


LICENSING ALERT 05-2024

Consolidation of Regulatory Requirements Related to Chapter § 704 Staffing Regulations

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Effective date: Immediately

Purpose: To provide and organize guidance by the Department of Drug and Alcohol Programs (Department) on the interpretation and implementation of regulatory licensing requirements for staff education, training, and supervision, as well as client-to-staff/counselor ratios for drug and alcohol treatment providers.

Background: The Department has issued individual Licensing Alerts over time that focus on specific regulation topics. This licensing alert will organize previous relevant active licensing alerts, as well as provide additional guidance for Chapter 704 staffing regulations. Each section will consist of a brief, overall narrative of the regulation, a direct link to the regulation, and direct links and explanation of staffing-related active licensing alerts.

Organization: This document is organized in the same order as 28 PA Code Chapter 704, relating to Staffing Regulations for Drug and Alcohol Treatment Activities. It includes separate sections for core staff qualifications, staff trainings, and client-to-staff/counselor ratios.

Section I

[28 PA Code Chapter 704. Staffing Regulations for Drug and Alcohol Treatment Activities](#)

- **[Licensing Alert 06-96](#)** – This alert provides a copy of 28 PA Code Chapter 704 Staffing Regulations with interpretive guidelines.
 - The interpretive guidelines provide guidance on how the Department interprets certain regulations. In this copy, the interpretive guidelines are located under each regulation and are the bold and italicized language. Please note that the interpretive guidelines apply only to selected regulations and that not all regulations have accompanying interpretive guidelines.

- [Licensing Alert 03-15](#) – This alert gives guidance on which Chapter 704 Staffing Regulations apply generally within a project (project-wide) and which regulations that apply to each individual facility (facility-specific).
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Section II

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

- This section addresses the following:
 - Each project must appoint a single project director who is responsible for the overall management of the project and staff. Each facility must have a facility director who is responsible for the overall management of the day-to-day operations of the facility and staff.
 - A facility director who qualifies as a counselor can also serve as clinical director. A facility that has fewer than eight counselors must appoint a lead counselor or part-time clinical supervisor to be responsible for the clinical services.
 - The project director and facility director must meet at least one of the three sets of education and experience qualifications under § 704.5(c).
 - Training requirements for these positions are located in Section VIII of this document.
 - There are two active Licensing Alerts related to § 704.5.
 - [Licensing Alert 05-05](#) – This alert provides examples of the responsibilities of the project director.
 - [Licensing Alert 03-21](#) – This alert describes the list of college degree majors identified under the “other related field” portion of the regulation. It also provides guidance on qualifying with a degree minor, as well as qualifying with a certain number of related credits taken.
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Section III

§ 704.6 Qualifications for the position of clinical supervisor

- This section addresses the following:
 - A project must have a full-time clinical supervisor for every eight full-time counselors or counselor assistants, or both.
 - The clinical supervisor must meet at least one of the four sets of education and experience qualifications under [§ 704.6\(b\)](#).
 - Clinical supervisors and lead counselors who have less than two years of prior experience as a supervisor of clinical services must complete a Department-approved

clinical supervision core curriculum. Core curriculum trainings not provided by the Department must receive prior approval from the Department.

- Clinical supervisors and lead counselors who have less than two years working with persons with substance use disorder must take at least six hours of substance use disorder training within their first year of employment.
- All clinical supervisors must have documented monthly meetings with their direct supervisors for the first six months in the position. Duties/responsibilities/performance should be discussed and the frequency of meetings after the first six months shall be determined by the clinical supervisor's displayed skill level in the position.
- Training requirements for this position are located in Section VIII of this document.
- There are two active Licensing Alerts related to § 704.6.
 - [Licensing Alert 02-05](#) – This alert provides additional guidance on supervision under [§ 704.6\(a\)](#), depending on the number of counselors and counselor assistants at a facility. A full-time clinical supervisor is required for every eight full-time counselors and counselor assistants. A facility director who also qualifies for the position of counselor is permitted to have direct clinical service supervision responsibilities.
 - [Licensing Alert 03-21](#) – This alert describes the list of college degree majors identified under the “other related field” portion of the regulation. It also provides guidance on qualifying with a degree minor, as well as qualifying with a certain number of related credits taken.

