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| <h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>INDEPENDENT REGULATORY<br/>REVIEW COMMISSION</b></p> <p><b>RECEIVED</b></p> <p>Independent Regulatory<br/>Review Commission<br/>October 8, 2026</p> <p>IRRC Number: 3502</p>                      |
| <p>(1) Agency</p> <p><b>Department of Corrections</b></p> <p>(2) Agency Number: 19</p> <p>Identification Number: 15</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                         |
| <p>(3) PA Code Cite: <b>37 Pa. Code Chapter 97</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                         |
| <p>(4) Short Title: <b>State Drug Treatment Program</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                         |
| <p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Jaime B. Boyd, Assistant Counsel, 717-728-7756, <a href="mailto:jaiboyd@pa.gov">jaiboyd@pa.gov</a></p> <p>Secondary Contact: Ralph Salvia, Deputy Chief Counsel, 717-574-3334, <a href="mailto:rsalvia@pa.gov">rsalvia@pa.gov</a></p>                                                                                                                                                                                                                              |                                                                                                                                                                                                         |
| <p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>                                                                                                                                                                                                                                                                                                                               | <p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p> |
| <p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The regulation will implement the provisions of 61 Pa.C.S. Chapter 41 (relating to the State drug treatment program)</p> <p>The regulation will govern an intensive treatment program for offenders whose crimes were the result of their addiction to or use of alcohol or other drugs. The regulation provides information regarding the evaluation of offenders, the operation of the program and suspensions and expulsions from the program.</p>   |                                                                                                                                                                                                         |
| <p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Section 506 of the Administrative Code of 1929 (71 P.S. §186) authorizes the DOC to promulgate rules and regulations for the government of the department in keeping with the protection and promotion of the public health, safety and welfare.</p> <p>Additionally, the Department is required to promulgate regulations regarding the State drug treatment program under Pa.C.S. § 4106 (relating to written guidelines and regulations).</p> |                                                                                                                                                                                                         |

**(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.**

Yes, under 61 Pa. C.S. § 4106 (relating to written guidelines and regulations), the act requires this rulemaking and provides:

The department shall develop written guidelines for participant selection criteria and the establishment of drug offender treatment program selection committees within each diagnostic and classification center of the department and shall address suspensions and expulsions from the drug offender treatment program. The guidelines shall not be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and shall be effective for a period of two years upon publication in the Pennsylvania Bulletin. The guidelines shall be replaced by regulations promulgated by the department consistent with the Regulatory Review Act within the two-year period during which the guidelines are effective. The regulations shall include a requirement that community-based therapeutic communities utilized in the drug offender treatment program be accredited as a therapeutic community for treatment of drug and alcohol abuse and addiction by the Commission on Accreditation of Rehabilitation Facilities or other nationally recognized accreditation organization for community-based therapeutic communities for drug and alcohol addiction treatment.

**(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.**

The regulation establishes the parameters for the State drug treatment program (“SDTP”). Act 115 of 2019 modified the act in several significant ways and the regulation requires updates to conform to current law at 61 Pa.C.S. Chapter 41. Many offenders continue to commit crimes because of their addiction to alcohol or other drugs. SDTP is intended to help offenders break the cycle of substance use disorder and recidivism and become productive, law-abiding members of society.

**(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.**

There are no applicable federal standards on the State drug treatment program.

**(12) How does this regulation compare with those of the other states? How will this affect**

**Pennsylvania's ability to compete with other states?**

Many other states have adult drug courts in which defendants with substance use disorders enter supervised treatment instead of standard incarceration. For example, New York has judicial diversion courts, and Ohio has specialized dockets/drug courts. Some states have prison-to-treatment reentry programs such as therapeutic community models upon release or parole such as California and Delaware. Some states have statutory sentencing alternatives for substance use disorders such as recovery court in New Jersey. Pennsylvania's model is unique, however, because it is codified directly into statute and structured as a multi-phase state-run program.

This regulation only applies to the Commonwealth's inmate population, to which there is no competitive advantage.

**(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.**

This regulation will not conflict with or otherwise affect any other regulations.

**(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)**

The initial draft of the annex was sent on November 24, 2025 to organizations such as the Pennsylvania Commission on Sentencing, the AOPC, the District Attorney's Association, the Public Defender's Association, and the Pennsylvania Prison Society requesting any questions or comments. None of the organizations responded to the inquiry.

**(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?**

The effect of the proposed regulation is limited to the Commonwealth's eligible inmate population as defined by 61 Pa.C.S. §§ 4103 and 4104 and Department of Corrections staff administering the Program.

**(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.**

The Commonwealth's eligible inmate population as defined by 61 PA. C.S. §§ 4103 and 4104 and Department of Corrections staff administering the Program.

**(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.**

This regulation is not expected to have a financial, economic or social impact on individuals, small businesses, businesses and labor communities and other public and private organizations.

**(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.**

This regulation is not expected to have any cost or adverse effects.

**(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.**

There are no savings or costs estimated for the regulated community.

**(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.**

There are no savings or costs estimated for local governments.

**(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.**

No cost savings to the state government will be realized on the amendment of the current regulations.

**(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.**

No legal, accounting or consulting procedures, additional reporting, recordkeeping or other paperwork will be required for implementation of the regulation.

**(22a) Are forms required for implementation of the regulation?**

No.

**(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

No forms are required for implementation of the regulation.

**(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.**

|                            | <b>Current FY<br/>Year</b> | <b>FY +1<br/>Year</b> | <b>FY +2<br/>Year</b> | <b>FY +3<br/>Year</b> | <b>FY +4<br/>Year</b> | <b>FY +5<br/>Year</b> |
|----------------------------|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <b>SAVINGS:</b>            | \$                         | \$                    | \$                    | \$                    | \$                    | \$                    |
| <b>Regulated Community</b> |                            |                       |                       |                       |                       |                       |
| <b>Local Government</b>    |                            |                       |                       |                       |                       |                       |
| <b>State Government</b>    |                            |                       |                       |                       |                       |                       |
| <b>Total Savings</b>       | 0                          | 0                     | 0                     | 0                     | 0                     | 0                     |
| <b>COSTS:</b>              |                            |                       |                       |                       |                       |                       |
| <b>Regulated Community</b> |                            |                       |                       |                       |                       |                       |
| <b>Local Government</b>    |                            |                       |                       |                       |                       |                       |
| <b>State Government</b>    |                            |                       |                       |                       |                       |                       |

|                             |   |   |   |   |   |   |
|-----------------------------|---|---|---|---|---|---|
| <b>Total Costs</b>          | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>REVENUE LOSSES:</b>      |   |   |   |   |   |   |
| <b>Regulated Community</b>  |   |   |   |   |   |   |
| <b>Local Government</b>     |   |   |   |   |   |   |
| <b>State Government</b>     |   |   |   |   |   |   |
| <b>Total Revenue Losses</b> | 0 | 0 | 0 | 0 | 0 | 0 |

(23a) Provide the past three year expenditure history for programs affected by the regulation.

| <b>Program</b>               | <b>FY -3</b>    | <b>FY -2</b>    | <b>FY -1</b>    | <b>Current FY</b> |
|------------------------------|-----------------|-----------------|-----------------|-------------------|
| State Drug Treatment Program | \$25,604,757.29 | \$26,135,582.13 | \$27,902,719.75 | \$28,460,774.15   |
|                              |                 |                 |                 |                   |
|                              |                 |                 |                 |                   |
|                              |                 |                 |                 |                   |
|                              |                 |                 |                 |                   |
|                              |                 |                 |                 |                   |
|                              |                 |                 |                 |                   |

**(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:**

- (a) An identification and estimate of the number of small businesses subject to the regulation.**
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.**
- (c) A statement of probable effect on impacted small businesses.**
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.**

The regulation is not expected to have an adverse impact on small businesses.

**(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.**

No special provisions have been developed to meet the particular needs of affected groups or persons.

