



SITE ADDRESS: 1838 Center St.

Office Use Only:  
DATE SUBMITTED: \_\_\_\_\_

HEARING DATE: 9/6/18

PLACARD: \_\_\_\_\_

FEE: \$ 500

ZONING CLASSIFICATION: I

LOT SIZE: 5 acres

**APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,**  
**10 E. CHURCH STREET, BETHLEHEM, PA 18018**

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. *THE APPLICATION IS DUE BY 4 PM THE LAST WEDNESDAY OF THE MONTH FOR THE NEXT MONTH'S ZONING HEARING BOARD MEETING. MEETINGS ARE GENERALLY THE FOURTH WEDNESDAY OF THE MONTH. ONLY COMPLETE SUBMISSIONS WILL BE ADDED TO THE AGENDA FOR HEARING.*

Appeal/Application to the City of Bethlehem Zoning Hearing Board is hereby made by the undersigned for: (check applicable item(s):

- Appeal of the determination of the Zoning Officer
- Appeal from an Enforcement Notice dated \_\_\_\_\_
- Variance from the City of Bethlehem Zoning Ordinance
- Special Exception permitted under the City Zoning Ordinance
- Other: \_\_\_\_\_

**SECTION 1**

<b>APPLICANT:</b>	
Name	Pennsylvania Venture Capital, Inc., Agent for Owner, and <del>Bethlehem Manor Village, LLC, Owner</del>
Address	823 Third Street, Whitehall, PA 18052
Phone:	
Email:	

<b>OWNER</b> (if different from Applicant): Note. If Applicant is NOT the owner, attach written authorization from the owner of the property when this application is filed.	
Name	Bethlehem Manor Village, LLC
Address	823 Third Street, Whitehall, PA 18052
Phone:	[REDACTED]
Email:	[REDACTED]
<b>ATTORNEY</b> (if applicable):	
Name	John A. VanLuvanee, Esquire
Address	PO Box 1389, Doylestown, PA 18901
Phone:	[REDACTED]
Email:	[REDACTED]

**SECTION 2. INFORMATION REGARDING THE REAL ESTATE**

1. Attach a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features. See plan attached.
2. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement. n/a
3. If the real estate is presently leased, attached a copy of the present lease. n/a
4. If this real estate has been the object of a prior zoning hearing, attach a copy of the Decision. n/a

**SECTION 3.**

**THE RELIEF SOUGHT:**

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following: n/a

Section of Code	Dimension Required by Code	Dimension Proposed by Applicant	Variance Sought
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If the Applicant seeks a use or other variance, please state the **specific section(s)** of the Zoning Ordinance applicable and describe the variance sought. n/a

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable: n/a

\_\_\_\_\_  
\_\_\_\_\_

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b): n/a

\_\_\_\_\_  
\_\_\_\_\_


**NARRATIVE**

A brief statement reflecting why zoning relief is sought and should be granted must be submitted. See attached.

**CERTIFICATION**

I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

Bethlehem Manor Village, LLC

  
\_\_\_\_\_  
Applicant's Signature and Owner

7.25.18  
Date

Pennsylvania Venture Capital, Inc.

By:   
\_\_\_\_\_  
Property owner's Signature Co-Applicant

7.25.18  
Date

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date

Application for Appeal to the City of Bethlehem Zoning Hearing Board  
by Pennsylvania Venture Capital, Inc. (Agent for Owner)  
and Bethlehem Manor Village, LLC (Owner)  
Attached Sheet

### Narrative

Pennsylvania Venture Capital, Inc., as Agent for Bethlehem Manor Village, LLC, owner of the property identified as 1838 Center Street, filed a Zoning Permit Application on July 11, 2018. Specifically, the Zoning Permit Application was filed to satisfy one of the conditions imposed by the Planning Commission in its approval letter dated September 12, 2013, of a land development plan identified as "Bethlehem Hospital Land Development Plan." The Application was filed by Pennsylvania Venture Capital, Inc., as agent for Bethlehem Manor Village, LLC. A copy of the September 12, 2013, approval letter is attached hereto as Exhibit "A."