Section IV

[§ 704.7 Qualifications for the position of counselor](#)

- This section addresses the following:
 - The counselor must meet at least one of the six sets of education and experience qualifications under [§ 704.7\(b\)](#), except as permitted by [Pennsylvania Act 66 of 2023](#). See Licensing Alert 03-24 below.
 - Training requirements for this position are located in Section VIII of this document.
- There are three active Licensing Alerts related to § 704.7.
 - [Licensing Alert 02-15](#) – This alert provides guidance on which certifications offered by the Pennsylvania Certification Board (PCB) are full certifications. PCB certifications that meet Chapter 704 staffing regulations for a counselor are: Certified Associate Addictions Counselor (CAAC), Certified Alcohol and Drug Counselor (CADC), and Certified Advanced Alcohol and Drug Counselor (CAADC).
 - [Licensing Alert 03-21](#) – This alert describes the list of college degree majors identified under the “other related field” portion of the regulation. It also provides guidance on qualifying with a degree minor, as well as qualifying with a certain number of related credits taken.

- [Licensing Alert 03-24](#) – This alert provides guidance on how the Department will evaluate staffing compliance under [Pennsylvania Act 66 of 2023](#) and how providers can utilize the regulatory flexibilities within the Act. It also reminds providers the project director must notify the Department of their intent to use any of the regulatory flexibilities and provides a copy of a request form project directors can use for notification.
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Section V

§ 704.8 Qualifications for the position of counselor assistant

- This section addresses the following:
 - The counselor assistant must meet one of the five sets of education qualifications under [§ 704.8\(a\)](#), except as permitted by [Pennsylvania Act 66 of 2023](#). See Licensing Alert 03-24 below.
 - A counselor assistant must also comply with the training requirements within [§ 704.11\(g\)](#).
 - A counselor assistant may not be assigned a full caseload unless their supervisor has completed a positive assessment of their skill level.
 - Training requirements for this position are located in Section IX of this document.
 - There are two active Licensing Alerts related to § 704.8.
 - [Licensing Alert 03-21](#) – This alert describes the list of college degree majors identified under the “other related field” portion of the regulation. It also provides guidance on qualifying with a degree minor, as well as qualifying with a certain number of related credits taken.
 - [Licensing Alert 03-24](#) – This alert provides guidance on how the Department will evaluate staffing compliance under [Pennsylvania Act 66 of 2023](#) and how providers can utilize the regulatory flexibilities within the Act. It also reminds providers the project director must notify the Department of their intent to use any of the regulatory flexibilities and provides a copy of a request form project directors can use for notification.
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Section VI

§ 704.9 Supervision of counselor assistant

- This section addresses the following:
 - A counselor assistant must be supervised by a full-time clinical supervisor or a counselor.

- A counselor assistant must be given a written semi-annual performance evaluation based on measurable performance standards. A counselor assistant must be closely supervised and evaluated until they obtain a satisfactory rating from their supervisor.
 - Counselor assistants with a master's degree, a bachelor's degree, a registered nurse, an associate's degree, or a high school diploma/GED equivalent are listed.
 - There are two active Licensing Alerts related to § 704.9.
 - [Licensing Alert 04-02](#) – This alert provides examples of ways to provide and document direct observation and close supervision as defined by [§ 701.1](#). Both the counselor assistant and the supervisor or counselor may co-sign progress notes in the clinical record. A corresponding employee supervisory note should also document discussion of this direct observation.
 - [Licensing Alert 01-15](#) – This alert explains the process for providers to submit an exception request to adjust/reduce the direct observation length of time required for a counselor assistant under [§ 704.9\(c\)\(5\)](#).
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Section VII

[§ 704.10 Promotion of counselor assistant](#)

