

CHAPTER 254. SINGLE COUNTY AUTHORITIES

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| Sec. | |
| 254.1. | Statement of policy. |
| 254.2. | Establishment of a Single County Authority. |
| 254.3. | Organization and structure of SCA's. |
| 254.4. | Powers and duties of the SCA. |
| 254.5. | Constitution of the Planning Council or Executive Commission. |
| 254.6. | Appointments to Planning Councils and Executive Commissions. |
| 254.7. | Officers. |
| 254.8. | Removal: Members of the Planning Council or Executive Commission. |
| 254.9. | Local Authorities: information to the Council. |
| 254.10. | Required signatures on grants and contracts. |
| 254.11. | Meetings. |
| 254.12. | Public hearings. |
| 254.13. | Reimbursement. |
| 254.14. | Executive Director or Drug and Alcohol Specialist: Appointment. |
| 254.15. | Executive Director: powers and duties. |
| 254.16. | Drug and Alcohol Specialist: powers and duties. |
| 254.17. | Relationship of the Drug and Alcohol Specialist to the MH/MR Administrator. |
| 254.18. | Qualifications: Executive Director or Drug and Alcohol Specialist. |
| 254.19. | Relationship of SCA to the Council. |
| 254.20. | Appeals. |

§ 254.1. Statement of policy.

(a) After careful research and study, the Council has determined that the problems of drug and alcohol abuse and dependence are community problems. It is the position of the Council that no central authority may determine precisely what services are necessary in each of the 67 counties of this Commonwealth. Consequently, the emphasis in this State Plan is on the establishment of community-based drug and alcohol prevention, intervention, and treatment services. Institutional services shall be phased out, as community services are developed and expanded.

(b) In order to carry out this basic policy of community involvement a system of Single County Authorities is hereby developed. Though the final authority remains within the Council this State Plan provides for the delegation of much of the authority provided in Act 63 to county agencies established in accordance with this State Plan.

Source

The provisions of this § 254.1 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial pages (35061) and (35062).

§ 254.2. Establishment of a Single County Authority.

(a) This part authorizes the County Commissioner to establish a Single County Authority (SCA) for the planning and evaluation of community drug and alcohol prevention, intervention, and treatment services. Counties are provided

the opportunity, under this part, to work in concert with other counties to deliver these services. As such, an SCA is a delegate agency of the Council operated by the county.

(b) An SCA is established when the county commissioners have informed the Council of their desire to enter into the statewide prevention, intervention, and treatment program, have agreed to abide by the regulations of the Council for such programs, have appointed a citizens group consisting of 11 to 15 members of citizens to plan and evaluate those services, and have designated a person to implement the plan prepared by the citizens group.

(c) The county commissioners serve as the final fiscal and management authority for the SCA programs.

(d) In county joinders, if the local authorities cannot agree as to which option to implement, each county shall have one vote and the decision regarding the option shall be by the majority. In the case of a tie, the decision of the county with the largest population shall prevail.

(e) If at any time the local authorities elect to exercise their right to change options, they may do so by petitioning the Council.

(f) The disbursement of county drug or alcohol funds or both is contingent upon the establishment and functioning of the Planning Council or Executive Commissions, public or private.

(g) If failure to establish the Planning Council or Executive Commission in whole or in part, occurs after 60 days from the designated date for such establishment, the establishment shall be made by the Council after consultation with the local authorities, or the Council may contract directly to service providers or both.

Source

The provisions of this § 254.2 amended through June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (35062).

Cross References

This section cited in 4 Pa. Code § 265.3 (relating to level II hearings).

§ 254.3. Organization and structure of SCA's.

Three types of Single County Authorities are authorized by the State Plan:

(1) *Planning Council Option.* The county commissioners may determine that they want the county drug and alcohol program administered by the county Mental Health/Mental Retardation Office. Under this option, the local authorities shall then establish a Drug and Alcohol Planning Council. This Council shall function independently from the MH/MR Board and it shall have the responsibility together with the drug and alcohol specialist for planning and developing a comprehensive drug and alcohol service delivery system. The relationship of the drug and alcohol specialists to the MH/MR Administrator is

discussed in § 254.17 (relating to relationship of the drug and alcohol specialist to the MH/MR Administrator). See Appendix B of this part. Under this option the SCA is a branch of county government.

