




# LICENSING ALERT 01-2024

## Reporting of Unusual Incidents

Replaces Alert 02-2018

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Deputy Secretary  
Department of Drug and Alcohol Programs

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**Effective date:** Immediately

**Purpose:** To provide clarification and guidance regarding required reporting of unusual incidents by all licensed facilities as outlined in 28 Pa. Code §709.34(c) and §717.31(c). Additionally, all narcotic treatment programs must also comply with 28 Pa. Code §715.28(c).

### §709.34. Reporting of unusual incidents

- (c) To the extent permitted by State and Federal confidentiality laws, the project shall file a written unusual incident report with the Department within 3 business days following an unusual incident involving:
- (1) Physical or sexual assault by staff or a client
  - (2) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.
  - (3) Significant disruption of services due to a disaster such as a fire, storm, flood or other occurrence that results in the closure of a facility for more than 1 day.
  - (4) Event at the facility requiring the presence of police, fire or ambulance personnel.
  - (5) Outbreak of a contagious disease requiring CDC notification.

### §715.28. Unusual Incidents.

- (c) A narcotic treatment program shall file a written Unusual Incident Report with the Department within 48 hours following an unusual incident including the following:
- (1) Complaints of patient abuse (physical, verbal, sexual and emotional).
  - (2) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.
  - (3) Significant disruption of services due to a disaster such as a fire, storm, flood or other occurrence.
  - (4) Incidents with potential for negative community reaction or which the facility director believes may lead to community concern.
  - (5) Drug related hospitalization of a patient.

### §717.31. Unusual incidents.

- (c) The licensee shall file a written unusual incident report with the Department within 3 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 1 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).

The Department of Drug and Alcohol Programs (Department) has received an increased number of incident reports from licensed facilities over the past year. This appears to be due to a misinterpretation of 28 Pa. Code §709.34(c) and §715.28(c). As a result, many of the reports received by the Department involve issues or incidents that are not required by regulation to be reported. The Department requests that facilities refrain from sending incidents that do not qualify as reportable incidents. Examples of incidents that should **not** be reported, include, but are not limited to:

- 1) A client was referred to urgent care or emergency room for cold, fever, cough and other minor illnesses that did not require the presence of police, fire or ambulance personnel.
- 2) A client left the facility against facility and/or medical advice.
- 3) A client came to the facility intoxicated and did not require the presence of police, fire or ambulance personnel.
- 4) Clients engaging in intimate relationships determined to be with mutual consent.
- 5) Involuntary discharge from treatment services.
- 6) Incidents not listed in 28 Pa. Code §709.34(c), §715.28(c), and §717.31(c).

Facilities should use electronic reporting as it is the most efficient method to submit unusual incident reports that are required by regulations. Please go through the DDAP website at [Unusual Incident Reporting](#).

Additionally, for helpful information when submitting an unusual incident report, there is an ERS Brochure and can be found on the DDAP website at [ERS Brochure](#).

In addition to reporting unusual incidents, licensed facilities must also investigate all unusual incidents that occur within the facility and maintain a copy of the appropriate unusual incident reporting form in the facility file.

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