and admission~~Beginning of residency.

(a) The licensee shall develop and implement written policies and procedures for ~~resident intake and admission~~ beginning of residency which include:

(1) ~~Admission-Residency~~ criteria.

(2) Requirements for completion of residency ~~by meeting a resident's treatment, personal or financial goals or social-emotional or other needs.~~

(3) Criteria for ending residency ~~before completion under paragraph (2), including a timeline.~~

(b) The licensee shall complete the following ~~resident intake~~ documentation, which must be signed by the resident, within 24 hours of arrival:

(1) Disclosure to the resident of criteria for ~~admission-beginning~~ and ending residency.

(2) Resident orientation to the drug and alcohol recovery house which must include:

(i) Drug and alcohol recovery house rules, ~~including a method to record residents' expected return time to the drug and alcohol recovery house.~~

- (ii) Fee schedule including any lease agreement.
- (iii) Supports provided by the drug and alcohol recovery house, as well as referrals to other essential services as needed.
- (iv) Financial policies and procedures.
- (v) The location of posted emergency procedures and contact information for the house manager and the Department.
- (vi) Medication control and self-administration policies.
- (3) Basic personal data including:

 - (i) Name.
 - (ii) Birth date.
 - (iii) Demographic information.
 - (iv) Medical information provided by the resident, including allergies, asthma, seizure disorder, diabetes, pacemaker, and other medical conditions that the resident chooses to have in the house record.
 - (v) Drug and alcohol history.
 - (vi) Medical contact information.
 - (vii) Emergency contact.
- (4) Consent to residency.
- (5) Disclosure to the resident of the recovery house's policies and procedures for situations when recovery house staff may notify the resident's emergency contact.

§ 717.23. Notification of decision to end residency.

- (a) The licensee shall notify the resident in writing of a decision to end residency. The notice must include the reason and a timeframe for ending residency.**
- (b) The resident shall have an opportunity to request the licensee reconsider a decision to end residency before the decision to end residency takes effect.**
- (c) The resident may decide to end residency without providing a reason to the licensee.**

§ 717.24. Medication control and self-administration.

The licensee shall develop and implement written policies and procedures on the use of prescription and over-the-counter medications by residents, which must include:

- (1) Self-administration of medication for residents who take medication.**
- (2) Safe storage of medication by the drug and alcohol recovery house and residents and procedures to address loss, theft, abandonment or misuse of medications. The policy must provide that controlled substances stored at the drug and alcohol recovery house will be kept in a locked container.**
- (3) Safe disposal of unused, expired or abandoned medication, in accordance with State and Federal regulations.**
- (4) Emergency procedures if an adverse medication reaction or overdose occurs on premises. The licensee shall have and make**

available overdose reversal medication on the premises of the drug and alcohol recovery house at all times.

(5) Prohibition on sharing prescription medication.

§ 717.25. Financial transactions.

(a) The licensee shall develop and implement written policies and procedures to maintain a complete record of collection of fees, payments and deposits between ~~the licensee, an employee of~~ the drug and alcohol recovery house or its employees and the resident or on behalf of the resident in accordance with standard accounting practices. The record must include:

(1) All fee deposits, resident fees and other monetary transactions between the drug and alcohol recovery house and the resident.

(2) Documentation that the drug and alcohol recovery house returned all deposits due to the resident when the resident departed the drug and alcohol recovery house, signed and dated by the licensee and resident.

(b) The licensee shall develop and implement written policies and procedures that prohibit the licensee, staff, volunteers or contractors of the drug and alcohol recovery house from:

(1) Requiring a resident to sign a document relinquishing the resident's public assistance benefits, including medical assistance benefits, cash assistance, Supplemental Security Income and Supplemental Nutrition Assistance Program benefits.

(2) Requiring a resident to surrender cash or sign over a paycheck.

- (3) Borrowing money from a resident or lending money to a resident.
- (4) Buying property from a resident or selling property to a resident.
- (5) Directly or indirectly soliciting or accepting a commission, fee or anything of monetary or material value from residents, other related individuals, third-party entities or referral sources, beyond specified rent established in writing at the time of residency.

(c) Residents maintain the right to manage their own personal finances.

(d) A licensee may assist a resident in managing the resident's finances, budgeting, and spending.

(1) The licensee shall keep a record of financial transactions **in accordance with standard accounting practices**, including the dates, amounts of deposits, amounts of withdrawals and the current balance.