The Zoning Permit Application was denied by letter dated July 20, 2018, a copy of which is attached hereto as Exhibit "B."

Co-Applicants appeal the denial of their Zoning Permit Application and in support of their appeal assert the following grounds:

1. The Zoning Officer erred as a matter of law in determining that the use described by the materials and plans submitted with the Zoning Permit Application was a "treatment facility" and not a "hospital" under applicable provisions of the City of Bethlehem Zoning Ordinance.
2. The Zoning Officer abused her discretion in concluding that the use described by the materials and plans submitted with the Zoning Permit Application was a "treatment facility" and not a "hospital" under applicable provisions of the City of Bethlehem Zoning Ordinance.
3. Applicants' proposed private psychiatric hospital is not a residential treatment facility and, accordingly, falls within the scope of the use approved by the City Planning Commission on September 12, 2013.

# Exhibit “A”



# CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF PLANNING AND ZONING

Phone: 610-865-7088

Fax: 610-865-7330

TDD: 610-865-7086

September 12, 2013

Abraham R. Atiyeh  
Bethlehem Manor Village, LLC  
1177 6<sup>th</sup> Street  
Whitehall, PA 18052

RE: (13-002LD) – BETHLEHEM HOSPITAL LAND DEVELOPMENT PLAN  
1838 Center Street, Ward 14, Zoned I

Plan dated February 21, 2013, and last revised August 19, 2013

Dear Mr. Atiyeh:

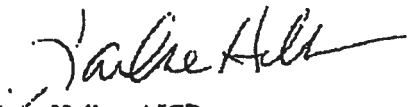
At its September 12, 2013 meeting, the Planning Commission approved the above-referenced plan subject to the following conditions:

1. The applicant shall comply with all conditions stated in the September 5, 2013 review letter.
2. The applicant shall obtain any and all necessary approvals under the City of Bethlehem Zoning Ordinance, including, but not limited to, a determination that the proposed plan is a permitted use at the property. In the event the proposed plan is not a permitted use, Applicant shall be required to obtain the necessary zoning relief from the Zoning Hearing Board as a condition of this approval. Furthermore, Applicant shall be required to obtain any additional necessary zoning relief as a condition of this approval.
3. The applicant shall obtain any and all necessary approvals and licenses from the Commonwealth of Pennsylvania, including, but not limited to, any licensing necessary to open and operate the proposed facility under applicable law.
4. The use and operation of the proposed facility shall be consistent with the application, testimony, exhibits and site plan submitted at the September 12, 2013 hearing.
5. The applicant shall add the existing stormwater inlet at Main and Dewberry Streets to the Stormwater Management Plan and Report.
6. The applicant shall not operate a Treatment Center at this site as defined in the Zoning Ordinance.
7. If the site ever includes more employees than listed on the "Bethlehem Hospital 24 Hour Hospital Staffing" report submitted to the City and utilized to calculate trip generation from the site, then the plan shall come back to the Planning Commission for additional consideration.

**In order to effectuate this approval, you must agree to the conditions by signing the attached form and returning it to our offices on or before Monday, October 7, 2013. If you do not agree to the conditions or if the signed form is not returned to our offices by Monday, October 7, 2013, the**

action of the Planning Commission is to disapprove the Final Plan application, for failure to comply with the requirements of the Municipalities Planning Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Darlene Heller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Darlene Heller, AICP  
Director of Planning and Zoning

Cc: M. Dorner, Eng.  
A. Bauer, Eng  
T. Geklinsky, Eng  
J. Doran

**AGREEMENT TO CONDITIONS**

I, Abraham Hish, duly authorized representative of Bethlehem Manor Village, LLC, hereby agrees to the conditions of approval as set forth by the City of Bethlehem in the September 12, 2013 letter pertaining to the Bethlehem Hospital Land Development Plan, 1838 Center Street.

ah H





# CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF PLANNING AND ZONING

Phone: 610-865-7088

Fax: 610-865-7330

TDD: 610-865-7086

September 5, 2013

Abraham R. Atiyeh  
Bethlehem Manor Village, LLC  
1177 6<sup>th</sup> Street  
Whitchall, PA 18052

