




## LICENSING ALERT 03-2024

### Act 66 of 2023 – Regulatory Flexibilities During an Opioid Epidemic

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Deputy Secretary  
Department of Drug and Alcohol Programs

February 13, 2024

**Effective date:** Immediately

**Purpose:** To provide updated guidance on how the Department of Drug and Alcohol Programs (DDAP) will evaluate staffing compliance under Act 66 of 2023 (Act 66). See Act 66 of 2023.

**Background:** Act 66 took effect immediately when the Governor signed it into law on December 14, 2023. Act 66 provides substance use disorder (SUD) treatment facilities with regulatory flexibility in staffing ratios and qualifications and supervision provisions during an opioid epidemic. Those flexibilities are summarized in the following table:

Regulation, Pa. Code	Subject matter	Act 66 flexibility
§ 704.7(b)(1)	Counselor qualifications	A Certified Registered Nurse Practitioner (CRNP) or Physician Assistant (PA) are qualified to serve as a counselor
§ 704.7(b)(3), (4), and (5)	Clinical experience	Persons can serve as counselors even without previous clinical experience if they: -have obtained a bachelor's or 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; or -are currently licensed as a Registered Nurse
§ 704.8(a)	Counselor assistants	A treatment facility may hire up to three counselor assistants for each staff person who meets the qualifications of a clinical supervisor or counselor
§ 704.12(a)(1)	Client/staff ratios	A residential detoxification program must have at least one full -time equivalent staff person available for every ten clients during primary care hours
§ 704.12(a)(1)(ii)	On-call medical staff	A residential detoxification program may use a CRNP or PA as an on-call physician



§ 704.12(a)(3)(i)	Client/staff ratios	A residential treatment and rehabilitation program for adults must have at least one full-time equivalent counselor for every twelve clients
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Act 66 requires the project director of any facility intending to use any of the regulatory flexibilities described above to notify DDAP, in writing or by email, of this intent. The project director may use the attached form to notify DDAP of its intent to use each regulatory flexibility.

These flexibilities apply during the existence of an opioid epidemic. Act 66 defines “opioid epidemic” as “a public health crisis in which illicit opioid use and abuse results in more than 1,000 confirmed overdose deaths from an opioid in a calendar year over at least three consecutive years in this Commonwealth, as the number of deaths reported by the Department of Health in the Coroner and Medical Examiner Onboarding and Drug Overdose Death Monthly Surveillance Report.”

Treatment facilities are reminded that they must continue to comply with other applicable regulations. For example, a facility that uses a regulatory flexibility under § 704.8(a) to hire additional counselor assistants must still meet clinical supervisor ratio requirements of 28 Pa. Code § 704.6(a), as well as the counselor assistant supervision and evaluation requirements of 28 Pa. Code § 704.9.

Please submit all questions regarding this Licensing Alert to the Bureau of Program Licensure at [RA-licensuredivision@pa.gov](mailto:RA-licensuredivision@pa.gov).



Bureau of Program Licensure  
One Penn Center  
2601 N. 3rd Street, 5th Floor  
Harrisburg, PA 17110

Facility Name: \_\_\_\_\_

Facility License Number: \_\_\_\_\_

Act 66 of 2023 regulatory flexibility the facility intends to use. Please check all that apply.

- § 704.7(b)(1) A Certified Registered Nurse Practitioner (CRNP) or Physician Assistant (PA) are qualified to serve as a counselor
- § 704.7(b)(3), (4), and (5) Persons can serve as counselors even without previous clinical experience if they:
  - have obtained a bachelor's or 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; or
  - are currently licensed as a Registered Nurse
- § 704.8(a) A treatment facility may hire up to three counselor assistants for each staff person who meets the qualifications of a clinical supervisor or counselor
- § 704.12(a)(1) A residential detoxification program must have at least one full -time equivalent staff person available for every ten clients during primary care hours
- § 704.12(a)(1)(ii) A residential detoxification program may use a CRNP or PA as an on-call physician
- § 704.12(a)(3)(i) A residential treatment and rehabilitation program for adults must have at least one full-time equivalent counselor for every twelve clients

Project Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Submit this form to [RA-licensuredivision@pa.gov](mailto:RA-licensuredivision@pa.gov).