(2) *Executive Commission Option (public agency)*. Under this option, the county commissioners may choose to establish a new department within county government, with, as its sole responsibility, the delivery of drug and alcohol prevention, intervention, and treatment services. See Appendix C of this part. Under this option the SCA is a branch of county government. The Executive Director is not a member of the MH/MR Administrator's staff.

(3) *Executive Commission Option (private agency)*. Under this option, the county commissioners may choose to organize a non-profit community organization with, as its sole responsibility, the delivery of drug and alcohol prevention, intervention, and treatment services, and delegate these responsibilities to that organization, by contract. Reference should be made to Appendix D of this part. Under this option, the SCA is a delegate agent of the county government. The Executive Director is not a member of the staff of the MH/MR Administrator.

Source

The provisions of this § 254.3 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (35063).

Cross References

This section cited in 4 Pa. Code § 265.3 (relating to level II hearings).

§ 254.4. Powers and duties of the SCA.

(a) The Planning Council Option or Executive Commission Option—public agency—shall be as follows:

- (1) To review and evaluate drug and alcohol services, projects and special problems in relation to the incidence and prevalence of drug and alcohol abuse.
- (2) To prepare the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan.
- (3) To review and amend, on an annual basis, the Comprehensive Drug and Alcohol Treatment and Prevention Plan.
- (4) To recommend approval of projects and any other matters related to drug and alcohol services in the county.
- (5) To assist the Council in the evaluation of drug and alcohol treatment, intervention and prevention projects through the implementation of the UDCS in all projects in the county.
- (6) To conduct unique evaluation of SCA funded projects in accordance with guidelines approved by the Council.

(7) To prescribe, amend, and repeal bylaws governing the manner in which business is conducted and the manner in which the powers granted to it are exercised.

(8) To submit the Annual Plan to the county commissioners for approval.

(9) To monitor compliance/performance of service providers relative to uniform policies, regulations, contractual obligations, and goals/objectives.

(b) The powers and duties of the Executive Commission Option (Private Agency) shall be as follows:

An Executive Commission (Private Agency) has all of the powers and duties of a Planning Council or Executive Commission (Public Agency), listed in subsection (a). In addition, the Executive Commission (Private Agency) shall approve contracts, purchase of services, and funds required to implement these projects.

Source

The provisions of this § 254.4 amended November 23, 1979, effective November 24, 1979, 9 Pa.B. 3864. Immediately preceding text appears at serial pages (43861) and (43862).

§ 254.5. Constitution of the Planning Council or Executive Commission.

(a) Local authorities shall appoint a Planning Council or Executive Commission which shall consist of a minimum of 11 members and a maximum of 15 members, chosen and constituted as described in this section. The number of members shall always be an odd number. Such appointments shall be made consistent with the applicable adverse interest laws. All present members of these bodies shall complete their terms of service in the category for which they were originally appointed.

(b) The following six categories shall be represented by at least one individual each:

(1) *Criminal justice*. One person involved in the criminal justice field, for example, attorney, law enforcement officer, ex-offender.

(2) *Business or industry*. One person representative of the business or industry community.

(3) *Labor*. One person representative of the labor community.

(4) *Education*. One person presently working the field of education, for example, principal, teacher.

(5) *Medicine*. One person with any of the following credentials: physician, dentist, health care administrator, pharmacist or nurse.

(6) *Psycho-Social Professional*. One person with any of the following credentials: Psychologist, M.S.W., or any other social services professional, for example, clergyman.

(c) Of the remaining five to nine members, the local authorities shall appoint individuals who are representative of the constitution and character of the SCA. The following categories shall be represented by at least one individual each

unless documentation is submitted to the Council showing that an individual is not available or that the category is not applicable.