(2) The licensee shall disburse resident funds during normal business hours within 24 hours of the resident's request.

(3) The licensee shall obtain a written receipt from the resident for cash disbursements at the time of disbursement.

(4) The licensee shall only use resident funds and property for the resident's benefit.

(5) The licensee may not commingle resident funds and house funds.

(6) If the licensee is holding more than \$200 for a resident for more than two consecutive months, the licensee shall notify the resident and offer assistance in establishing an interest-bearing account in the

resident's name at a local Federally-insured financial institution. This does not include security deposits.

(7) The licensee, staff, volunteers, or contractors shall not be assigned power of attorney or guardianship of a resident or a resident's estate.

(8) The licensee shall maintain a copy of the itemized account in the resident's record.

(9) The licensee shall provide the resident the opportunity to review their own financial record upon request during normal business hours.

(e) The licensee shall establish a written agreement with a resident before assisting in managing the resident's finances.

(1) The licensee and resident shall sign the agreement.

(2) The agreement must include:

(i) The financial assistance provided by the licensee.

(ii) The right of the resident to at least 30 days advance notice, in writing, of the licensee's request to change the agreement.

(iii) The right of the resident to rescind the agreement in writing.

(3) The licensee shall maintain a copy of the financial management services agreement in the resident's record.

§ 717.26. Complaint management.

The licensee shall develop and implement written policies and procedures for managing complaints from residents, family members and community members,

which must include procedures for informing residents, family members and community members of the complaint process, including the ability to file a complaint with the Department.

§ 717.27. Notification to family member or emergency contact.

(a) The licensee shall develop and implement written policies and procedures that specify the **methods and** circumstances, including the resident's hospitalization or death, for notifying the resident's emergency contact, with the resident's consent. The resident may revoke consent to provide notice to the emergency contact.

(b) The licensee shall make at least one attempt to notify the resident's emergency contact in accordance with subsection (a) immediately and in no event more than 12 hours after the resident decides to end residency or does not return to the drug and alcohol recovery house as expected. This subsection shall not apply if the licensee knows or has reason to know of allegations of domestic abuse on the resident by the emergency contact.

§ 717.28. Resident requirements.

The licensee shall develop and implement written policies and procedures that:

- (1) Promote and require that residents participate in treatment, self-help groups or other drug and alcohol recovery supports.
- (2) Require that residents abstain from use and sale of alcohol and illicit drugs, and provide consequences for failure to abstain.

§ 717.29. Physical plant standards.

(a) Compliance with applicable laws.

The licensee shall follow applicable Federal, State and local laws and ordinances, including the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101).

(b) *Building interior, exterior and grounds.*

(1) The licensee shall:

- (i) Keep the interior, exterior, and grounds or yard of the drug and alcohol recovery house clean, safe, sanitary and in good repair and free of hazards at all times.
- (ii) Store all trash in noncombustible, covered containers that prevent the penetration of insects and rodents and remove all trash at least once each week.
- (iii) Keep the drug and alcohol recovery house free of rodent and insect infestation.
- (iv) Limit smoking to designated outside smoking areas.
- (v) Keep exterior exits, stairs and walkways lighted at night.

(c) *Living rooms and lounges.*

(1) The licensee shall:

- (i) Provide at least one living room or lounge for the free and informal use by residents, their families and invited guests.
- (ii) Maintain furnishings in a state of good repair.

(d) *Sleeping accommodations.*

- (1) Each drug and alcohol recovery house bedroom must have the following:

- (i) A bed in good repair with a solid foundation and fire-retardant mattress for each resident.**
- (ii) A pillow, sheets and other bedding in good condition and appropriate for the temperature in the drug and alcohol recovery house for each resident.**
- (iii) A storage area for clothing for each resident.**
- (iv) At least 60 square feet of floor space per resident measured wall to wall in each shared bedroom.**
- (v) At least 50 square feet of floor space per resident measured wall to wall in each shared bedroom with bunk beds. Bunk beds must:**

 - (A) Provide enough space in between each bed and the ceiling to allow a resident to sit up in bed.**
 - (B) Be equipped with a securely attached ladder capable of supporting a resident.**
 - (C) Be equipped with securely attached railings on each open side and open end of the bunk.**
- (vi) At least 70 square feet of floor space measured wall to wall in each single bedroom.**
- (vii) Direct access to a corridor or external exit.**
- (viii) Ventilation by operable windows or have mechanical ventilation.**
- (ix) A window with a source of natural light.**

(2) A bedroom may not:

(i) Be used as a means of egress from or access to another part of the drug and alcohol recovery house unless the bedroom is used as an exit under § 717.30(b)(2).