**(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.**

No alternative regulatory provisions were considered. The department has determined that the proposed rulemaking constitutes the least burdensome manner to comply with the act.

**(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:**

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

A regulatory flexibility analysis was not conducted as this rulemaking has no adverse impact on small businesses.

**(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.**

Data was not the basis for this regulation.

**(29) Include a schedule for review of the regulation including:**

**A. The length of the public comment period:** 30 days from the date of publication as proposed

**B. The date or dates on which any public meetings or hearings will be held:** \_\_\_\_\_ N/A \_\_\_\_\_

**C. The expected date of delivery of the final-form regulation:** Spring 2027

**D. The expected effective date of the final-form regulation:** Upon final form publication in the *Pennsylvania Bulletin*

**E. The expected date by which compliance with the final-form regulation will be required:** Upon final form publication in the *Pennsylvania Bulletin*

**F. The expected date by which required permits, licenses or other approvals must be obtained:** Upon final form publication in the *Pennsylvania Bulletin*

**(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.**

Under 61 Pa.C.S. § 4107 (relating to evaluation), the department is required to monitor and evaluate the State drug treatment program to ensure that the programmatic objectives are met. The department will continuously evaluate the effectiveness of the regulations in Chapter 97 as part of this statutory obligation. In addition, to the extent the General Assembly further amends the statute governing the State drug treatment program, the Department will make the necessary adaptations to the regulation.

CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

**(Pursuant to Commonwealth Documents Law)**

**RECEIVED**

Independent Regulatory  
Review Commission

October 8, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

BY: Amy M. Elliott  
(DEPUTY ATTORNEY GENERAL)

9/1/2026

DATE OF APPROVAL

☐ Check if applicable  
Copy not approved. Objections  
attached.

Copy below is hereby certified to be a true and correct copy  
of a document issued, prescribed or promulgated by:

Department of Corrections

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 19-15

DATE OF ADOPTION: \_\_\_\_\_

BY: James R. Harney  
Secretary

TITLE \_\_\_\_\_  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form  
and legality. Executive or Independent Agencies.

BY: Cynthia K. Montz

Deputy General Counsel

August 6, 2026

DATE OF APPROVAL

☐ ~~Chief Counsel, Independent Agency~~  
(Strike inapplicable title)

☐ Check if applicable. No Attorney General  
approval or objection within 30 days after  
submission.

**PROPOSED RULEMAKING**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS**

**37 PA. CODE CHAPTER 97  
§§ 101---116**

**STATE DRUG TREATMENT PROGRAM**

The Department of Corrections (department) proposes to amend Chapter 97 (relating to State intermediate punishment drug offender treatment program) to read as set forth in Annex A. This proposed rulemaking implements 61 Pa.C.S. Chapter 41 (relating to State drug treatment program) (act), as amended.

*Statutory Authority*

The amendments to Chapter 97 are authorized under section 506 of The Administrative Code of 1929 (71 P.S. § 186) (relating to rules and regulations).

Proposed amendments to Chapter 97 are also authorized under 61 Pa.C.S. § 4106 (relating to written guidelines and regulations), which authorizes the department to promulgate regulations to implement the act. Specifically, this section directs the department to develop written guidelines for participant selection criteria and the establishment of program selection committees within each diagnostic and classification center of the department and address suspensions and expulsions from the program.

*Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

*Background and Need for Amendments*

Prior to the act of August 11, 2009 (P.L. 147, No. 33) (Act 33 of 2009), State intermediate punishment (SIP) was a state sentence under 42 Pa.C.S. Chapter 99 (relating to State intermediate punishment), which established the drug offender treatment program (DOTP). Under State intermediate punishment: (1) a defendant was committed to the custody of the department; (2) the

department evaluated/assessed the defendant for SIP, and if that defendant was considered to be eligible, the department would recommend to the sentencing court that the person should be placed into SIP; and (3) if the sentencing court agreed, the defendant was sentenced to a flat 24-month sentence so they could participate in the DOTP. If the participant was successful in the DOTP, at the end of the 24 months they would be released from state custody. If the participant was not successful in the DOTP, the department would request that the sentencing court expel the participant from the program and be resentenced. The current regulations reflect this process.

Under Act 33 of 2009, SIP was completely removed from Title 42, and moved to 61 Pa.C.S. Chapter 41. Subsequently, 61 Pa.C.S. Chapter 41 was amended by the act of December 18, 2019 (P.L. 776, No. 15) (Act 115 of 2019), which removed most, but not all, references to the DOTP; instead using the term State drug treatment program (SDTP), for the most part. A careful reading of the prior act, the current regulations in Chapter 97, and the current 61 Pa.C.S. Chapter 41 (relating to State Drug Treatment Program) indicates that the term DOTP was generally utilized to refer to a participant's individual treatment plan or program; however, this caused confusion and ambiguity between the terms. Further, the department utilizes only the term SDTP, and not DOTP, in all current practices. The term SDTP is also utilized by inmates, attorneys, the courts and in the community. Because the department utilizes the term SDTP, and 61 Pa.C.S. Chapter 41 is inconsistent, a decision was made to draft this proposed regulation using only the term SDTP. Further, because the current regulation uses outdated and stigmatizing terminology such as "addiction" and "relapse," this terminology is proposed to be updated to terminology such as "substance use disorder (SUD)" and "reoccurrence."

Under the current act: (1) a defendant is sentenced to a state sentence; (2) the state-sentenced offender is subsequently placed in the custody of the department; (3) the department evaluates/assesses the offender for the SDTP and if offender is deemed eligible, the department has discretion to place the offender in the SDTP for 24 months, with opportunity for 6 additional months, without the involvement of the sentencing court. If the participant is successful, they are released from state custody. If the participant is not successful, they revert to their original length of sentence. The participant's time in the program is credited towards their original length of sentence.

While the procedures have changed, the program itself is virtually unchanged and is detailed in both the statute and Chapter 97. However, some updates have been proposed throughout the chapter to improve readability and reflect current terminology.

#### *Description of Proposed Amendments*

This proposed rulemaking seeks to amend existing regulations regarding the SDTP. This proposed rulemaking parallels the act—the rulemaking does not broaden the scope of the act, but instead reflects current law and practices, as well as updated terminology.

#### § 97.101. Authority and purpose.

The department is proposing to amend § 97.101 to reflect that the SDTP is no longer a sentence or sentencing alternative. Act 115 of 2019 removed the SDTP as a sentencing alternative. Current law, under 61 Pa.C.S. § 4105 (relating to State drug treatment program) directs that the department shall establish and administer the SDTP. The program shall be designed to address the individually assessed substance use disorder (SUD) treatment needs of a participant and shall

address other issues essential to the participant's successful reintegration into the community, including educational and employment issues.

The proposed amendment to this section revises the authority and purpose to reflect current law.

§ 97.102. Definitions.

The department proposes to amend this section by revising several of the definitions to reflect current law. The definition of “*act*” is proposed to be amended to revise the current authority for the SDTP, 61 Pa.C.S. Chapter 41. Under the definition of “*community-based therapeutic community*,” the current regulation indicates that the Commonwealth’s long-term residential SUD treatment programs are licensed by the Department of Health; however, under the act of July 9, 2010 (P.L. 348, No. 50) (Act 50 of 2010), these programs are now licensed by the Department of Drug and Alcohol Programs. As such, this definition is proposed to be revised.

The department proposes to amend the definition of “*community corrections center*” to reflect the current statutory authority for community corrections centers, 61 Pa.C.S. Chapter 50 (relating to community corrections centers and community corrections facilities). In addition, as “prerelease” has been eliminated in the Commonwealth, the definitions of “*community corrections center*” and “*group home*” are proposed to be revised to indicate that change. The statute authorizing former Chapter 94 (relating to release and prerelease programs), the act of July 16, 1968 (P.L. 351, No. 173) (61 P.S. §§ 1051—1054), commonly referred to as the Prisoner Pre-release Plan Law, was repealed by Act 33 of 2009 on October 13, 2009 and replaced with provisions codified at 61 Pa.C.S. Chapter 37 (relating to inmate prerelease plans). Subsequently,

the act of July 5, 2012 (P.L. 1050, No. 122) (Act 122 of 2012) repealed the provisions of 61 Pa.C.S. Chapter 37, eliminating prerelease, and the department rescinded Chapter 94 with a final-omitted rulemaking published on July 12, 2025.

