

**CHAPTER 255. MANAGEMENT INFORMATION, RESEARCH,
AND EVALUATION**

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§ 255.1. Statement of Policy.

(a) A primary goal of the Council is to evaluate the effectiveness and integrity of the prevention, intervention, and treatment delivery system. In order to meet that goal, the Council has established a Uniform Data Collection System (UDCS).

(b) The Council hereby delegates to the SCA the authority to implement the UDCS in all projects geographically located in the respective SCA. Failure to comply with the SCA implementation of the UDCS by projects will lead to administrative action by the Council.

(c) When the UDCS is installed, the use of all other reporting systems shall cease. Exceptions may be granted by the Executive Director. Projects shall use such forms in reporting as the Council may direct and shall submit such forms at the times specified by the Council.

(d) As mandated by section 8 of Act 63 (71 P. S. § 1690.108), the Council will require all projects, SCAs and governmental agencies to insure that all persons treated or rehabilitated or both, including all persons formerly treated or rehabilitated or both, for drug and alcohol abuse and dependence, be secure in their right to privacy except as disclosure is permitted by law.

Source

The provisions of this § 255.1 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (35069).

§ 255.2. UDCS: purposes.

(a) UDCS shall serve several purposes including, but not limited to, the following:

- (1) Provide feedback to prevention, intervention and treatment projects.
- (2) Provide information necessary for the Council and other State agencies.
- (3) Provide information necessary for the SCAs in carrying out their management and coordinating responsibilities.
- (4) Generate such data as required by Federal agencies.
- (5) Provide data necessary for exploratory research.
- (6) Provide information as necessary for the Council to develop policy.

(b) In order to effectively implement the UDCS, the Council will consult with the SCAs.

Source

The provisions of this § 255.2 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (35070).

§ 255.3. UDCS: facets.

All programs designated by the Council shall implement the UDCS which has three facets:

(1) *Client facet.* Provides data on the demography, characteristics and problems of those persons receiving drug and alcohol treatment services. In addition, client progress is evaluated by the use of follow-up reports.

(2) *Fiscal management facet.* Provides planning, budgeting and performance data as a part of the fiscal management system. This facet includes program budgeting, fiscal reporting and performance reporting requirements which serve to link the client, fiscal and program management facets. Reported expenditures are evaluated against planned expenditures.

(3) *Program management facet.* Provides basic information on the characteristics of the facilities and identifies them by activities, approaches, and budgeted capacity. This facet also produces reports showing actual clients versus budgeted capacity.

Source

The provisions of this § 255.3 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial page (35070).

§ 255.4. UDCS: confidentiality and access to information.

(a) Reports developed from the UDCS shall be made available to the SCA, the projects and the Council. In addition, summary reports shall be made available to the public.

(b) It is the policy of the Council that reliable researchers wishing to use the data base may obtain access by approval of the Council. All requests to use that data base will be reviewed on their individual merits by the Council.

(c) The Council will not enter names of clients or any other client-identifying information on any list or into any data processing system except as required by law. Instead, the Council will require and direct projects and coordinating bodies to randomly assign numbers to clients. These numbers will be entered on Client Forms in such a manner that record continuity and client confidentiality are maintained. One copy of these forms shall be sent to the Council.

Cross References

This section cited in 28 Pa. Code § 710.23 (relating to patient records).

§ 255.5. Projects and coordinating bodies: disclosure of client-oriented information.

(a) *Disclosure.* Information systems and reporting systems shall not disclose or be used to disclose client oriented data which reasonably may be utilized to identify the client to any person, agency, institution, governmental unit, or law enforcement personnel. Project staff may disclose client oriented data only under the following situations:

(1) With or without the consent of the client information may be released to those judges who have imposed sentence on a particular client where such sentence is conditioned upon the client entering a project. Information released shall be limited to that provided for in subsection (b).