RE: (13-002LD) – BETHLEHEM HOSPITAL LAND DEVELOPMENT PLAN  
1838 Center Street, Ward 14, Zoned I  
Plan dated February 21, 2013, and last revised August 19, 2013

Dear Mr. Atiyeh:

The above-referenced-plan has been reviewed by the appropriate city-offices. We offer the following comments:

### Engineering

1. A copy of the current approved Highway Occupancy Permit (HOP), along with the approved HOP plans shall be submitted to the City of Bethlehem.
2. The Tapping Fee of \$197,667.00 is payable prior to or at the time of the Building Permit.
3. Include distances, pipe sizes, material type, slope and inverts for all proposed storm sewer on the Utility Plan.
4. Submit a Cost of Improvements Estimate to be used for security purposes with the Developer's Agreement.
5. Extend the perforated SDR-35 in the infiltration bed to better distribute flow throughout the bed.
6. Lehigh Valley Planning Commission review and approval is required.
7. Comments on the proposed curb ramps will be provided under separate cover.
8. Provide evidence that the NPDES permit previously obtained for a different plan is valid for the Bethlehem Hospital project.
9. Comments on the proposed curb ramps will be provided at the time of permit issuance.

### Traffic

1. The trip generation calculations are approved and therefore no traffic study is required by the City. However, all correspondence to and from PennDOT should be provided to the City. Please also refer to letter from the City's Traffic Consultant, Peter Terry, P.E. dated September 3, 2013.
2. The truck turn plan depicts a truck traveling over the island on Center Street to enter and exit, and also depicts the truck traveling in the opposite lane of travel to enter and exit onto Dewberry Ave. These driveways shall be modified to accommodate trucks, as fire trucks, deliveries, ambulances, etc. will need to access these driveways without running over the curb or encroaching into the opposing lane of travel.

### Zoning

1. Applicant shall provide evidence of the location of the following to assist in the verification that the proposed use is a hospital, per Chapter 51 of Part IV: Health Facilities for the State of Pennsylvania, Department of Health:
  - Pharmacy (§101.31 & §113.1)
  - Emergency Room (§117.1 & §117.32)

- Radiologic Services area (§127.2)
- Library (§101.31 & §145.1)
- Maintenance, laundry, housekeeping facilities area (Chapter 147)
- Central supply area (§149.3)

This information will assist in my determination whether the proposed use is a hospital or a residential treatment facility. The applicant shall submit the PA DOH floor plan to this office when submitting to the State.

2. Applicant shall obtain a determination from the Zoning Officer regarding any and all uses proposed and shall meet any and all additional provisions of the Zoning Ordinance prior to receiving a building permit.

#### Receivling

1. The dumpster corral size was changed to meet our required size of 25' x 12'. The corral was rotated toward the east, but the rotation is insufficient. The width of the driveway is 27' and the standard length of a garbage truck is 30'. Therefore, we would require the corral to be angled 15 to 20 degrees more to the east for access by the solid waste haulers.

#### Landscaping

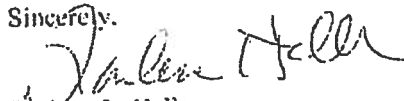
1. Please explain the placement of an Amur corktree instead of a Willow Oak near the Dewberry Avenue entrance.
2. Correct the number of medium sized trees counted as credits under 'Proposed Plantings' to reflect the 6 Katsuras removed from the Plant Schedule.
3. Flag changes on each revision.

#### General

1. A recreation fee of \$8,863 [\$1500 plus .25 (29,452 sq. ft.)] shall be paid to the city prior to the finalization of a developer's agreement.
2. Please bring a large colored site plan and colored elevation drawings on boards for display at next week's Planning Commission meeting.

This item will be placed on the September 12, 2013 Planning Commission meeting agenda.

