

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective May 13, 2005.

The organization chart at 35 Pa.B. 3148 (May 28, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 05-1048. Filed for public inspection May 27, 2005, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Conservation and Natural Resources

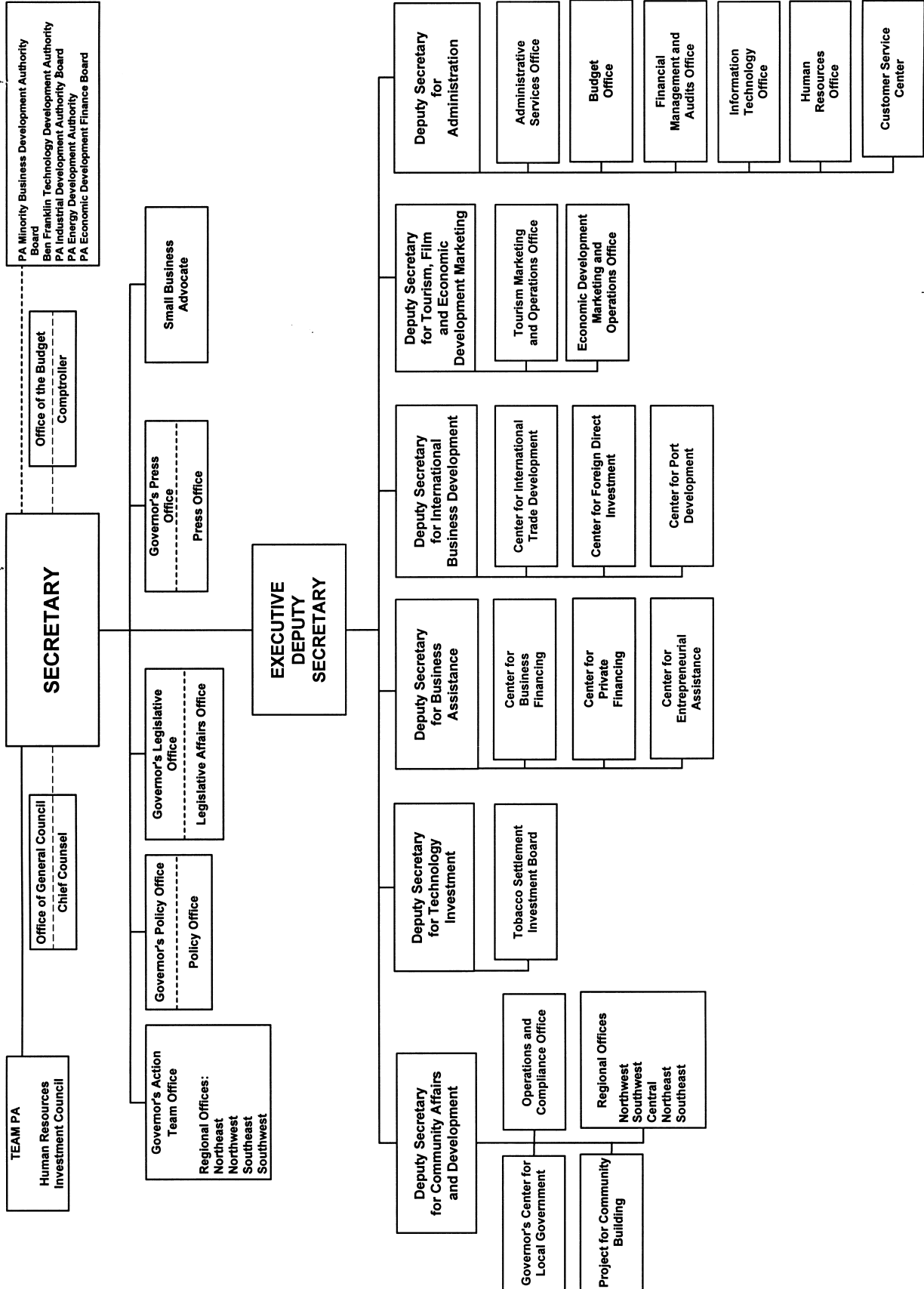
The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective May 13, 2005.