(2) With or without the consent of the client, information may be released to those duly authorized probation or parole officers or both who have assigned responsibility to clients in treatment if the probation or parole of the client is conditioned upon his being in treatment. Information released shall be limited to that provided for in subsection (b).

(3) With or without the consent of the client, to judges who have assigned a client to a project under a pre-sentence, conditional release program. Pre-sentence conditional release programs include preindictment or preconviction conditional release such as Accelerated Rehabilitative Disposition, probation without verdict or disposition in lieu of trial under sections 17 and 18 of Act 64 (35 P. S. §§ 780-117 and 780-118).

(4) With the consent of the client, in writing, to a judge in order to assist that judge in deciding whether to initiate conditional release programs including those specified in paragraph (3).

(5) Projects may disclose any information to the attorney of a client provided as follows:

(i) The client consents, in writing to the disclosure of information.

(ii) The attorney is representing the client in a criminal, civil or administrative proceeding.

(6) Projects may disclose with the consent of a client, in writing, the information to employers of a client to further the rehabilitation of a client; or, to a prospective employer who affirmatively expresses that information is sought to enable the employer to engage the client as an employee. Such information shall be limited to whether the client has or is receiving treatment with the project.

(7) Projects may disclose information as set forth in subsection (b) with the consent of a client, in writing, to an insurance company, health, or hospital plan or facsimile thereof, which has contracted with the client to provide or will provide medical, hospital, disability or similar benefits. In the event that an insurance company, health, or hospital plan remains dissatisfied with the content of the information released with regard to a client in accordance with this paragraph, such insurance company, health or hospital plan may apply to the

Executive Director for additional information with the written consent of the client and, upon approval by the Executive Director, such information may be released.

(8) Projects may disclose information as set forth in subsection (b) with the consent of a client, in writing, to governmental officials for the purpose of obtaining governmental benefits due the client as a result of his drug or alcohol abuse or dependence.

(9) In emergency medical situations where the life of the client is in immediate jeopardy, projects may release client records without the consent of the client to proper medical authorities solely for the purpose of providing medical treatment to the client.

(10) Projects shall keep and maintain a written record of all information and data which are disclosed under this section.

(b) *Restrictions.* Information released to judges, probation or parole officers, insurance company health or hospital plan or governmental officials, under subsection (a)(1), (2), (4), (7) and (8), is for the purpose of determining the advisability of continuing the client with the assigned project and shall be restricted to the following:

- (1) Whether the client is or is not in treatment.
- (2) The prognosis of the client.
- (3) The nature of the project.
- (4) A brief description of the progress of the client.
- (5) A short statement as to whether the client has relapsed into drug, or alcohol abuse and the frequency of such relapse.

(c) *Record transfer.* The Client Admission Forms, the Treatment/Discharge Forms, and Discharge Summary Records are the only client records which may be transferred for treatment purposes. The transfer may be initiated upon the request of a client or by the present project of a client. In any case, the client shall fully understand the nature of the information, the purpose of the record transfer, and the identity of the recipient of the information. Only after these conditions are met, may the client authorize the transfer by signing a Release Form provided by the UDCS.

(d) *Coordinating bodies.* Coordinating bodies can gather and retain client oriented data provided they will receive or send only those forms as listed in subsection (c) in assigning or transferring clients and those bodies will not disclose such data, except to the Council, in a manner that is consistent with this chapter and Act 63.

Cross References

This section cited in 4 Pa. Code § 257.4 (relating to case management); 28 Pa. Code § 709.28 (relating to confidentiality); 28 Pa. Code § 710.23 (relating to patient records); 28 Pa. Code § 711.43 (relating to client records); 28 Pa. Code § 711.53 (relating to client records); 28 Pa. Code § 711.62 (relating to client records); 28 Pa. Code § 711.72 (relating to client records); 28 Pa. Code § 711.83 (relating to client records); 28 Pa. Code § 711.93 (relating to client records); and 55 Pa. Code § 5230.17 (relating to confidentiality).

§ 255.6. Project responsibility for security of information.