(1) *Student*. Individuals representative of the high school, trade school, college, or university population in the community.

(2) *Elderly*. Individuals representative of the elderly population in the community.

(3) *Client*. Individuals representative of current or past recipients of drug or alcohol treatment services.

(4) *Community*. Individuals representative of the economically disadvantaged either by residence or employment.

(d) Notwithstanding the provisions of subsections (a)—(c), only one member of the board or staff of a single drug or alcohol project may sit on the Planning Council or Executive Commission at any designated time, at least one of the choices must be an individual 25 years or under at the time of appointment, and no more than 60% of the members may be of the same sex.

(e) In addition to a Planning Council or Executive Commission, a Service Provider Advisory Task Force may be formed. This Task Force shall provide a forum for project input into action taken by the Planning Council or Executive Commission.

(1) Each project may have a representative on the Service Provider Advisory Task Force.

(2) The Service Provider Advisory Task Force may meet at least once every 60 days.

(3) The Drug and Alcohol Specialist or Executive Director and a member of the Planning Council or Executive Commission or their designees, shall attend the Service Provider Advisory Task Force Meeting.

Source

The provisions of this § 254.5 amended September 9, 1977, 7 Pa.B. 2603. Immediately preceding text appears at serial pages (27024) and (27025).

§ 254.6. Appointments to Planning Councils and Executive Commissions.

(a) Each member shall be appointed for a period of three years. Any vacancy occurring in the membership of the Planning Council or Executive Commission shall be filled by the local authorities for the unexpired period within 60 days. Of the members initially appointed, five members shall be appointed for a period of 1 year, four members shall be appointed for a period of 2 years and the remaining members for a period of 3 years.

(b) Appointments to fill any vacancy shall be chosen from the category vacated and be in accordance with the formula set forth in § 254.5(a) (relating to constitution of the Planning Council or Executive Commission).

(c) No individual may serve on a Planning Council or Executive Commission for more than two consecutive terms unless an exception is requested by the local

authorities and approved by the Governor's Council. Individuals appointed by the local authorities to complete an unexpired term are still eligible for two complete consecutive terms after the incomplete term has expired.

(d) All members must be residents of the SCA in which they serve. The formula to determine the number of members from each county where two or more counties are participating in concert shall be as follows: When a joinder of two, three or four counties occurs, the membership shall be divided equally among the counties. Remaining positions shall be divided equally among the counties with the larger population.

Source

The provisions of this § 254.6 amended through June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (35066).

§ 254.7. Officers.

(a) The officers of the Planning Council or Executive Commissions shall be a chairperson, a vice-chairperson, and a secretary. These officers shall be elected annually.

(b) It shall be the duty of the chairperson to preside at all meetings of the Planning Council or Executive Commission and generally to be responsible for directing the business of the Planning Council or Executive Commission.

(c) It shall be the duty of the vice-chairperson to perform the duties of the chairperson in his absence at regular Planning Council or Executive Commission meetings.

(d) It will be the duty of the Council to keep a correct record of the meetings of the Planning Council or Executive Commission and to be the custodian of all the records and papers of same, except such as are specifically assigned to others.

§ 254.8. Removal: Members of the Planning Council or Executive Commission.

Local authorities may remove any member of the Planning Council or the Executive Commission during his period of service for cause only. Unexcused failure to attend three consecutive meetings shall constitute cause.

§ 254.9. Local Authorities: Information to the Council.

(a) The local authorities shall notify the Council, in writing, of the establishment of and all appointments to the Planning Council or Executive Commission. Such notification shall include:

- (1) The size of the Planning Council or Executive Commission, that is, the number of members.
- (2) The names of the members appointed.
- (3) The terms of their appointment.

- (4) Justification for selection as per category.
- (5) Any other pertinent information as may be requested.
- (b) The local authorities shall notify the Council, in writing, within 21 days of any vacancies which may occur. Such notification shall include:
 - (1) The name and category of such vacancies.
 - (2) Reason and cause for the vacancy.