The removal of the definition of “*DOTP-Drug Offender Treatment Program*” is proposed to alleviate confusion with the term “*SDTP*.” The department proposes adding the definition of “*SDTP—State Drug Treatment Program*” to reflect the terminology most used in the current act. Additionally, the department proposes conforming amendments throughout the proposed rulemaking.

The department proposes several revisions to the definition of “*eligible offender*” to reflect the current statutory definition of “*eligible person*” under 61 Pa.C.S. § 4103. The revised definition was drafted to mirror the language of the statute, and remove the language pertaining to the previous, eliminated statutory language. This includes revising the individual from being referred to as a “defendant,” as they are already a state-sentenced person. Therefore, references to “defendants” throughout this proposed regulation are being revised to “person”, “offender” or “participant.”

Finally, the definition of “*participant*” is proposed to be amended to reflect the current statutory definition under 61 Pa.C.S. § 4103.

§ 97.103. Commitment for assessment.

Section 97.103 was originally promulgated for the purpose of establishing the procedures for a defendant’s commitment to the department for assessment as part of the former SIP program. Under 61 Pa.C.S. § 4104(b), the department shall conduct an assessment of eligible offenders who

have already been committed to the department's custody. Because Act 115 of 2019 removed the concept of SIP as a sentencing alternative, an individual is no longer committed to the custody of the department for the purposes of assessment. Therefore, the former process has been nullified per current law. For these reasons, § 97.103 is no longer operable, and the department proposes to rescind and reserve this section.

§ 97.104. Assessment of addiction and other treatment needs.

Initially, the department proposes to rename § 97.104 as “assessment of SUD and other treatment needs” to reflect current terminology.

Under 61 Pa.C.S. 4104(b), the department is required to conduct an assessment of the SUD and other treatment needs of an eligible person and determine whether the person would benefit from the State drug treatment program, public safety would be enhanced by the person's participation in the State drug treatment program, and placement of the person in the State drug treatment program would not depreciate the seriousness of the offense. Because Act 115 of 2019 removed the concept of SIP as a sentencing alternative, an individual is no longer committed to the custody of the department for the purpose of assessment.

For this reason, the department proposes to make revisions to subsection (a) and remove subsections (b) through (e) to implement the statutory changes. In addition, the department proposes to remove reference to the Texas Christian University Drug Screen in recognition of the fact that assessment tools can improve over time due to continuing advanced research in this field of study, and also to align with current practice. The General Assembly did not mandate a specific tool; rather, the act requires the department to conduct an assessment using a Nationally-

recognized assessment instrument or an instrument that has been normed and validated on the department's inmate population by a recognized expert in such matters.

At the time of the promulgation of the current regulation in 2005, the department utilized the Texas Christian University Drug Screen II. Over the last 2 decades, the department has found assessment instruments that more accurately determine whether the person would benefit from the State drug treatment program, whether public safety would be enhanced by the person's participation in the State drug treatment program, and whether placement of the person in the State drug treatment program would not depreciate the seriousness of the offense. The assessment tools remain likely to change over time due to continuing advanced research in the field of study. It is therefore impractical to specify a specific assessment tool to be utilized via regulation. Accordingly, the department proposes simply mirroring the language of the act.

Further, the act as currently written includes a detailed level of specificity as to which individual department employees may administer the assessment tool, which goes far beyond the mandates of the 61 Pa.C.S. § 4104(b). Commonwealth personnel matters, degree programs and staffing can also change over time, and this level of specificity would be best relegated to department policy.

§ 97.105. DOTP Selection Committee.

The department proposes to rename this section as “Participant Selection Committee” and to amend it to update a position title. Staff departments and roles have shifted since these regulations were promulgated, and the proposed update reflects current practice.

§ 97.107. Drug offender treatment program.

The department is proposing to rename and amend § 97.107 to reflect current terminology. In addition, § 97.107 reflects a proposed revision to the duration of the program from 24 months to 24 to 30 months. This change is to mirror the statutory change to the duration of the program. Previously, the program was 24 months. Currently, under 61 Pa.C.S. § 4105(b), the duration of the State drug treatment program remains 24 months. However, under proposed subsection (c), if the participant is unable to complete the program within 24 months and is otherwise compliant with the program, subject to the discretion of the department, the program duration may be extended up to 30 months total for the participant to successfully complete the program. The proposed amendment was drafted to reflect this change in the act.

Another revision to this section is in § 97.107(b)(1), where the language “prior to the imposition of sentence” is proposed to be deleted because the assessment, per current law, no longer takes place prior to the imposition of sentence. Rather, per 61 Pa.C.S. § 4104(b), the assessment occurs after an eligible individual has already been sentenced and in the custody of the department.

Finally, the department is proposing the addition of subsection (d), which provides that failure to complete the program within the program duration set forth in § 97.107 will result in expulsion from the SDTP in accordance with § 97.116 (relating to expulsion from the SDTP).

§ 97.108. Confinement in a State correctional institution.

The department proposes to delete subsection (a), which addresses procedures under the former law, in which an individual was committed to the department for assessment for eligibility into the DOTP prior to sentencing. Because that process has been altered, this subsection is no

longer operable.

§ 97.109. Program advancement and regression.

The proposed revision in this section relates to the title of the “Chief of the Department’s Central Office Treatment Division.” Subsequent to the promulgation of the current regulation, the title was changed by the department from “Chief” to “Director.” This change is first noted in this section, continues throughout the remainder of the proposed revisions.

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§ 97.113. Treatment sanctions.

The proposed revision in this section reflects the change in applicable law in which, previously, if a participant was expelled from the program, they would be returned to the sentencing court for resentencing. Currently, 61 Pa.C.S. § 4105(f)(1) provides that when a participant is expelled from the program, they revert to their originally imposed sentence and shall be housed in a State correctional institution to serve the remainder of that sentence. The proposed regulation is being amended to mirror the current law.

§ 97.116. Expulsion from a DOTP.

In addition to renaming § 97.116 as “expulsion from the SDTP”, a proposed revision in this section relates to the title of the “Deputy Secretary for Reentry and Specialized Programs” first referenced in subsection (d). Subsequent to the promulgation of the current regulation, the title was changed by the department from “Deputy Secretary for Reentry and Specialized Programs” to the “Department’s Executive Deputy Secretary for Reentry.” This change is first noted in this section, continues throughout the remainder of the proposed revisions.

The next proposed revision is regarding subsection (d)(3). In the prior regulation, a participant who was indigent, per department policy, received a maximum of \$10 per month of copy and postage services in order to file a grievance regarding expulsion. This provision is proposed to be amended to clarify that the amount will be determined in accordance with current department policy (DC-ADM 803).

Last, in subsection (e), the current regulation states that subsequent to expulsion, the inmate will be housed in custody pending action by the court. The proposed deletion in this section reflects the change in applicable law in which, previously, if a participant was expelled from the DOTP, they would be returned to the sentencing court for resentencing. Currently, 61 Pa.C.S. §4105(f)(1) provides that when a participant is expelled from the SDTP, they revert to their originally imposed sentence, and therefore, court involvement is no longer required. The proposed regulation is being amended to mirror the current law.

#### *Fiscal Impact and Paperwork Requirements*

This proposed rulemaking will have minimal adverse fiscal impact on the department. The department will incur no additional costs in implementing this proposed rulemaking. This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### *Affected Persons*

The persons affected by this proposed rulemaking are eligible state sentenced inmates and department staff.