Sincerely,



Darlene L. Heller  
Director of Planning and Zoning

cc: M. Dorner, Eng. – Via e-mail  
T. Gcklinsky, Eng – Via e-mail  
A. Bauer, Eng – Via e-mail  
S. Borzak, Zoning – Via e-mail  
Bryan Ritter, JENA Engineering – via e-mail

Sue Kandil, JENA Engineering  
C. Smith, Forester – Via e-mail  
M. Alkhal – Via e-mail

## Exhibit "B"



# CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF ZONING

Phone: 610-865-7094

Fax: 610-865-7330

TDD: 610-865-7086

www.bethlehem-pa.gov

July 20, 2018

Mickey K. Thompson, Esquire  
Pennsylvania Venture Capital, Inc.  
823 3<sup>rd</sup> Street  
Whitehall, PA 18052

RE: 1838 CENTER STREET  
CITY OF BETHLEHEM

Dear Attorney Thompson:

This letter is in response to your July 11, 2018 letter and application for a zoning permit for the above referenced property. We are in receipt of the Department of Health application documents you submitted and they have been reviewed based on the City of Bethlehem Zoning Ordinance in effect at the time the subject land development plans were filed on April 11, 2013 and at the time of the conditional approval on September 12, 2013.

To categorize the proposed use under the Zoning Ordinance, the City has considered the definitions of both "hospital" and "treatment facility" and other pertinent articles of the Zoning Ordinance. The definition of "treatment facility", effective June 15, 2012, in § 1302.127 of the Zoning Ordinance states:

A use involving any one or a combination of the following:

(a) A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

1. criminal rehabilitation, such as a criminal halfway house, or a facility for the housing of persons judged to be juvenile delinquents, or a criminal work release or pre-release facility;
2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

The packet of information you submitted for this determination included information sent to the Pennsylvania Department of Health, Division of Safety Inspection on May 25, 2018, by Valley Behavioral Health Hospital, LLC. The answer, noted as 1.2 - 2.2.7.2, indicates, "In the event patients are transferred from a General Hospital, they will be escorted directly into the *secured psychiatric wing* (emphasis added) where they have been assigned a room to transfer." This statement clearly shows that the facility will be used as a treatment facility by providing services to a person with a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

With the exception of the Entrance Lobby/Waiting Room and Reception Desk, this answer further clearly indicates “[t]here are four secured Psychiatric Nursing Wings. The narrative states, “This way, patients’ effects that are determined to be potentially harmful will never enter into the Secured Psych Wings, *for the safety of everyone*”. (Emphasis added). Therefore, it is clear you are proposing a treatment facility by removing the patients’ effects away from the secured wings. At least one repetitive other security feature is also intended to protect the neighbors, as well as other on-premises persons: the “secured courtyards with 10-foot tall perimeter walls.” These characteristics correspond more closely with the definitional requirements and characteristics of a center within the meaning of § 1302.127(a)(3), than any other use in the Zoning Ordinance since such facility proposes to address types of mental illness or other behaviors that cause a person to be a threat to the physical safety of others.

In this packet of information given to the City, PVC states that services will be provided to, among others, an Adult inpatient *Dual Dx* program (emphasis added), with 21 beds designated for this service. Dual Dx (Dual Diagnosis or Co-Occurring Disorders) is a term for when someone experiences a mental illness and a substance use disorder simultaneously. (National Alliance on Mental Illness, August, 2017.) This service clearly shows you are proposing a treatment facility ready, willing, able, and likely to provide services for a current addiction to a controlled substances that was used in an illegal manner or alcohol within the meaning of § 1302.127(a)-(b).