(ii) Contain the sole egress to a stairway or basement.

(3) Notwithstanding requirements in paragraph (1) and (2), bedrooms located in a basement must have:

(i) Wall, floor and ceiling coverings such as tile, linoleum, paneling or dry wall.

(ii) A protective fire wall between the bedroom and a furnace.

(iii) A direct means of egress from the basement to the outside.

(e) Bathrooms. The licensee shall:

(1) Provide bathrooms to accommodate residents, staff, volunteers and guests.

(2) Provide a sink, a wall mirror, a soap dispenser and either individual towels, paper towels, or a mechanical dryer in each bathroom.

(3) Have hot and cold water under pressure. Hot water temperature may not exceed 120°F.

(4) Provide privacy in toilets by doors, and in showers and bathtubs by partitions, doors or curtains. There must be slip-resistant surfaces in all bathtubs and showers.

(5) Ventilate toilet and wash rooms by exhaust fan or window.

(6) Provide toilet paper at each toilet at all times.

(7) Maintain each bathroom in a functional, clean and sanitary manner at all times.

(f) *Kitchens.* The licensee shall:

(1) Provide a kitchen area with capacity for residents to safely store food items and prepare meals. The kitchen area must include refrigerator, sink, stove, oven and cabinet space in a good state of repair.

(2) Ensure that storage areas for foods are free of food particles, dust and dirt.

(3) Ensure that refrigerators maintain cold food at or below 40°F and freezers maintain frozen food at or below 0°F.

(4) Ensure that food items are stored off the floor.

(g) *Heating and cooling.* The licensee:

(1) Shall maintain an indoor temperature in the drug and alcohol recovery house between 65°F and 90°F at all times.

(2) May not use or permit portable space heaters.

§ 717.30. Safety and emergency procedures.

(a) *Policies and procedures.* The licensee shall develop and implement written policies and procedures for staff and residents to follow in an emergency which must include provisions for:

(1) The evacuation and transfer of residents, staff, and volunteers to a safe location.

(2) Assignments of staff and volunteers during emergencies.

(3) The evacuation and transfer of residents impaired by alcohol or other drugs.

(4) Notification to the Department within 48 hours of a fire, other disaster or situation which affects the continuation of operations.

(b) Exits. The licensee shall:

(1) Ensure that stairways, hallways and exits from rooms and from the drug and alcohol recovery house are unobstructed.

(2) Maintain a minimum of two unobstructed exits that are separated by a minimum distance of 15 feet on every floor that contains resident bedrooms. Equipment such as ladders and escapes located above the ground floor must be securely affixed to the house. Rooms, including resident bedrooms, that contain an exit must be unlocked and accessible to all residents in the event of an emergency.

(3) Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18-inch drop with a well-secured railing.

(4) Clearly indicate exits.

(5) Light interior exits and stairs at all times.

(c) Smoke and carbon monoxide detectors.

(1) The licensee shall:

(i) Maintain at least one operable, automatic smoke detector on each floor, including the basement and attic.

(ii) Maintain a smoke detector within 15 feet of each bedroom

door on floors with resident bedrooms.

(iii) Repair inoperable smoke detectors within 48 hours.

(iv) Maintain carbon monoxide detectors in drug and alcohol recovery houses that have heating systems in which carbon monoxide is a byproduct of the heating system and in drug and alcohol recovery houses with attached garages. The carbon monoxide detector must be located within 15 feet of the carbon monoxide source, audible to drug and alcohol recovery house residents and maintained in an operable state.

(v) Inspect, test and document that all smoke detectors and carbon monoxide detectors are functional monthly.

(2) Requirements for smoke and carbon monoxide detectors:

(i) Each smoke detector and carbon monoxide detector must be of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories and must provide both and audible and visual alerts.

(d) Fire extinguishers. The licensee shall:

(1) Maintain at least one portable fire extinguisher with a minimum of an ABC rating for every 2,000 square feet of space and fraction of it on each floor.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen in addition to the fire extinguishers

required under paragraph (1). The extinguisher in the kitchen must be located near an exit and away from the cooking area.