#### *Sunset Date*

Under 61 Pa.C.S. § 4107 (relating to evaluation), the department is required to monitor and evaluate the State drug treatment program to ensure that the programmatic objectives are met. The department will continuously evaluate the effectiveness of the regulations in Chapter 97 as part of this statutory obligation. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 8, 2026, the department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Judiciary Committee and the House Judiciary Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the department, the General Assembly and the Governor.

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Jaime B. Boyd, Assistant Counsel, Office of Chief Counsel, Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA 17050, [RA-CRDOCREGULATION@pa.gov](mailto:RA-CRDOCREGULATION@pa.gov) within 30 days following publication of this proposed

19-15 State Drug Treatment Program  
Proposed Preamble  
October 8, 2026

rulemaking in the *Pennsylvania Bulletin*. Please reference No. 19-15 (State Drug Treatment Program) when submitting comments.

LAUREL R. HARRY

Secretary

Annex A

**TITLE 37. LAW**

**PART III. AGENCIES AND OFFICES**

**Subpart B. DEPARTMENT OF CORRECTIONS**

**CHAPTER 97. STATE [INTERMEDIATE PUNISHMENT DRUG OFFENDER] DRUG  
TREATMENT PROGRAM**

**§ 97.101. Authority and purpose.**

(a) This chapter is published under the act and establishes the [DOTP] SDTP administered by the Department. This chapter is intended to inform judges, prosecutors, defense counsel, defendants, participants[,], and the general public about the [DOTP] SDTP.

(b) [The DOTP is a form of State intermediate punishment that provides a sentencing alternative for a person who commits a drug-related offense as defined in the act. The DOTP offers a sentencing alternative that punishes a person who commits a drug-related offense, but also provides treatment that offers the opportunity for the person to address the drug or alcohol addiction or abuse issues related to their criminal behavior.] The SDTP is an individualized treatment program established by the Department that provides treatment that offers the opportunity for the participant to address the SUD issues related to the participant's criminal behavior.

**§ 97.102. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—[42 Pa.C.S. Chapter 99 (relating to State intermediate punishment)] 61 Pa.C.S. Chapter 41 (relating to State drug treatment program) establishing the [DOTP] SDTP.

*Commission*—The Pennsylvania Commission on Sentencing.

*Community-based therapeutic community*—A long-term residential [addiction] SUD treatment program licensed by the Department of [Health] Drug and Alcohol Programs to provide [addiction] SUD treatment services using a therapeutic community model, determined by the Department to be qualified to provide [addiction] SUD treatment to eligible offenders, and accredited as a therapeutic community for the SUD treatment [of drug and alcohol abuse and addiction] by the Commission on Accreditation of Rehabilitation Facilities or another Nationally-recognized accreditation organization for community-based therapeutic communities for [drug and alcohol addiction] SUD treatment.

*Community corrections center*—A residential program that is supervised and operated by the Department for inmates [with prerelease status or who are on parole] in accordance with 61 Pa.C.S. Chapter 50 (relating to community corrections centers and community corrections facilities).

*Court*—The trial judge exercising sentencing jurisdiction over an eligible offender under this

chapter or the president judge if the original trial judge is no longer serving as a judge of the sentencing court.

*Defendant*—An individual charged with a drug-related offense.

*Department*—The Department of Corrections of the Commonwealth.

**[DOTP—Drug Offender Treatment Program—An individualized treatment program established by the Department consisting primarily of drug and alcohol addiction treatment that satisfies the terms and conditions in section 9905 the act (relating to drug offender treatment program).]**

*Drug-related offense*—A criminal offense for which the defendant is convicted and that the court determines was motivated by the defendant’s consumption of or **[addiction to]** **dependence on** alcohol or a controlled substance, counterfeit, designer drug, drug, immediate precursor or marijuana, as those terms are defined in The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-101—780-143).

*Eligible offender*—

(i) **[Under 42 Pa.C.S. § 9721(a.1) (relating to sentencing generally), a defendant designated by the sentencing court as a person convicted of a drug-related offense who:]**  
**Under 61 Pa. C.S. § 4103 (relating to the definitions), pertaining to the definition of “eligible person,” a person who has not been designated by the sentencing court as**

**ineligible and is a person convicted of a drug-related offense who meets all of the following criteria:**

(A) Has undergone an assessment performed by the Department which assessment has concluded that the [defendant] **person** is in need of [drug and alcohol addiction] **SUD** treatment and would benefit from commitment to [a drug offender treatment program] **the SDTP** and that placement in [a drug offender treatment program] **the SDTP** would be appropriate.

(B) Does not demonstrate a history of present or past violent behavior.

(C) [Would be placed in the custody of the Department if not sentenced to State intermediate punishment.] **Is a person sentenced to a term of confinement under the jurisdiction of the Department, the minimum of which is not more than 2 years, or a person who is serving a term of confinement, the minimum of which is not more than 5 years where the person is within 2 years of completing the person's minimum term.**

(D) Provides written consent permitting the release of information pertaining to the [defendant's] **person's** participation in [a drug offender treatment program] **the SDTP**.

(ii) The term does not include a [defendant] **person** who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, [or a defendant who has been convicted of a personal injury crime as defined in section 103 of the Crime Victims Act (18 P. S. § 11.103), or an attempt or conspiracy to commit such a crime or who has been convicted of violating 18 Pa.C.S. §§ 4302, 5901, 6312, 6318 and 6320 or Chapter 76, Subchapter C (relating to Internet child pornography)] **a person who**

**has been convicted or adjudicated delinquent of any crime listed under 42 Pa.C.S. Ch. 97 Subchapters H or I (relating to registration of sexual offenders; and continued registration of sexual offenders) or a person with a current conviction or a prior conviction within the past 10 years for 18 Pa.C.S. § 2502 (relating to murder), drug trafficking as defined in this section or a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second or subsequent offenses) or criminal attempt, criminal solicitation or criminal conspiracy to commit any of these offenses.**

*Expulsion*—The permanent removal of a participant from [a drug offender treatment program] **the SDTP**.

*Group home*—A residential program that is contracted out by the Department to a private service provider for inmates [with prerelease status or] who are on parole.

*Individualized [drug offender] treatment plan*—An individualized [addiction] **SUD** treatment plan within the framework of [a drug offender treatment program] **the SDTP**.

*Institutional therapeutic community*—A residential [drug] **SUD** treatment program in a State correctional institution, accredited as a therapeutic community for **SUD** treatment [of drug and alcohol abuse and addiction] by the American Correctional Association or other Nationally-recognized accreditation organization for therapeutic community [drug and alcohol addiction] **SUD** treatment.

*Outpatient [addiction] SUD treatment facility*—An [addiction] SUD treatment facility licensed by the Department of [Health] Drug and Alcohol Programs and designated by the Department as qualified to provide [addiction] SUD treatment to criminal justice offenders.

*Participant*—An eligible offender [actually sentenced to State intermediate punishment under 42 Pa.C.S. § 9721(a)(7)] who is placed in the SDTP.

**SDTP—State Drug Treatment Program—An individualized treatment program established by the Department consisting primarily of SUD treatment that satisfies the terms and conditions in 61 Pa.C.S. § 4105 (relating to State drug treatment program).**

**SUD—Substance use disorder—A pattern of use of alcohol or other drugs leading to clinical or functional impairment.**

*Transitional residence*—A residence investigated and approved by the Department as appropriate for housing a participant in [a DOTP] the SDTP.

§ 97.103. [Commitment for assessment] {Reserved}.