Source

The provisions of this § 254.9 amended September 9, 1977, 7 Pa.B. 2603. Immediately preceding text appears at serial page (27026).

§ 254.10. Required signatures on grants and contracts.

- (a) For a single county, the signatures of at least two county commissioners and the attestation of the chief clerk is required.
- (b) For a joinder, the authorized representative Board of Commissioners of each county must sign, and each signature must be attested to by the chief clerks of the respective counties.

§ 254.11. Meetings.

- (a) Regular meetings shall conform with the following:

Each Planning Council or Executive Commission should meet at least monthly. Each Planning Council or Executive Commission shall have at least 11 meetings per year and not more than 60 days shall transpire between meetings. Additional meetings may be called as often as deemed necessary by a majority vote of the membership. A majority of the Planning Council or Executive Commission shall constitute a quorum.
- (b) Special meetings shall conform with the following:
 - (1) Special meetings shall be held on call of the chairperson with at least 48 hour actual written notice to each member.
 - (2) It shall be the duty of the chairperson to call a special meeting within three days of the receipt of a written request by 1/3 or more of the members of the Planning Council or Executive Commission (Public or Private).
 - (3) No business shall be transacted at such a meeting except that named in the notice.

Source

The provisions of this § 254.11 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (27027).

§ 254.12. Public hearings.

The Planning Council or the Executive Commission shall hold public hearings prior to the approval of the annual Comprehensive Drug and Alcohol Treatment

and Prevention Plan, and all its amendments. The Planning Council or the Executive Commission shall insure that adequate notice of such hearings is given to the public.

§ 254.13. Reimbursement.

Members of the Planning Council and Executive Commissions shall serve without compensation other than reimbursement for travel and other actual expenses incurred in connection with called meetings and other work authorized by the members. Expenses incurred by members of the Planning Council or Executive Commission are reimbursed in accordance with the compensation regulations of the Council.

**§ 254.14. Executive Director or Drug and Alcohol Specialist:
Appointment.**

(a) *Executive Director: appointment.*

(1) The local authorities shall appoint an Executive Director from a list of not less than three names submitted by the Executive Commission. Such appointee shall meet the minimum experience and training requirements established for this classification, County Drug and Alcohol Executive Director (Class Code 3840). Where two or more counties act in concert, each county shall have one vote and the decision regarding the appointment shall be a majority. If after 60 days, the Executive Commission has submitted a list of candidates to the local authorities and an appointment has not been made, an appointment will be made by the Council after consultation with the local authorities. The appointment of the Executive Director by whomever made, may be terminated by the local authorities provided that no appointment made by the Council under this section shall be terminated without approval of the majority of the Executive Commission.

(2) The Executive Director shall be appointed only after the Council has approved the qualifications of the candidate to be appointed.

(3) The local authorities shall inform the Council immediately of the appointment of the Executive Director and shall provide such documentation as to indicate compliance with the provisions of this section. The Council will review the qualifications of the individual appointed to insure that this individual meets the class standards.

(b) *Drug and Alcohol Specialist: appointment.*

(1) The local authorities shall request a certified Civil Service list of eligibles for appointment of a Drug and Alcohol Specialist. An appointment from this list shall be in conformance with the Civil Service Act (71 P. S. §§ 741.1—741.1005). The local authorities shall appoint same from this certified list or if not available from a list of not less than three names submitted by the Planning Council. Where two or more counties act in concert, each county shall have one vote and decision regarding the appointment shall be a majority.

If, after 60 days, the Planning Council has submitted a list of candidates to the local authorities, and an appointment has not been made, an appointment will be made by the Council after consultation with the local authorities. The appointment of the Drug and Alcohol Specialist by whomever made, may be terminated by the local authorities, provided that no appointment made by the Council under this section shall be terminated without the approval of the majority of the Planning Council. Any such termination must be in conformance with the Civil Service Act.

(2) The Drug and Alcohol Specialist shall be appointed only after the Council and the State Civil Service Commission have approved the qualifications of the candidate to be appointed.