- (3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection must be indicated on the extinguisher or inspection tag; the licensee shall replace or repair a fire extinguisher found to be inoperable within 48 hours.

§ 717.31. Unusual incidents.

(a) The licensee shall develop and implement written policies and procedures to respond to the following unusual incidents:

- (1) Physical assault or sexual assault by staff, a volunteer or a resident on or off the premises.
- (2) Provision or use of illicit drugs on the premises.
- (3) Death or serious injury due to trauma, suicide, medication error or unusual circumstances while residing at the drug and alcohol recovery house.
- (4) Significant disruption due to disaster such as fire, storm, flood or other occurrence which closes the drug and alcohol recovery house for more than 1 day.
- (5) Theft, burglary, break-in or similar incident at the drug and alcohol recovery house.
- (6) Event at the drug and alcohol recovery house requiring the presence of police, fire or ambulance personnel.

(7) Fire or structural damage to the drug and alcohol recovery house.

(8) Outbreak of a contagious disease requiring Centers for Disease Control (CDC) notification.

(b) The licensee shall develop and implement written unusual incident policies and procedures which must include the following:

(1) Documentation of the unusual incident.

(2) Prompt review and identification of the direct and indirect causes of the unusual incident.

(3) Implementation of a timely and appropriate plan of correction, when indicated.

(4) Ongoing monitoring of the plan of correction.

(c) The licensee shall file a written unusual incident report with the Department within three business days following an unusual incident involving:

(1) Physical or sexual assault by staff, a volunteer or a resident.

(2) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.

(3) Fire, storm, flood or other occurrence that results in the closure of the drug and alcohol recovery house or the relocation of residents for more than one day.

(4) An event at the drug and alcohol recovery house requiring the presence of police, fire or ambulance personnel.

(5) Outbreak of a contagious disease requiring CDC notification.

(d) The licensee shall make reports to other boards and agencies as required by applicable law, including section 4(b) of the Disease Prevention and Control Law of 1955 (35 P.S. § 521.4).

§ 717.32. Complaints about drug and alcohol recovery houses.

(a) The Department will accept complaints from any individual about drug and alcohol recovery houses that have or are required to have licenses.

(b) An individual who submits a complaint may request to remain anonymous. The Department will disclose the individual's identity as required under law.

(c) The Department:

(1) Will investigate complaints that allege a violation of subarticle B of Article XXIII-A of the Administrative Code of 1929 (71 P.S. §§ 613.11-613.18) or this chapter.

(2) May refer complaints that do not allege a violation of subarticle B of Article XXIII-A of the Administrative Code of 1929 (71 P.S. §§ 613.11-613.18) or this chapter to another Federal, State, or local agency or entity within two business days.

(3) Will report complaints that allege abuse, neglect, or a criminal violation to law enforcement within two business days.

(d) The Department will assess complaints under paragraph (c)(1) based on the degree of risk to residents' health or safety.

(1) The Department will begin an investigation of a complaint that alleges a direct threat to the health or safety of a resident within two

business days.

(2) The Department will begin an investigation of a complaint that does not allege a direct threat to the health or safety of a resident within five business days.

(e) The Department may conduct an announced or unannounced onsite inspection of any complaint under paragraph (c)(1).

(f) The Department will provide a summary of its findings of an investigation of a complaint under paragraph (c)(1) to the individual who made the complaint.

§ 717.33. Drug and alcohol recovery house registry.

(a) The Department will create on its website and update at least annually a registry of licensed drug and alcohol recovery houses.

(b) The registry will include, for each licensed drug and alcohol recovery house:

(1) The name of the licensee.

(2) The name of the drug and alcohol recovery house.

(3) The street address of the drug and alcohol recovery house.

(4) The contact information listed in the drug and alcohol recovery house's application under § 717.6.

(5) The drug and alcohol recovery house's maximum occupancy.

(6) Any other information the Department determines is in the public interest.

(c) The registry will:

- (1) List whether each drug and alcohol recovery house has a full license, a provisional license, or is operating pending appeal of the revocation of its license.**
- (2) Contain a notice that not all drug and alcohol recovery houses must be licensed and that some licensees may operate both licensed and unlicensed drug and alcohol recovery houses.**