**[(a) Prior to imposing sentence, the court may, upon motion of the Commonwealth and agreement of the defendant, commit a defendant to the custody of the Department for the purpose of evaluating whether the defendant would benefit from a DOTP and whether placement in a DOTP is appropriate.**

**(b) The committing county shall deliver a defendant committed to the custody of the Department for purposes of an evaluation to the institution the Department has designated for reception of inmates from that county. The defendant shall be housed in a State**

**correctional institution while undergoing the evaluation. The following documents shall be delivered to the Department simultaneously with the defendant's arrival. The Department may refuse to accept for evaluation a defendant who is delivered to the Department by the county without all the documents listed as follows:**

**(1) A certified copy of the order committing the defendant to the Department's custody for purposes of an evaluation.**

**(2) A summary of the offense for which the inmate has been convicted, including the criminal complaint and police report summarizing the facts of the crime, if available, or a copy of the affidavit of probable cause accompanying the arrest warrant.**

**(3) A record of the defendant's adjustment in the county correctional facility, including, misconducts and escape history.**

**(4) Any current medical or psychological condition requiring treatment, including, suicide attempts.**

**(5) Any medical admission testing performed by the county and the results of those tests, including, hepatitis, HIV/AIDS, tuberculosis or other infectious disease testing.**

**(6) A notice of current and previously administered medications. The notice must include the name and dosage of the medications provided to the inmate while incarcerated in the county as well as over-the-counter medications used by the inmate and known to the county. The notice must list medications provided or used during the preceding calendar year.**

**(7) A 48 hour supply of current medications.**

**(c) Within 7 days of delivery of the defendant to the Department for an evaluation, the committing county shall provide the Department with the following:**

**(1) A summary of the disposition of all arrests noted on the defendant's record of arrest and prosecution (RAP Sheet).**

**(2) Any available information regarding the defendant's history of drug or alcohol abuse, addiction or treatment, including any evaluation performed using Court Reporting Network instruments or other evaluation techniques deemed appropriate by the court under 75 Pa.C.S. § 3816 (relating to requirements for driving under the influence offenders) or any other provision of law.**

**(3) A presentence investigation when available or if a presentence investigation cannot be completed, the official version of the crime for which the offender was convicted or a copy of the guilty plea transcript or a copy of the preliminary hearing transcript.**

**(4) A copy of the guideline sentence form issued by the Commission.**

**(5) Other information the court deems relevant to assist the Department with its assessment of the defendant.]**

**§ 97.104. Assessment of [addiction] SUD and other treatment needs.**

**(a) [The] To evaluate an eligible offender for SDTP placement, the Department will conduct a risk assessment and assess the [addiction] eligible offender's SUD and other treatment needs [of a defendant committed to its custody for purposes of an evaluation].**

(1) The assessment of **[addiction shall] SUD will** be conducted using a Nationally-recognized assessment instrument or an instrument that has been normed and validated on the Department's inmate population by a recognized expert in these matters.

(2) For purposes of this section the term "recognized expert" means an individual who has earned the Doctor of Philosophy or the similar terminal degree in **[his] the individual's** field of study and who has published a number of peer reviewed validation studies.

**(3) [The Department currently uses the Texas Christian University Drug Screen II an instrument that was developed under a Federal grant specifically for criminal offenders, is consistent with the DSM-IV criteria for substance abuse/dependence and is used by a number of criminal justice agencies. The Department's criteria for selecting an assessment instrument are that:**

**(i) The instrument must be supported by strong academic research.**

**(ii) The instrument correspond with the then current DSM criteria for substance abuse or addiction, or both.**

**(iii) When possible, the instrument produces results that are statistically as reliable as results produced by the Texas Christian University Drug Screen II.] {Reserved}.**

**(4) The assessment instrument will be administered by persons skilled in the treatment of [drug and alcohol addiction] SUD and trained to conduct assessments. The assessment will be reviewed and approved by a supervisor with at least 3 years of experience providing [drug and alcohol] SUD counseling services. [An individual will be considered skilled in the treatment of drug and alcohol addiction if they have 1 year of experience as a Commonwealth Drug and Alcohol Treatment Specialist 1, or 2 years of professional experience providing drug**

and alcohol counseling services directly to clients in a social work setting and have earned a bachelor's degree that includes 18 credits in the behavioral sciences or 1 year of paraprofessional and 1 year of professional experience providing drug and alcohol counseling services directly to clients in a social work setting and are certified by the Pennsylvania Chemical Abuse Certification Board as a "Certified Addictions Counselor" or 1 year of professional experience providing drug and alcohol counseling services directly to clients in a social work setting and a master's degree with major coursework in addictions science, psychology or social work or an equivalent combination of experience and training which includes 18 college credits in the behavioral sciences. An individual will be considered trained to conduct assessments if the individual has completed the Department's internal training program in performing assessments or has equivalent experience and knowledge.]

(b) [The Department will provide a report of its assessment to the court, the defendant, the attorney for the Commonwealth and the Sentencing Commission within 60 days of the commitment of the defendant to the Department for purposes of evaluation. If the Department determines that the defendant will benefit from a DOTP and placement in a DOTP is appropriate, the report will include a proposed DOTP detailing the type of treatment proposed for the defendant. If the Department determines that the defendant will not benefit from a DOTP or that placement in a DOTP is inappropriate, the report will set forth the reasons for the Department's determination] {Reserved}.

(c) [The Department encourages resolution of as many unresolved charges against the defendant as possible prior to commitment for an evaluation. Resolution of unresolved charges, including arrests that appear on a defendant's RAP sheet for which a disposition

is not noted, assists the Department in completing an evaluation in a timely fashion. The Department will reconsider its report if the defendant has been deemed inappropriate for a DOTP because of unresolved charges or because the disposition of all arrests on the defendant's RAP sheet is not known and the committing county provides the Department with the resolution of the charges or disposition of the arrests] {Reserved}.

(d) [The act provides that the court may not modify or alter the terms of the Department's proposed DOTP without the agreement of the Department and attorney for the Commonwealth. See section 9904(f) of the act (relating to referral to State Intermediate Punishment Program). A request for modification of the terms of a proposed DOTP shall be sent to the Deputy Superintendent for the Diagnostic and Classification Center at the State Correctional Institution at Camp Hill for male inmates and the Deputy Superintendent for Centralized Services at the State Correctional Institution at Muncy for female inmates] {Reserved}.

(e) [The sheriff or an agent shall return to the committing county a defendant whom the Department determines will not benefit from a DOTP or is inappropriate for placement in a DOTP within 60 days of the Department's determination.] {Reserved}.

**§ 97.105. [DOTP] Participant Selection Committee.**

(a) The Participant Selection Committee [shall] will consist of the Diagnostic and Classification Center Director or a designee, the [Deputy Superintendent responsible for the Diagnostic and Classification Center] Department's Executive Deputy Secretary for Reentry or a designee, and the [Chief] Director of the Department's Central Office Treatment Division or a designee.

(b) The Participant Selection Committee **[shall] will** apply the participant selection criteria **in § 97.106 (relating to participant selection criteria)** to determine whether a **[defendant] person** will benefit from **[a DOTP] the SDTP** and whether the participant's placement in **[a DOTP] the SDTP** is appropriate.

**§ 97.106. Participant selection criteria.**

(a) An eligible offender, as that term is defined in the act, may be selected to be a participant in **[a DOTP] the SDTP**. The Participant Selection Committee will consider all information relevant to determining which **[defendants] eligible offenders** are most likely to benefit from **[a DOTP] the SDTP** by becoming productive, law-abiding members of society by addressing their **[abuse of or addiction to alcohol or other drugs] SUD**. Selection criteria will include, but not necessarily be limited to, the following:

- (1) Information furnished to the Department by the sentencing court.
- (2) The results of the assessment of **[addiction] SUD** and other treatment needs conducted by the Department.
- (3) The length of the sentence that would be typically imposed under the standard range of the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing.
- (4) The eligible offender's motivation to participate meaningfully in **[a DOTP] the SDTP**
- (5) Whether the eligible offender has provided to the Department written consent permitting the release of information pertaining to the eligible offender's participation in **[a DOTP] the SDTP**.
- (6) The eligible offender's criminal history.

(7) The eligible offender's escape or parole absconder history.

(8) The eligible offender's institutional adjustment during current and prior incarcerations.

(9) The availability of the Department's programming resources.