- This section addresses the following:
 - A counselor assistant who meets one of the sets of education and experience qualifications for a counselor under [§ 704.7\(b\)\(1\)–\(6\)](#) can be promoted to counselor.
 - The counselor assistant must document to the facility director at the end of each calendar year that the counselor assistant is working toward counselor status.
 - This documentation can include copies of college transcripts from the most recent school year/quarter; a copy of an application for full certification from a certification board; or a letter stating the plan for the counselor assistant to attain counselor status.
 - A counselor assistant has up to five years to meet the requirements of a counselor. A counselor assistant who does not meet the requirements within five years may submit an exception request to the Department for two additional years.
 - A provider's request for an exception to the five-year time requirements should describe why meeting the timeframe is not practical. The request must be signed by the supervising clinical supervisor or counselor and the project director.
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Section VIII

[§ 704.11 Staff development program](#)

{including required trainings for positions for project director, facility director, clinical supervisor, counselor, and counselor assistant}

- This section addresses the following:
 - The project director must develop comprehensive policies and procedures for the staff development program for agency personnel. The policy and procedures should clearly identify the provider's training year. The policies and procedures must include the following four components:
 - An assessment of staff training needs – This is an assessment of the entire project/facility staff as a whole. The policy and procedure should identify who is responsible to complete the assessment and the timeframe for completion.
 - An overall plan for addressing the staff training needs – This is an overall plan for the entire project/facility staff as a whole, not individual staff. The policy and procedure should identify who is responsible to complete the overall plan and the timeframe for completion.
 - A mechanism to collect feedback on completed trainings – This is for feedback for individual trainings that staff take during the course of a provider-identified training year. This can be documented by written feedback forms or a verbal discussion. The policy and procedure should specify the method used to collect feedback, who is responsible to collect the feedback, and the timeframe for completion.
 - An annual evaluation of the overall training plan – This is the annual evaluation of the overall staff training plan. The evaluation should determine how the overall training plan addressed the identified needs and how the needs were satisfied. The policy and procedures should identify who is responsible to complete the evaluation and the timeframe for completion.
 - A written individual training plan must be completed for each employee, with input from both the employee and their supervisor. The plan must be appropriate to the employee's skill level based on factors such as previous education, experience, current job functions and job performance.
 - There are general training requirements that apply to all staff. They are:
 - All staff and volunteers must receive at least six hours of HIV/AIDS training and 4 hours of tuberculosis, sexually transmitted diseases, and other health related topics training. The Department has developed curriculums for providers to develop their own in-house trainings. The curriculums are located in Licensing Alerts [06-97](#) and [02-23](#).
 - Counselors and counselor assistants must complete both trainings within the first year of employment.
 - Other staff/volunteers must complete both trainings within the first two years of employment or volunteering.
 - At least one staff person trained in First Aid and certified in CPR must be onsite during the project's hours of operation.

- At least half of all trainings must be provided by trainers who are not directly employed by the project unless the project specifically employs staff to provide training for its organization and staff.
- If an employee holds more than one position, they must meet the training requirements in [§ 704.11](#) for the employee's primary position and the primary position is the position for which an individual was initially hired.
- The training requirements for project directors, facility directors, clinical supervisors, counselors, and counselor assistants are as follows:
 - Project directors and facility directors must complete at least twelve hours of training during the training year in relevant areas identified in their training plans. The regulation lists seventeen suggested subject areas, but the list is not exhaustive and other areas can be selected in their training plans.
 - Clinical supervisors must complete at least twelve hours of training during the training year in relevant areas identified in their training plans. The regulation lists thirteen suggested subject areas, but the list is not exhaustive and other areas can be selected in their training plans.
 - Counselors must complete at least 25 hours of training during the training year in relevant areas identified in their training plans. The regulation lists eighteen suggested subject areas, but the list is not exhaustive and other areas can be selected in their training plans.
 - Counselor assistants must complete at least 40 hours of training during the counselor assistant's first year of employment, based on their hire date, in relevant areas identified in their training plans. After the first year, the counselor assistant must complete at least 30 clock hours of training during the training year. The regulation lists fifteen suggested subject areas, but the list is exhaustive and other areas can be selected in their training plans.
- The total hours required for training are specific to each job position and are not transferable to a new position within the project.
- There are four active Licensing Alerts related to § 704.11.
 - [Licensing Alert 06-97](#) – This alert advises providers how to develop their own curriculum for the tuberculosis, sexually transmitted diseases, and other health related topics training.
 - [Licensing Alert 03-05](#) – This alert explains that 30 days is a reasonable time to develop a training plan for a newly hired employee.
 - [Licensing Alert 02-12](#) – This alert advises providers that physicians, Physician Assistants (PA), Certified Registered Nurse Practitioners (CRNP), and nurses are not required to obtain the HIV/AIDS training and the tuberculosis, sexually transmitted diseases, and other health related topics training under [§ 704.11](#) because it is already included in their education in the health care field.
 - [Licensing Alert 02-23](#) – This alert advises providers of an online HIV/AIDS training module and how to develop their own curriculum for HIV/AIDS training.