The City also considered the enclosed “Management Plan” of the Residential Treatment Facility proposed at 111 Dewberry Avenue, which was entered as Exhibit 4 at a previous hearing for a “Residential Treatment Facility” for drug and alcohol treatment. The Management Plan mirrors the Department of Health application proposed for 1838 Center Street; i.e., “Across Dewberry Avenue is the proposed Drug, Alcohol and Psychiatric Hospital which will provide emergency services and higher intensity support to those people suffering from acute substance abuse addiction.” (Paragraph 2 of Exhibit 4.) The “Purpose” as indicated in the Plan for 111 Dewberry Avenue clearly states that the “Facility” is to provide voluntary inpatient drug and alcohol detoxification, treatment and rehabilitation services in a manner sufficient to meet the medical and *psychological* needs of the residents (Emphasis added), and the “Admission to the Facility” paragraph indicates, “Admission procedures *other than initial medical or psychiatric care* will be performed at a time when the resident is mentally and physically capable of comprehension and response.” (Emphasis added). The Management Plan for 111 Dewberry Avenue and the Department of Health narrative for 1838 Center Street are identical in explaining the services proposed. These features also confirm the operations are those of a treatment center within the meaning of § 1302.127(a)-(b).

We also recognize that, under § 1302.127(d), a treatment center can be a “use that otherwise meets the definition of a Group Home, except that it includes a high number of residents than is allowed in a Group Home, unless approved otherwise under Section 1325.07(d).” In other words, a treatment center can include the uses, i.e. not the structure, authorized for group homes under § 1302.48 (group home), i.e. any “program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability.”<sup>1</sup> Since the proposed facility proposes multiple

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<sup>1</sup> The City interprets the “typical” residential occupancy duration “for more than 30 days at a time” for individuals in a group home to be a characteristic, but not an absolute requirement for a group home use under § 1302.48 or the kinds of uses for which a treatment center is permitted under § 1302.127(d).

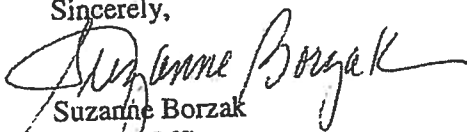
in-patient behavioral health programs for an older adult population (29 beds), the general adult population (18 beds), an adult dually-diagnosed population (21 beds), and a young adult population (12 beds), i.e. a total of 80 beds, all of whom suffer from "various levels of trauma, psychotic episodes, and crisis", it is clear this is not a group home, but a treatment facility organized by the age, emotional, mental, developmental or physical disability needs of the classes of residents served. The upshot of this distinction is that a traditional group home is permitted only in a dwelling in all residential districts, the CL, CG, CS, and CB commercial districts, and the subject I district, but a treatment center which provides these programs is not. Critically, while a group home use and structure is permitted by right in the subject I district, the proposed structure fails to qualify as a "dwelling unit" within the Zoning Ordinance definitions of "group home" (§ 1302.48) and "dwelling unit" (§ 1302.37), respectively. By contrast, applying the above-use-related criteria for treatment center, which the proposed use seems to meet, it is clear that such treatment centers are only permitted in certain other districts, namely the CG, CS, IN, and LI zoning districts, by special exception, but not the subject I district except by use variance. In other words, because the requirements of § 1302.127(d) further confirms the proposed use as a treatment center, the proposed use is not permitted at the subject location.

Finally, the proposed use does not appear to qualify as a hospital use under § 1302.54 of the Zoning Ordinance since the building would not be "licensed by the Pennsylvania Department of Health as a Hospital", even though the care may involve the diagnosis and treatment of human ailments. In addition, because the proposed use complies with the more specific requirements for a treatment center, the use is more correctly categorized as a treatment center instead of the more general regulations of a hospital. Stated another way, the proposed structure and uses more closely align with the City's specific regulations pertaining to treatment centers than the general regulations of a hospital. There are no inconsistencies between the proposed use and the applicable detailed requirements for treatment centers, as defined, but the licensing prerequisite applicable to all hospitals under the ordinance cannot be met since the Pennsylvania Department of Health does not issue licenses for the kinds of psychiatric care or structure planned at this location.

Based on the above information, the proposed use at 1838 Center Street is a treatment center under § 1302.127 as it relates to your application to the Pennsylvania Department of Health. I would also mention that this determination is inconsistent with Item #6 of the City Planning Commission approval letter dated September 12, 2013 which states that "The applicant shall not operate a Treatment Center at this site as defined in the Zoning Ordinance".

Please be advised that you have the right to appeal this Denial of Permit in writing to the City of Bethlehem Zoning Hearing Board under § 1325.10 and § 1325.11(a)(2) within thirty (30) days if you believe that the application and/or the Zoning Ordinance have been misinterpreted or misapplied.