(b) An eligible offender does not have a right to placement in [a DOTP] the SDTP. [A DOTP] The SDTP is intended to assist [defendants] eligible offenders to become productive, law-abiding members of society and is not intended to be a means for [a defendant] an eligible offender simply to serve a shorter sentence. The goal of the Participant Selection Committee will be to select those [defendants] eligible offenders it believes will most likely benefit from [a DOTP] the SDTP by becoming productive, law-abiding members of society while allowing the Department to use its available programming resources efficiently and effectively. The number of participants selected for [a DOTP] the SDTP will be the number that the Participant Selection Committee believes will neither under use nor overtax the available programming resources.

**§ 97.107. [Drug offender] State drug treatment program.**

(a) [A DOTP] An individualized treatment plan developed for a [defendant] participant shall be designed to address the [defendant's] participant's individually assessed [drug and alcohol abuse and addiction] SUD needs and other issues essential to the [defendant's] participant's successful reintegration into the community, including[, ] education and employment issues.

(b) [A DOTP] An individualized treatment plan developed for a [defendant] participant shall be 24 months in duration and include the following:

(1) A period of confinement in a State correctional institution of at least 7 months, including the assessment period **[prior to the imposition of sentence]** and a period of at least 4 months during which the **[defendant] participant** shall be placed in an institutional therapeutic community.

(2) A period of treatment in a community-based therapeutic community of at least 2 months.

(3) A period of at least 6 months treatment through an outpatient **[addiction] SUD** treatment facility.

(4) A period of supervised reintegration into the community for the balance of the **[DOTP] SDTP**.

**(c) If the participant is unable to complete the program within 24 months and is otherwise compliant with the program, the Department may extend the program duration up to 30 months total to allow the participant to successfully complete the program.**

**(d) Participants who do not complete the program within the program duration set forth in this section will be removed from the program in accordance with § 97.116 (relating to expulsion from the SDTP).**

#### **§ 97.108. Confinement in a State correctional institution.**

**(a) [The Department will accommodate requests to conduct sentencing proceedings for persons committed to its custody by means of videoconferencing or teleconferencing subject to equipment and staff availability. A defendant who is not sentenced by means of videoconferencing or teleconferencing, but is sentenced to a DOTP following an evaluation and recommendation by the Department, shall be delivered to the institution the**

Department has designated for reception of inmates from the committing county. The defendant will be considered to be a participant upon receipt by the Department.]

{Reserved}.

(b) The participant will be required to begin [his individual DOTP] the SDTP while housed in a State correctional institution and may be required to begin additional programming intended to address other treatment needs identified during the participant's incarceration.

#### **§ 97.109. Program advancement and regression.**

(a) [An individual DOTP] The SDTP contemplates that a participant will advance through treatment provided in progressively less restrictive treatment settings. The Department anticipates that some participants who have progressed to a less restrictive treatment setting will benefit from an additional period of treatment or confinement in a more restrictive setting or location. Consistent with the minimum time requirements set forth in the act, the Department may transfer a participant to a State correctional institution, an institutional therapeutic community, a community-based therapeutic community, an outpatient [addiction] SUD treatment program or an approved transitional residence. The Department may transfer a participant between less restrictive and more restrictive settings based upon the participant's progress or regression in treatment or for medical, disciplinary or other administrative reasons.

(b) The [Chief] Director of the Department's Central Office Treatment Division or a designee will determine whether a participant will be transferred to a different setting or location. The Department's goal will be to take the action that it believes will maximize the use of programming resources by continuing to treat those participants it believes will most likely

complete and benefit from **[a DOTP] the SDTP** by becoming productive, law-abiding members of society while allowing the Department to use its available programming resources efficiently and effectively.

**§ 97.110. Community-based therapeutic community.**

(a) A participant who successfully completes the institutional therapeutic community portion of **[his DOTP] the SDTP** and any required additional programming will be placed in a community-based therapeutic community. Placement in a community-based therapeutic community will not necessarily be made immediately upon successful completion of the institutional therapeutic community and any additional required programming, but will be made in sufficient time to permit the participant to complete the remaining portions of **[his DOTP] the SDTP**.

(b) The participant will be required to continue engaging in **[his individual DOTP] the SDTP** while housed in a community-based therapeutic community and may be required to participate in additional programming intended to address other treatment needs identified during **[his] the participant's** incarceration.

(c) The treatment staff of the community-based therapeutic community shall provide the Department with an informational report concerning the participant's progress toward completion of the community-based treatment portion of the participant's **[DOTP] SDTP** at the conclusion of the participant's first 2 months in the community-based therapeutic community. The report must include a recommendation whether the participant has progressed sufficiently to begin the outpatient **[addiction] SUD** treatment portion of **[his] the SDTP**, if the participant should continue in the community-based treatment community, be returned to the institutional therapeutic community or to a State correctional institution or be expelled from the **[DOTP]**

**SDTP**. The report must include specific reasons supporting the recommendation and a suggested plan for addressing any treatment deficiencies noted. The report shall be transmitted to the [Chief] **Director** of the Department's Central Office Treatment Division or a designee.

(d) The Department will not be limited to approving or disapproving the recommendation of the community-based therapeutic community treatment staff and may select alternatives not recommended by the treatment staff.

(e) The Department may require the treatment staff of the community-based therapeutic community to submit reports in addition to the report required by subsection (c).

**§ 97.111. Outpatient [addiction] SUD treatment facility.**

(a) A participant who successfully completes the community-based therapeutic community and any additional required programming will be assigned to an outpatient [addiction] **SUD** treatment facility. Assignment to an outpatient [addiction] **SUD** treatment facility will not necessarily be made immediately upon successful completion of the community-based therapeutic community and any additional required programming, but will be made in sufficient time to permit the participant to complete the remaining portions of the participant's [DOTP] **SDTP**. A participant may reside in a community corrections center, group home or an approved transitional residence while assigned to an outpatient [addiction] **SUD** treatment facility program, but will not be permitted to begin residing in a group home or an approved transitional residence until the Department has completed its investigation, review and approval of the residence.

(b) A participant will be required to continue [his] **the participant's** individual [DOTP] **SDTP** while assigned to an outpatient [addiction] **SUD** treatment facility program and may be required

to participate in additional programming intended to address other treatment needs identified during **[his] the participant's** incarceration.

(c) The treatment staff of the outpatient **[addiction] SUD** treatment facility shall provide the Department with an informational report concerning the participant's progress toward completion of the outpatient **[addiction] SUD** treatment portion of **[his DOTP] the participant's SDTP** at the conclusion of the participant's first 6 months of treatment with the outpatient **[addiction] SUD** treatment facility. The report must include a recommendation whether the participant has progressed sufficiently to begin **[his] the participant's** supervised reintegration into the community, if the participant should continue treatment with the outpatient **[addiction] SUD** treatment facility, be returned to a community-based treatment community, institutional therapeutic community or to a State correctional institution or be expelled from the **[DOTP] SDTP**. The report must include specific reasons supporting the recommendation and a suggested plan for addressing any treatment deficiencies noted. The report shall be transmitted to the **[Chief] Director** of the Department's Central Office Treatment Division or a designee.

(d) The Department will not be limited to approving or disapproving the recommendation of the outpatient **[addiction] SUD** treatment facility treatment staff and may select alternatives not recommended by the treatment staff.

(e) The Department may require the treatment staff of the outpatient **[addiction] SUD** treatment program to submit reports in addition to the report required by subsection (c).

#### **§ 97.112. Supervised reintegration into the community.**

(a) A participant who successfully completes treatment through an outpatient **[addiction] SUD** treatment facility and any additional required programming will begin supervised reintegration

into the community for the remaining portion of **[his DOTP] the participant's SDTP**. The participant may continue or be permitted to begin to reside in a community corrections center, group home or an approved transitional residence during the period of supervised reintegration into the community, but will not be permitted to begin residing in an approved transitional residence until the Department has completed its investigation, review and approval of the residence.

(b) A participant residing in an approved transitional residence will be supervised by the Department during the remainder of **[his DOTP] the participant's SDTP**. The participant will be required to comply with any conditions imposed by the Department while residing in an approved transitional residence including abstaining from the use of alcohol or other drugs, submitting urine, hair or other samples the Department requests to monitor the participant's use of alcohol or other drugs and engaging in additional treatment or programming required by the Department.