Section IX

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

- This section addresses client/staff and client/counselor ratios for treatment activities:
 - Inpatient nonhospital detoxification (residential detoxification). The client/staff ratio for this activity is one FTE primary care staff person available for every seven clients during the facility’s primary care hours and there must also be a physician on-call at all times, except as permitted by [Pennsylvania Act 66 of 2023](#). See Licensing Alert 03-24 below.
 - Inpatient hospital detoxification. The client/staff ratio for this activity is one FTE primary care staff person available for every five clients during the facility’s primary care hours. The definition of primary care staff is included in [Licensing Alert 03-02](#).
 - Inpatient nonhospital treatment and rehabilitation (residential treatment and rehabilitation). The client/counselor ratios for this activity are one FTE counselor for every eight adult clients and one FTE counselor for every six adolescent clients, except as permitted by [Pennsylvania Act 66 of 2023](#). See Licensing Alert 03-24 below.
 - Inpatient hospital treatment and rehabilitation (general, psychiatric, or specialty hospital). The client/counselor ratios for this activity are one FTE counselor for every seven adult clients and one FTE counselor for every five adolescent clients.
 - Partial Hospitalization. The client/counselor ratio for this activity is one FTE counselor who provides direct counseling services to every ten clients.
 - Outpatient. The FTE counselor caseload may not exceed 35 active clients.
 - Counselor assistants may be included in determining the FTE ratios when the counselor assistant is eligible for a caseload.
 - A project director can submit client/staff and client/counselor exception requests to the Department. The request must describe how characteristics of the program and its client mix support the exception request.
- There are four active Licensing Alerts related to § 704.12.
 - [Licensing Alert 03-02](#) – This alert explains that because medical problems can occur at any time in a detoxification setting, “primary care hours” are 24 hours a day, seven days a week and detoxification activities must maintain primary care services and primary care staff who are responsible to develop and implement the treatment plan during each shift.
 - [Licensing Alert 01-14](#) – This alert provides guidance that outpatient providers do not need to include long-term active clients who receive regular and predetermined direct counseling services less than twice per month in their counselor caseloads. Those clients are, however, still included in the approved maximum capacity.

- [Licensing Alert 04-23](#) – This alert provides clarification on how to calculate the client/counselor ratio for inpatient nonhospital treatment and rehabilitation providers. It provides guidance on what the Department considers to be “clinical services” for the purpose of ratio calculations and also provides the formula the Department uses when calculating the client/counselor ratio.
- [Licensing Alert 03-24](#) – This alert provides guidance on how the Department will evaluate staffing compliance under [Pennsylvania Act 66 of 2023](#) and how providers can utilize the regulatory flexibilities within the Act. It also reminds providers that the project director must notify the Department of their intent to use any of the regulatory flexibilities and provides a copy of a request form project directors can use for notification.

All the active Licensing Alerts can be found on the Department’s website at [DDAP Licensing Alerts](#) and all the Department’s regulations can be found on the Pennsylvania Code and Bulletin website at [PA Code Title 28 Part V Department of Drug and Alcohol Programs](#).

Please submit all questions regarding this Licensing Alert to the Bureau of Program Licensure at RA-licensuredivision@pa.gov