Sincerely,

  
Suzanne Borzak  
Zoning Officer

Enclosure

## North Bethlehem Residential Treatment Facility- Management Plan

Pennsylvania Venture Capital, Inc. proposes to install a Residential Treatment Facility located at the northeast corner of Center Street and Dewberry Avenue located in the RS Residential Zoning District. The properties are known as 2110 Center Street (a single-family residence) and Dewberry Avenue (the former Calvary Baptist Church).

The premises are located in a residential and institutional neighborhood with single family residences, Bethlehem Catholic High School, North Central Fire Station, a cellular tower and a cemetery. Across Dewberry Avenue is the proposed Drug, Alcohol and Psychiatric Hospital which will provide emergency services and higher intensity support to those people suffering from acute substance abuse addiction.

The Dewberry Avenue property will be a seventy (70) bed facility offering voluntary inpatient substance abuse rehabilitation programs in a therapeutic setting. The Facility will be staffed 24 hours a day/7 days per week/365 days per year. The Facility will be operated as a licensed drug and alcohol facility and operated under the codes and regulations of Pennsylvania.

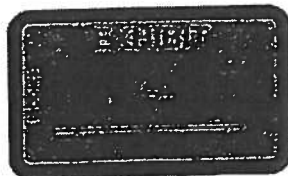
The plan entails a reworking of the interior of the property to provide private rooms, counseling and treatment areas, and offices. Meals will be provided in an open cafeteria and will be prepared onsite. An activity area other than for therapy will be provided for the recreation of the residents.

The exterior of the existing buildings will be left unchanged. Privacy fencing and screening around the rear of the property will be installed to provide privacy to the residents. Security lighting will be provided around the parking lot and the building for the safety of the residents and the employees.

In the proposed programs offered, the residents will not be driving to and from the site. The maximum employee count during the highest operating point during the day is twenty-five (25) employees. There are 133 off-street parking spaces existing for the Dewberry Avenue property and 3 off-street parking spaces for the Center Street property.

The proposed use of the facility will be less intensive than the previous church use. During weekend services, religious holidays and performances, Dewberry Avenue became a parking lot for the church with most available on-street parking along Dewberry Avenue taken within 300 yards of the property. Other than occasional deliveries and the change during employee shift times (7:00 a.m., 3:00 p.m. and 11:00 p.m.) the property will be lightly accessed.

The house on Center Street will be used for transitional housing for residents and will operate as a family and using common kitchen and bathroom facilities. In the past, the Zoning Office has determined that the proposed use of the house falls under the parameters of the Federal Fair Housing Act which prohibits discrimination against individuals who have disabilities. Treatment can occur within the single family home and still be protected under the FFHA.



## North Bethlehem Residential Treatment Facility – Management Plan

### I. Purpose

The purpose of the North Bethlehem Residential Treatment Facility (the "Facility") is to provide voluntary inpatient drug and alcohol detoxification, treatment and rehabilitation services in a manner sufficient to meet the medical and psychological needs of the residents.

### II. Admission to the Facility

Admission procedures other than initial medical or psychiatric care will be performed at a time when the resident is mentally and physically capable of comprehension and response. Admission procedures will occur during typical business hours.

Admission procedures will include the documentation of the medical history, a drug and alcohol history, a personal history, a consent form for treatment, a physical examination, and a psychosocial evaluation.

### III. Resident Management Services

The Facility will have a written plan that delineates the specific service planning and counseling approaches used to promote resident interest in participating in necessary treatment following the detoxification process. The Facility will develop a comprehensive resident aftercare and follow-up policy to assure that the resident is transitioning into society as not to have further issues with alcohol or drug dependency.

### IV. Resident Records

The Resident's medical record will contain a drug and alcohol support plan, follow-up information, and an aftercare plan. Resident records will be kept confidential in accordance with applicable Federal drug and alcohol regulations and the Commonwealth of Pennsylvania confidentiality requirements.