(c) A participant will continue to be subject to the treatment and disciplinary sanctions in §§ 97.113 and 97.114 (relating to treatment sanctions; and disciplinary sanctions) while residing in an approved transitional residence.

(d) The Department will notify the sentencing court, the attorney for the Commonwealth and the Commission when the participant successfully completes the **[DOTP] SDTP**.

#### **§ 97.113. Treatment sanctions.**

(a) A participant who tests positive for the use of alcohol or other drugs shall receive a hearing according to the procedures in the Department's inmate disciplinary policy. If the hearing

examiner or community corrections hearing committee, as applicable, determines that the participant used alcohol or other drugs, the participant shall be subject to the following sanctions:

(1) A participant housed in a State correctional institution or institutional therapeutic community shall be expelled from the [DOTP] SDTP and housed [as the Department deems appropriate pending further action by the sentencing court] in a State correctional institution to serve the remainder of the participant's sentence.

(2) A participant receiving treatment through a community-based therapeutic community, outpatient [addiction] SUD treatment facility or during supervised reintegration to society shall be evaluated by the Department. The participant shall be housed as the Department deems appropriate pending completion of the evaluation. Following the evaluation, the participant may be placed in the treatment setting deemed appropriate by the [Chief] Director of the Department's Central Office Treatment Division or a designee or suspended or expelled from the [DOTP] SDTP.

(b) Subject to the time limitations set forth in the act, a participant who requests assistance because [he believes he is in danger of relapsing] the participant is concerned that they may experience a reoccurrence will be given the opportunity to receive treatment in a more restrictive treatment setting as deemed appropriate by the [Chief] Director of the Department's Central Office Treatment Division or a designee.

(c) For purposes of this section, the term "other drugs" means a controlled substance, counterfeit, designer drug, drug, immediate precursor or marihuana as those terms are defined in The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-101—780-143) or any prescription drug that has not been prescribed for the individual using the prescription drug.

**§ 97.114. Disciplinary sanctions.**

(a) A participant who is alleged to have violated the Department's disciplinary rules, shall receive a hearing according to the procedures in the Department's inmate disciplinary policy.

(b) If the hearing examiner or community corrections hearing committee, as applicable, determines that the participant committed a Class 1 or Class 2 misconduct, the **[Chief] Director** of the Department's Central Office Treatment Division or a designee will determine whether the participant will be suspended or expelled from the **[DOTP] SDTP**, sanctioned according to the Department's inmate disciplinary policy or be subject to other sanctions deemed appropriate.

**§ 97.115. Suspension from [a DOTP] the SDTP.**

(a) A participant who violates the conditions of **[his DOTP] the participant's SDTP**, other than by testing positive for the use of alcohol or other drugs or by committing a violation of the Department's disciplinary rules, may be suspended from participation in **[a DOTP] the SDTP**.

(b) The Department's goal in determining whether to suspend a participant from **[a DOTP] the SDTP** will be to take the action it believes will maximize the efficient and effective use of programming resources by continuing to treat those participants it believes will most likely complete and benefit from **[a DOTP] the SDTP** by becoming productive, law-abiding members of society if permitted to participate in continued treatment after a period of suspension.

(c) The **[Chief] Director** of the Department's Central Office Treatment Division or a designee will be responsible for determining whether to suspend a participant from **[a DOTP] the SDTP**. The determination whether to suspend a participant from **[a DOTP] the SDTP** may be based

upon any information deemed appropriate by the **[Chief] Director** of the Department's Central Office Treatment Division or a designee

(d) A participant who is suspended from participation in **[a DOTP] the SDTP** will be housed in the setting deemed appropriate by the **[Chief] Director** of the Department's Central Office Treatment Division or a designee and shall comply with the Department's rules and any conditions imposed during the period of suspension. The **[Chief] Director** of the Department's Central Office Treatment Division or a designee will determine the participant's program status upon completion of the suspension.

**§ 97.116. Expulsion from **[a DOTP] the SDTP**.**

(a) In addition to the provisions of §§ 97.113 and 97.114 (relating to treatment sanctions; and disciplinary sanctions), a participant who violates the conditions of **[his DOTP] the SDTP** or who is not constructively participating in **[his DOTP] the SDTP** or who will be unable to complete **[his DOTP] the SDTP** within the period remaining on **[his 24 months sentence] the participant's 24-30 month program** may be expelled from participation in **[a DOTP] the SDTP**.

(b) The Department's goal in determining whether to expel a participant from **[a DOTP] the SDTP** will be to take the action it believes will maximize the efficient and effective use of programming resources by continuing to treat those participants it believes will most likely complete and benefit from **[a DOTP] the SDTP** by becoming productive, law-abiding members of society if permitted to participate in continued treatment after being subject to sanctions or a period of suspension, or both.

(c) The **[Chief] Director** of the Department's Central Office Treatment Division or a designee will be responsible for determining whether to expel a participant from **[a DOTP] the SDTP**.

The determination whether to expel a participant from **[a DOTP] the SDTP** may be based upon any information deemed appropriate by the **[Chief] Director** of the Department's Central Office Treatment Division or a designee.

(d) A participant who has been expelled from **[a DOTP] the SDTP** may file a grievance with the **[Deputy Secretary for Reentry and Specialized Programs] Department's Executive Deputy Secretary for Reentry or a designee** within 10 calendar days of the date of the expulsion.

(1) The grievance must be legible and the statement of facts may not exceed two pages.

(2) A participant is responsible for including all required documentation with the grievance. Failure to provide relevant documentation may result in the grievance being dismissed.

(3) A participant who is indigent as defined in Department policy DC-ADM 803, "Inmate Mail and Incoming Publications," will be afforded copy service and legal postage up to a maximum **[of \$10] amount** per month **set forth in Department policy DC-ADM 803** and all moneys received in the inmate's account shall be used to pay for the cost of the copies and legal postage. A nonindigent inmate will incur copying charges in accordance with Department policy 3.1.1, "Fiscal Administration."

(4) Documents submitted in support of a grievance will not be returned. The participant should make copies of supporting documents for submission to final review.

(5) The **[Deputy Secretary for Reentry and Specialized Programs] Department's Executive Deputy Secretary for Reentry or a designee** may decide the grievance based upon

the documentation presented as well as other information contained within the Department's files and may interview the inmate and any involved staff member or contractor employee by means of videoconferencing if the **[Deputy Secretary for Reentry and Specialized Programs]** **Department's Executive Deputy Secretary for Reentry or a designee**, in **[his]** **the Executive Deputy Secretary's** sole discretion, believes an interview will assist **[him]** in understanding and evaluating the grievance.

(6) In reviewing a grievance, the **[Deputy Secretary for Reentry and Specialized Programs]** **Department's Executive Deputy Secretary for Reentry or a designee** shall determine whether the participant violated the conditions of **[his DOTP]** **the SDTP** or was meaningfully participating in the **[DOTP]** **SDTP**. The **[Deputy Secretary for Reentry and Specialized Programs]** **Department's Executive Deputy Secretary for Reentry or a designee** may uphold or reverse the expulsion or take any other action that could have been taken by the **[Chief]** **Director** of the Department's Central Office Treatment Division with respect to the alleged conduct at issue.

(e) The Department will promptly notify the sentencing court, the participant, the attorney for the Commonwealth and the Commission of the expulsion of a participant from **[a DOTP]** **the SDTP** and of the reason for the expulsion. **[The inmate will be housed in a State correctional institution or county prison pending action by the court.]**

#### **§ 97.118. Applicability.**

This chapter applies to any **[defendant sentenced to State intermediate punishment]** **SDTP participant** on or after **[December 13, 2008]** **December 18, 2019**.