(a) This chapter shall take effect in a project when the UDCS is installed therein.

(b) Each project shall develop and implement security measures for all information.

(c) Prior to the date of installation, the project shall notify the Executive Director in writing of the name of a member of the staff who has been assigned the responsibility of insuring that the project complies with this part and Act 63.

(d) The project shall immediately notify the Executive Director, in writing, of the transfer of these responsibilities to another staff member.

§ 255.7. Research and evaluation.

(a) General requirements shall be as follows:

(1) This section is intended to protect the confidentiality of client oriented data.

(2) External evaluations and research shall be implemented in such a manner as to protect client confidentiality.

(3) Prior to the initiation of all external evaluations and research, a proposal shall be submitted to the Executive Director in which the procedures for protecting client confidentiality shall be fully explained. Initiation of external evaluations and research shall be contingent upon written approval from the Executive Director.

(b) Research shall be as follows:

(1) Basic research has been viewed as the prerogative of the Federal Government. While the Council supports that policy, it has determined that it, too, will play a role in research efforts that are directed toward expanding the body of theoretical and empirical knowledge concerning drug and alcohol use, abuse, and dependence. To this end, the Council will engage in the following activities:

(i) The Council will engage in the direct funding of certain research efforts. The Executive Director or his designee is authorized to review all proposals in this area and to make evaluations and recommendations to the Council.

(ii) The Council will also coordinate and review all drug and alcohol research projects operating within this Commonwealth. In order to undertake such activity, all researchers shall be requested to submit to the Council annual reports concerning their drug and alcohol research activities.

(iii) Research may also be conducted by projects and SCA's. An independent contractor may be hired by any of these levels of organization. In each case, all research proposals must be submitted to the Executive Director or his designee for final approval. A copy of all final reports shall be submitted to the Executive Director or his designee for review and approval. If

a project desires to carry out a study, it should contact its SCA. The SCA, in turn, shall either arrange for the project to deal directly with an independent contractor, or it shall direct the project to the Council. The assistance given by the Council will be a function, in part, of the level of expertise possessed by the project or SCA staffs.

(iv) The Council will conduct its own program of research. This program will use data collected from UDACS, Statewide incidence and prevalence studies, and special studies. The objective of these investigations will be to define the parameters of drug and alcohol use, abuse, and dependence in this Commonwealth, to test hypotheses derived from theories about substance use and abuse, and to expand existing theory. The research efforts will also be directed toward determining the types of clients who are most effectively served by various treatment approaches supported by the Council.

(c) Evaluation shall be as follows:

(1) There are two major ways in which evaluations shall be conducted: uniform and unique. The uniform evaluation shall consist of the appraisal of all prevention, intervention and treatment projects in accordance with a set of objectives designated by the Council. This system shall be implemented Statewide, and all prevention, intervention, and treatment projects operated in this Commonwealth shall be subject to uniform evaluation.

(2) The objectives of uniform evaluation for prevention, intervention, and treatment projects will be determined by the Council and issued as guidelines.

(3) Unique evaluation shall consist of a self-appraisal of a project relative to treatment objectives derived from its particular goals. Unique evaluations shall apply to prevention, intervention, and treatment projects. The criteria of success to be used in conducting unique evaluations should reflect a unique orientation and circumstances of a project. All unique evaluations must be in accordance with guidelines issued by the Council.

(4) SCAs are responsible to conduct at least one unique evaluation of each SCA funded project per year. A copy of the completed report shall be filed with the Office of Research and Evaluation no later than 30 days after the completion of the report.

(5) An evaluation system provides a useful data base to projects in order to assist them in the realization of their goals. The ultimate goal of evaluation efforts in this Commonwealth is the improvement of treatment, intervention, and prevention services.

Source

The provisions of this § 255.7 amended June 15, 1979, effective June 16, 1979, 9 Pa.B. 1862. Immediately preceding text appears at serial pages (41905) and (41906).

[Next page is 256-1.]

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