### V. Services

Inpatient drug and alcohol services will comply with all Commonwealth of Pennsylvania codes relating to inpatient hospital activities - detoxification. These detoxification services should be provided at the Facility.

### VI. Director of Drug and Alcohol Services

The Facility will have a director of the drug and alcohol services who will be responsible for the planning, organization, implementation and management of the services and is qualified to perform these functions by education and experience.

The director will have the responsibility of overseeing the admitting of residents to the Facility and will have the authority to notify the resident, in writing, of a decision to involuntarily terminate the resident's treatment in the service. The residents will have an opportunity



to request reconsideration of a decision terminating treatment.

The director will develop a written plan providing for admission including the criteria for admission, treatment models utilized by the service, requirements for completion of treatment, and involuntary discharge/termination criteria.

Further, admission procedures will include documentation of the necessary disclosures to the resident of criteria for admission, treatment, completion, and discharge, resident orientation to the service which will include familiarization with the service policies and services provided, and initial treatment and rehabilitation plan.

## VII. Treatment and Rehabilitation Services

The Facility will operate a coordinated residential treatment and rehabilitation service program that will define the target population, treatment models utilized by the Facility, and written procedures for the development, approval, and ongoing management of treatment/rehabilitation services of residents. Further, the Facility will develop written procedures for referral outlining cooperation with other service providers.

## VIII. Residential Treatment Plan

The Facility will develop an individual treatment and rehabilitation plan with the resident, which will in writing state the short and long-term goals for treatment as formulated by the staff and resident, the type and frequency of treatment and rehabilitation services, and the proposed type of support services.

The treatment and rehabilitation plans will be reviewed and updated at least every 15 days and be provided on a regular and scheduled basis in accordance with the individual treatment and rehabilitation plan.

The Facility will provide educational, vocational, job development and placement, economic, legal, social and medical/dental support services as needed and necessary depending on the treatment plan developed by the staff and the resident.

## IX. Facility Environment

The Facility will provide adequate space, facilities, and equipment to meet the needs of the residents for privacy and for group interaction.

## X. Staffing

The Facility will have the following positions:

1. A Facility Director;
2. A qualified Clinical Supervisor;
3. A qualified Project/Facility Supervisor;
4. Licensed and Certified Counselors;
5. Counselor Assistants.

The Facility will maintain a staff development program managed by the Facility Director which includes policies and procedures for the program indicating who is responsible and the time frames for completion of assessments of staff training needs and a plan to address these needs, a mechanism to collect feedback on completed training, and an annual evaluation of the overall training plan.

A written individual training plan for each employee, appropriate to that employee's skill level will be developed annually with input from both the employee and the supervisor. The plan will be based upon an employee's previous education, experience, current job functions and job performance.

Each individual employee will complete the minimum training hours as listed in the Pennsylvania State Code.

Staff persons and volunteers will receive a minimum of 6 hours of HIV/AIDS and at least 4 hours of tuberculosis, sexually transmitted diseases and other health related topics training using a Department approved curriculum. Counselors and counselor assistants will complete the training within the first year of employment. All other staff will complete the training within the first 2 years of employment.

CPR certification and first aid training will be provided to a sufficient number of staff persons, so that at least one person trained in these skills is onsite during the project's hours of operation.

At least one-half of all training in this section will be provided by trainers not directly employed by the project unless the project employs staff persons specifically to provide training for its organization and staff.

An individual who holds more than one position in a facility will meet the training requirement hours set forth for the individual's primary position. Subject areas will be selected according to the individual's training plan. Primary position is defined as that position for which an individual was hired.

A project director and facility director will complete at least 12 clock hours of training annually in areas such as fiscal policy, administration, program planning, quality assurance, grantsmanship, program licensure, personnel management, confidentiality, ethics, substance abuse trends and developmental psychology.

Each clinical supervisor will complete at least 12 clock hours of training annually in area such as supervision and evaluation, counseling techniques, substance abuse trends and treatment methodologies in the field of addiction, confidentiality, codependency/Adult Children of Alcoholics (ACOA) issues, ethics, interaction of addiction and mental illness, cultural awareness, sexual harassment, developmental psychology, relapse prevention, disease of addiction and principles of Alcoholics Anonymous and Narcotics Anonymous.