(3) The local authorities when making an appointment of a Drug and Alcohol Specialist, shall provide such documentation as to indicate compliance with subsection (a)(1) and (2).

§ 254.15. Executive Director: powers and duties.

The Executive Director shall have the power and his duties shall be as follows:

(1) To administer the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan.

(2) To insure that drug and alcohol services required by Act 63 are available.

(3) To attend Executive Commission meetings and to provide staff services to same.

(4) To make such reports to the Council in such form, and containing such information as may be required.

(5) To develop, together with the Executive Commission, the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan for the county.

(6) To review and evaluate facilities and to cooperate with the Executive Commission in the maintenance of established standards.

(7) To maintain liaison with governmental and private community services, agencies, and organizations and State-operated facilities.

(8) To prepare and to submit an annual report to the local authorities, the Executive Commission, and to the Council, including all activities of the Program, and his administration thereof.

(9) To analyze and evaluate drug and alcohol needs and services in the county and to recommend improvements to the Executive Commission.

(10) To designate an appropriate person on his staff to act for him during his absence.

(11) To perform other functions as may be required by the Executive Commission.

(12) To assume fiscal responsibility for the implementation of the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan.

§ 254.16. Drug and Alcohol Specialist: powers and duties.

The Drug and Alcohol Specialist shall have the power and his duties shall be:

- (1) To serve on the staff of the MH/MR Administrator and to administer the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan.
- (2) To insure that drug and alcohol services required by Act 63 are available.
- (3) To attend Planning Council meetings and to provide staff services to its members.
- (4) To make such reports to the Planning Council, the MH/MR Administrator, and the Council in such form, and containing such information as may be required.
- (5) To assist the Planning Council and the MH/MR Administrator in the development and implementation of the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan for the county.
- (6) To submit the annual Comprehensive Drug and Alcohol Treatment and Prevention Plan to the county commissioners for submission to the Council.
- (7) To review and evaluate facilities and to cooperate with the Planning Council and the MH/MR Administrator in the maintenance of established standards.
- (8) To maintain liaison with governmental and private community services, agencies, and organizations and State-operated facilities.
- (9) To prepare and submit an annual report to the local authorities, the MH/MR Administrator, the Planning Council, and the Council, including all activities of the Program, and his administration thereof.
- (10) To recommend such improvements as may be necessary to the MH/MR Administrator in cooperation with the Planning Council.

§ 254.17. Relationship of the Drug and Alcohol Specialist to the MH/MR Administrator.

The MH/MR Administrator shall have fiscal and administrative responsibility for drug and alcohol monies budgeted for his Drug and Alcohol administrative unit. The Drug and Alcohol Specialist shall occupy a position on the staff of the MH/MR Administrator, and as such shall have administrative responsibility for all drug and alcohol projects. The MH/MR Administrator shall designate such staff as may be necessary to assist the Drug and Alcohol Specialist.

§ 254.18. Qualifications: Executive Director and Drug and Alcohol Specialist.

(a) *Drug and Alcohol Specialist.* The minimum requirements for the position of Drug and Alcohol Specialist shall be 3 years of experience in the field of public health, psychology, sociology, education, corrections, theology or social work, including 1 year of experience involving related social service community plan-

ning and organization; and a bachelor's degree in social welfare, sociology, psychology, education or a related field; or any equivalent combination of experience and training. Education beyond the Bachelor's Degree level shall be accepted on a year-for-year basis for the required experience, excluding the mandatory year's experience involving social service community planning and organization.

(b) *Executive Director.* The minimum requirements for the position of Executive Director shall be 3 years of experience in the field of public health, psychology, sociology, education, corrections, theology or social work, including 1 year of administrative experience and 1 year of experience involving social service community planning and organization; and a Bachelor's Degree in social welfare, sociology, psychology, education or a related field. Appropriate experience may be substituted for the required undergraduate study on a year-for-year basis. Appropriate education beyond the Bachelor's Degree shall be accepted on a year-for-year basis for the required experience, excluding the mandatory year's experience involving social service community planning and organization and the year of administrative experience.