The organization chart at 35 Pa.B. 3149 (May 28, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

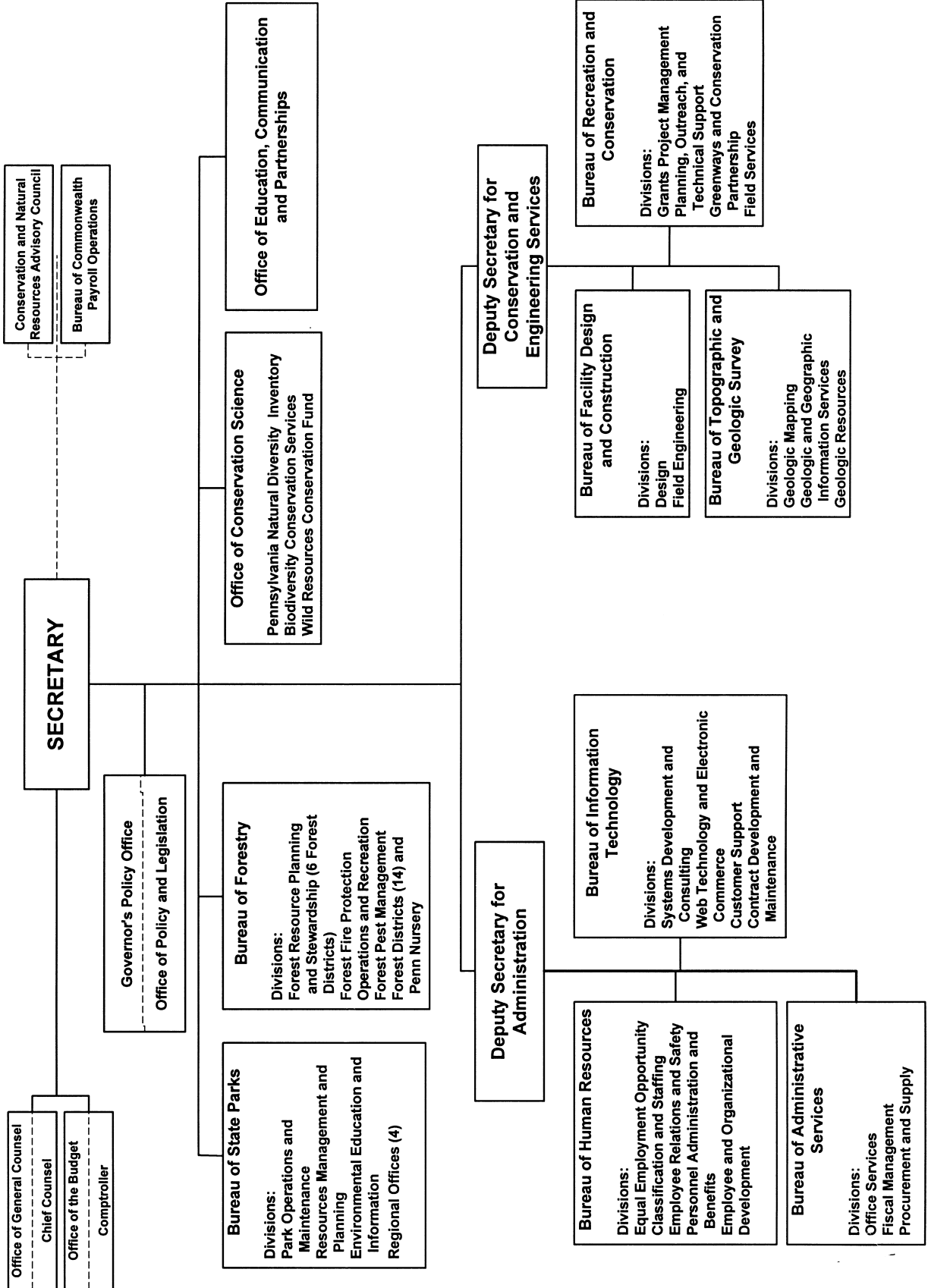
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 05-1049. Filed for public inspection May 27, 2005, 9:00 a.m.]

COMMUNITY AND ECONOMIC DEVELOPMENT



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CH. 49]

Department of Health Licensing of Substance Abuse Services

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) licenses professional counselors in this Commonwealth. The Department of Health (Department) licenses providers who operate health care facilities in this Commonwealth. This joint statement of policy clarifies when licensed professional counselors providing drug and alcohol treatment services will be considered to be operating a drug and alcohol treatment facility requiring licensure from the Department.