Each counselor will complete at least 25 clock hours of training annually in areas such as client recordkeeping, confidentiality, pharmacology, treatment planning, counseling

techniques, drug and alcohol assessment, codependency, adult Children of Alcoholics (ACOA) issues, disease of addiction, aftercare planning, principles of Alcoholics Anonymous and Narcotics Anonymous, and ethics and substance abuse trends.

Each counselor assistant will complete at least 40 clock hours of training the first year and 30 clock hours annually thereafter in areas such as pharmacology, confidentiality, client recordkeeping, drug and alcohol assessment, basic counseling, treatment planning, the disease of addiction, principles of Alcoholics Anonymous and Narcotics Anonymous, ethics, substance abuse trends, interaction of addiction and mental illness, cultural awareness, sexual harassment, developmental psychology and relapse prevention.

#### XI. Full-Time Equivalent (FTE) Maximum Client/Staff and Client/Counselor Ratios

There will be one FTE primary care staff person available for every seven clients during primary care hours and one physician on call at all times.

#### XII. Facility Standards

The residential facility will hold a license under Chapter 709 or a certificate under Chapter 711 of the State Code relating to Residential Treatment Facilities. The Facility will have a certificate of occupancy from the Department of Labor and Industry and comply with applicable Federal, State and local laws and ordinances.

The Facility will maintain all structures and fences on the grounds of the facility so as to be free from any danger to health and safety. The grounds of the facility will be clean, safe, sanitary, and in good repair at all times for the safety and well-being of residents, employees and visitors.

All exterior exits, stairs and walkways will be lit at night.

All trash, garbage and rubbish will be stored in noncombustible, covered containers that prevent the penetration of insects and rodents, and remove it, at least once every week.

The Facility will contain at least one living room or lounge for the free and informal use of clients, their families and invited guests with furnishings in a state of good repair.

The Facility will maintain space for both individual and group counseling sessions to ensure privacy so that counseling sessions cannot be seen or heard outside the counseling room.

Counseling room walls will extend from the floor to the ceiling and will be located so that noise does not disturb or interfere with counseling sessions.

In each residential facility bedroom, each resident will have a bed with solid foundation and fire retardant mattress in good repair, a pillow and bedding appropriate for the temperature in the facility and a storage area for clothing.

Each shared bedroom will have at least 60 square feet of floor space per resident measured wall to wall, including space occupied by furniture. If bunk beds are used, each bedroom will

have at least 50 square feet of floor space per resident measured wall to wall. Bunk beds will afford enough space in between each bed and the ceiling to allow a resident to sit up in bed. Bunk beds will be equipped with a securely attached ladder capable of supporting a resident. Bunk beds will be equipped with securely attached railings on each open side and open end of the bunk. The use of bunk beds will be prohibited in detoxification programs. Each single bedroom will have at least 70 square feet of floor space per resident measured wall to wall, including space occupied by furniture.

No more than four residents may share a bedroom and each bedroom will have direct access to a corridor or external exit and will be ventilated by operable windows or have mechanical ventilation.

Each bedroom will have a window with a source of natural light and will prohibit smoking and use of candles in bedrooms.

The Facility will provide bathrooms to accommodate staff, residents and other users of the facility.

#### XIII. Food Service

The Facility will provide meals to residents through onsite food preparation areas, a central food preparation area or contractual arrangements with vendors or caterers. All food preparation areas will meet all local, state, and federal codes regarding same.

#### XIV. Safety and Fire Measures

The residential facility will be free of rodent and insect infestation, limit smoking to designated smoking areas, provide written procedures for staff and residents to follow in case of an emergency which will include provisions for the evacuation and transfer of residents and staff to a safe location, assignments of staff during emergencies and the evacuation and transfer of residents impaired by alcohol or other drugs.

The Facility will follow all codes related to fire safety for residential treatment facilities as found in the Pennsylvania Code and will conduct fire drills as required.

