




LICENSING ALERT 06-2024

Submitting an Exception or Facility Request

Replaces Licensing Alert 03-2023

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Deputy Secretary
Department of Drug and Alcohol Programs

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Effective date: Immediately

Purpose: To notify drug and alcohol treatment facilities and recovery houses of a new process to request an exception to the Department's licensing regulations or submit a facility request.

Licensed drug and alcohol treatment facilities and recovery houses can request an exception to any of the Department's licensing regulations found in 28 Pa. Code, Chapters 701, 704, 705, 709, 710, 711, 715, and 717. Additionally, these licensed facilities can submit a facility request to the Department. A facility request serves as notification required by regulation, such as change in ownership or change in authorized maximum capacity. A facility request can also be a notification of changes to the facility's operation, such as a change in facility director or a temporary facility closure.

For Licensed Drug and Alcohol Treatment Facilities:

§ 701.11. Exceptions to this part.

- (a) Single County Authorities (SCAs) and projects may submit a written request to the Department for an exception to a provision of [28 Pa. Code Part V, Chs. 701-717].
- (b) The Secretary or a designee may grant an exception to this part upon application, or upon his own initiative, when it has been determined that, under the circumstances, the granting of the exception will be:
 - (1) In furtherance of sound project or program implementation.
 - (2) Consistent with the policy objectives of this part.
- (c) The granting or denial of an exception to this part will be in writing, will be signed by the Secretary or a designee, and will set forth the reasons.

- (d) Exceptions will not be granted to standards and regulations which are mandated by state or federal statutes, or federal regulations which shall be met for certification of eligibility for federal funds.

§ 709.4. Exceptions.

- (a) The Department may, within its discretion and for good reason, grant exceptions or extensions of time to this chapter when the policy objectives of this chapter are met, but no exception may be granted which contravenes the authorizing statute.
- (b) The project director shall submit a written request for an exception which shall include the approval of the governing body.
- (c) Exceptions will not be granted for a situation in which a provisional license would be appropriate.

§ 709.14. Restriction on license.

- (a) A license applies to the person, the named facility, the premises designated therein and the activities notes, and is not transferable.
- (b) The licensee, using Department forms, shall notify the Department within 90 days of the occurrence of any of the following conditions:
 - (1) Change in ownership.
 - (2) Change in name of the facility.
 - (3) Change in location of the facility.
 - (4) Change in activity/discontinuance of an activity.
 - (5) Change in authorized maximum capacity.
 - (6) Closing of facility.
- (c) Failure to notify the Department under subsection (b) will result in automatic expiration of the license.

§ 709.4. Exceptions.

- (a) The Department may grant exceptions or extension of time to this part when the policy objectives of this part are met, but no exception will be granted which contravenes the authorizing statute.
- (b) The project director shall submit a written request for an exception which shall include the approval of the governing body.
- (c) Exceptions may not be granted for a situation in which a provisional certificate of compliance would be appropriate.

§ 711.14. Restrictions on a certificate of compliance.

- (b) Utilizing appropriate Department forms, the holder of a certificate shall notify the Department within 90 days of the occurrence of any of the following conditions:
 - (1) Change in ownership.

- (2) Change in name of the facility.
- (3) Change in location of the facility.
- (4) Change in activity.
- (5) Change in authorized maximum capacity.
- (6) Closing of facility.

For Licensed Recovery Houses:

§ 717.4. Exceptions.

- (a) The Department may, in its discretion, grant exceptions or extensions of time to this chapter upon a showing by a drug and alcohol recovery house that it meets the policy objectives of this chapter. The Department will not grant an exception that violates any statute.
- (b) A drug and alcohol recovery house shall submit all requests for exceptions in writing.

Submitting an Exception Request:

Licensed drug and alcohol treatment facilities and recovery houses can submit exception requests to the Department by completing the Microsoft form at this link, [Exception Request Form](#), or via the Department's website under For Professionals > Licensing > Submitting a Request. The Exception Request Form includes instructions on how a licensed drug and alcohol treatment facility or recovery house can attach supplemental documentation. It also includes helpful links to the associated regulations. The Department reserves the right to revoke an approved exception at any time. For licensed drug and alcohol treatment facilities, refer to 28 Pa. Code §§ 701.12 and 709.5, and licensed recovery houses, refer to 28 Pa. Code § 717.5. Drug and alcohol treatment facilities should also refer to [Licensing Alert 22-02 – OTP Medication Units](#) published September 27, 2022, for additional information regarding exception requests to 28 Pa. Code § 715.25 (relating to prohibitions of medication units).

Submitting a Facility Request:

Licensed drug and alcohol treatment facilities and recovery houses may submit facility requests to the Department by completing the Microsoft form at this link, [Facility Request Form](#), or via the Department's website under For Professionals > Licensing > Submitting a Request. The form incorporates instructions regarding how a licensed drug and alcohol treatment facility or recovery house may attach supplemental documentation.

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