Statutory Considerations

Section 3 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1903) defines “practice of professional counseling” in part as including, to the extent compatible with a practitioner’s education and professional competence, the following:

- (1) The application of principles and practices of counseling, mental health and human development to evaluate and facilitate human growth and adjustment throughout the lifespan and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development.
- (2) The evaluation and assessment of normal and abnormal mental, emotional, social, educational, vocational, family and behavioral functioning throughout the lifespan; individual, group, family counseling and psychotherapy; crisis intervention, career counseling and educational and vocational counseling; functional assessment of persons with disabilities; and professional consulting.
- (3) Professional counselors’ utilization of verbal and nonverbal approaches and specialization in the use of arts-based therapeutic approaches, such as art, dance, music or drama, to accomplish treatment objectives.

Section 20.2 of the act (63 P. S. § 1920.2) requires that licensees under the act refer health care problems that fall outside the boundaries of their professional competence and scope of practice, as defined in section 3 of the act, to appropriate licensed practitioners.

The transfer of Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059) to the Department vests the Department with all functions, powers and duties with regard to the regulation, supervision and licensing of drug and alcohol facilities and services. (See 71 P. S. §§ 751-25 and 751-31.)

Effective Date

This statement of policy will become effective upon publication in the *Pennsylvania Bulletin*.

Fiscal Impact and Paperwork Requirements

The statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

RONALD E. HAYS,
Chairperson

Fiscal Note: 16A-697. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

LICENSE

§ 49.17. Department of Health licensing of substance abuse services provided by professional counseling practices—statement of policy.

(a) *Background and purpose.* The Board licenses professional counselors in this Commonwealth. The Department of Health licenses providers who operate facilities in this Commonwealth. Licensed professional counselors may, within the scope of their practice, encounter clients who are seeking help with drug or alcohol addiction, who may need drug or alcohol addiction treatment, or who may have drug or alcohol addiction issues as part of the broader range of issues for which they seek counseling from licensed professional counselors. This section clarifies when licensed professional counselors who provide the services will be considered to be operating a drug and alcohol treatment facility requiring licensure from the Department of Health. This section expresses the joint position of the Board and the Department of Health on this matter.

(b) *Statutory authority.* The act authorizes the Board to license professional counselors and to regulate the practice of professional counseling in this Commonwealth. Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059), and regulations promulgated thereunder in 28 Pa. Code Chapter 709 (relating to standards for licensure of free-standing treatment facilities), vest the Department of Health with all functions, powers and duties with regard to the regulation, supervision and licensing of drug and alcohol facilities and services.

(c) *Guidelines.*

(1) This joint statement of policy clarifies when practitioners providing drug and alcohol treatment services will be considered to be operating a drug and alcohol treatment facility requiring licensure from the Department of Health. The term “facility” is defined by the Department of Health in 28 Pa. Code § 701.1 (relating to definitions) as “the physical location in which ongoing, structured, and systematic drug and alcohol services are delivered.” Accordingly, the Department of Health and the Board have agreed upon the following. In determining whether any person, partnership, corporation, or other legal entity intending to provide services is a facility as defined in 28 Pa. Code § 701.1, and thus subject to licensure, the Board will consider the following criteria:

(i) Whether a primary purpose of an individual or entity is to render a program of psychological, social or other therapies on a planned and regularly scheduled basis to assist individuals to deal with patterns of drug and alcohol use, abuse or dependency.

(ii) Whether an individual or entity publicly advertises or promotes itself as providing a program of distinct drug and alcohol services.

(iii) Whether an individual or entity employs staff who specialize in the provision of drug and alcohol services.

(2) If a facility meets one or more of the criteria in paragraph (1), a license may be required. The Department of Health will assess the circumstances and make a fact specific, case-by-case determination whether a license is necessary. This policy does not apply to substance abuse services that are being provided by an individual licensed professional counselor that are compatible with the practitioner's education and professional competence.

[Pa.B. Doc. No. 05-1050. Filed for public inspection May 27, 2005, 9:00 a.m.]