Source

The provisions of this § 254.18 amended September 17, 1976, 6 Pa.B. 2275. Immediately preceding text appears at serial page (27031).

§ 254.19. Relationship of SCA to the Council.

(a) It is the policy of the Council that it will not be a provider of treatment services, but will arrange for these services by grant or contract as mandated by Act 63.

(b) It is the policy of the Council, when possible, to delegate the authority for the delivery of community drug and alcohol prevention, intervention, and treatment services to the SCAs as described in this part.

(c) The Council will monitor the compliance/performance of SCA's relative to uniform policies, regulations, contractual obligations and goals/objectives. When required by contract, the Council, in conjunction with the SCA's, will monitor the compliance/performance of selected service providers. The Council will delegate to the SCA's the responsibility and authority to monitor compliance/performance of service providers relative to uniform policies, regulations, contractual obligations and goals/objectives. SCA monitoring of service providers shall be in accordance with guidelines issued by the Council.

(d) SCA sign-off is required on all Federal and State grant and contract applications pertaining to the subject matter of the county comprehensive drug and alcohol abuse plan. Specifically, this refers to all applications relevant to prevention, intervention and treatment projects.

(e) However, a lack of comments from an SCA, within 30 days of submission of such applications for review by the SCA, will be viewed by the Council as a waiver of the comment, review and approval procedure. Those contract and

grant requests that have a Statewide or regional impact, shall not require approval from the SCA for funding. Review and comments will be sought by the Council prior to contract or grant approval.

(f) Grants and contracts concerning law enforcement and control programs shall be exempt from the SCA review, comment and approval procedure. The SCA shall be informed of law enforcement and control programs prior to final grant or contract approval.

(g) It is the policy of the Council to see that the funds are allocated on an equitable basis. Census, prevalence and performance will be the prime criteria.

(h) The policy of delegating authority to the SCA will continue through the promulgation of regulations by the Council. The hierarchy of Council official statements is:

(1) the State Plan for the Prevention, Treatment and Control of Drug and Alcohol Abuse;

(2) official policy statements signed by the Executive Director or his designee; and

(3) other memoranda or correspondence on official stationery signed by the Executive Director, Deputy Executive Director, Executive Assistant, Bureau Director, Deputy Bureau Director or Division Chief.

(i) The primary functions of the Council with regard to SCAs will be as follows:

(1) Integration of the county planning effort into a comprehensive State planning effort.

(2) Allocation of funds to counties upon approval of the county plan.

(3) Monitoring compliance/performance of the Single County Authorities relative to uniform policies, regulations, contractual obligations, and goals/objectives. When required by contract and in conjunction with the SCA's, monitoring compliance/performance of selected service providers.

(4) Providing technical assistance to Single County Authorities.

(5) Evaluation of the efficacy of prevention, intervention, and treatment systems.

(6) Establishment of Statewide goals and priorities.

(7) Development and implementation of demonstration projects.

(j) The role of the Single County Authorities with regard to the Council shall be as follows:

(1) Establishment of a system of goals and objectives that interface with the goals and objectives promulgated by the Council.

(2) Establishment of plans and priorities for the allocation of funds that are consistent with the goals and objectives established by that SCA.

(3) Subcontracting, data collection, and accountability for funds.

(4) Monitoring compliance/performance of service providers relative to uniform policies, regulations, contractual obligations, and goals/objectives.

- (5) Insuring that the maximum possible effort is achieved by use of the funds allocated to the SCA.
- (6) Performing unique evaluations on SCA funded projects.

Source

The provisions of this § 254.19 amended November 23, 1979, effective November 24, 1979, 9 Pa.B. 3864. Immediately preceding text appears at serial pages (43870) to (43872).

§ 254.20. Appeals.

An aggrieved party shall have the right to appeal an SCA decision to the Council. The Council will issue guidelines to be followed by an aggrieved party.

Cross References

This section cited in 4 Pa. Code § 257.4 (relating to case management).

[Next page is 255-1.]

254-14

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