**DATE:**           **October 8, 2026**

**SUBJECT:**   **Proposed Regulation Package**  
                  **37 Pa. Code Chapter 97**

**TO:**             **Independent Regulatory Review Commission**

**FROM:**       **Jaime B. Boyd, Assistant Counsel**  
                  **Department of Corrections**

Accompanying this memorandum, please find a proposed regulation package comprised of a signed face sheet, preamble, annex, and regulatory analysis form

This proposed regulation package was created in order to implement 61 Pa.C.S. Chapter 41 (relating to the State Drug Treatment Program) (act), as amended.

Please review the package at your earliest convenience and, if acceptable as submitted, send a confirmation receipt via email to [jaiboyd@pa.gov](mailto:jaiboyd@pa.gov). As always, thank you for your assistance.

Sincerely,

Jaime B. Boyd, Esq.

Enclosure

cc:     Cynthia Montgomery, Esq., Deputy General Counsel, Governor's Office of General Counsel  
       Ralph Salvia, Esq., Deputy Chief Counsel, Department of Corrections

October 8, 2026

**From:** [Bulletin](#)  
**To:** [Boyd, Jaime \(Legal\)](#)  
**Cc:** [Salvia, Ralph](#); [Alyssa M. Burns](#); [Adeline E. Gaydosh](#)  
**Subject:** [External] Re: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97  
**Date:** Thursday, October 8, 2026 10:12:58 AM  
**Attachments:** [Outlook-cid\\_image0.png](#)

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Good morning, Jaime,

Thank you for sending this proposed rulemaking. We'll be in touch with a publication schedule shortly.

Warm regards,

Adeline

**Adeline Gaydosh | Legal Assistant**

[agaydosh@palrb.us](mailto:agaydosh@palrb.us) | 717.783.3984

Legislative Reference Bureau

*Pennsylvania Code & Bulletin Office*

647 Main Capitol Building

Harrisburg, PA 17120

---

**From:** Boyd, Jaime (Legal) <jaiboyd@pa.gov>  
**Sent:** Thursday, October 8, 2026 9:20 AM  
**To:** Bulletin <bulletin@palrb.us>  
**Cc:** Salvia, Ralph <rsalvia@pa.gov>; Alyssa M. Burns <aburns@palrb.us>  
**Subject:** RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97

Good Afternoon All,

As per our conversation last week, attached please find a proposed regulation package for 37 Pa. Code Chapter 97. The regulation package includes a signed face sheet, preamble, annex, and regulatory analysis form. Word versions of the preamble and annex are also attached.

Upon receipt of this email, please immediately confirm (via email) that this regulation package has been received. Your confirmation email will then be sent to IRRC as part of the delivery process.

Thank you.

Sincerely,

Jaime Boyd

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Independent Regulatory  
Review Commission

October 8, 2026



---

**Jaime B. Boyd**

Assistant Counsel, Department of Corrections  
Governor's Office of General Counsel  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
Cell: (717) 728-7756

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October 8, 2026

**From:** [Phillips, Danielle](#)  
**To:** [Boyd, Jaime \(Legal\)](#); [Centurione, Nick](#); [PA Senator Amanda Cappelletti](#)  
**Cc:** [Salvia, Ralph](#)  
**Subject:** Re: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97  
**Date:** Thursday, October 8, 2026 9:16:01 AM  
**Attachments:** [Outlook-vxtzmw1d.png](#)  
[Outlook-iwo3r3iz.gif](#)

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Received.

Thank you,  
Danielle

**Danielle K. Phillips, Esq.**

Executive Director & Legal Counsel, Senate Judiciary Committee  
Senator Amanda M. Cappelletti | Senate District 17

**Harrisburg Office:** 717-787-5544

**District Office:** 610-768-4200

**Mobile:** 215-696-9351

**PASenatorCappelletti.com**

---

**From:** Boyd, Jaime (Legal) <jaiboyd@pa.gov>  
**Sent:** Thursday, 08 October 2026 08:44:27  
**To:** Phillips, Danielle <danielle.phillips@pasenate.com>; Centurione, Nick  
<nick.centurione@pasenate.com>; PA Senator Amanda Cappelletti <cappelletti@pasenate.com>  
**Cc:** Salvia, Ralph <rsalvia@pa.gov>  
**Subject:** RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97

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■ EXTERNAL EMAIL ■

Good Morning Danielle,

As per our conversation last week, attached please find a proposed regulation package for 37 Pa. Code Chapter 97. The regulation package includes a cover letter, signed face sheet, preamble, annex, and regulatory analysis form.

Upon receipt, please immediately confirm via email that this regulation package has been received. Your confirmation email will then be sent to IRRC as part of the delivery process.

Thank you.

Sincerely,

Jaime Boyd

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Independent Regulatory  
Review Commission

October 8, 2026



**Jaime B. Boyd**

Assistant Counsel, Department of Corrections

Governor's Office of General Counsel

1920 Technology Parkway

Mechanicsburg, PA 17050

Cell: (717) 728-7756

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**From:** [Shovlin, Ryan](#)  
**To:** [Boyd, Jaime \(Legal\)](#); [Lisa Baker](#)  
**Cc:** [Salvia, Ralph](#); [Woodside, Diana](#)  
**Subject:** RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97  
**Date:** Thursday, October 8, 2026 9:34:15 AM  
**Attachments:** [image001.png](#)

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Received. Thank you!

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**From:** Boyd, Jaime (Legal) <jaiboyd@pa.gov>  
**Sent:** Thursday, October 8, 2026 8:40 AM  
**To:** Shovlin, Ryan <rshovlin@pasen.gov>; Baker, Senator Elisabeth <lbaker@pasen.gov>  
**Cc:** Salvia, Ralph <rsalvia@pa.gov>; Woodside, Diana <dwoodside@pa.gov>  
**Subject:** RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97  
**Importance:** High

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Good Morning Ryan,

As per our conversation last week, attached please find a proposed regulation package for 37 Pa. Code Chapter 97. The regulation package includes a cover letter, signed face sheet, preamble, annex, and regulatory analysis form.

Upon receipt, please immediately confirm via email that this regulation package has been received.

Your confirmation email will then be sent to IRRC as part of the delivery process.

Thank you.

Sincerely,

Jaime Boyd



**Jaime B. Boyd**

Assistant Counsel, Department of Corrections  
Governor's Office of General Counsel  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
Cell: (717) 728-7756

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October 8, 2026

**From:** [Briggs, Tim](#)  
**To:** [Boyd, Jaime \(Legal\)](#); [Vitale, David](#); [Batt, Michelle A.](#)  
**Cc:** [Salvia, Ralph](#)  
**Subject:** Re: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97  
**Date:** Thursday, October 8, 2026 9:04:04 AM  
**Attachments:** [Outlook-a0nve3oc.png](#)

---

Received. Thank you  
Tim Briggs

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**From:** Boyd, Jaime (Legal) <jaiboyd@pa.gov>  
**Sent:** Thursday, 08 October 2026 08:49:59  
**To:** Briggs, Tim <TBriggs@pahouse.net>; Vitale, David <DVitale@pahouse.net>; Batt, Michelle A. <MBatt@pahouse.net>  
**Cc:** Salvia, Ralph <rsalvia@pa.gov>  
**Subject:** RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97

Good Morning Tim,

As per our conversation last week, attached please find a proposed regulation package for 37 Pa. Code Chapter 97. The regulation package includes a cover letter, signed face sheet, preamble, annex, and regulatory analysis form.

Upon receipt, please immediately confirm via email that this regulation package has been received.

Your confirmation email will then be sent to IRRC as part of the delivery process.

Thank you.

Sincerely,

Jaime Boyd



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**Jaime B. Boyd**

Assistant Counsel, Department of Corrections

Governor's Office of General Counsel

1920 Technology Parkway

Mechanicsburg, PA 17050

Cell: (717) 728-7756

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October 8, 2026

**From:** [Steven Smith](#)  
**To:** [Boyd, Jaime \(Legal\)](#); [Rob Kauffman](#); [phuss@pahousegop.com](mailto:phuss@pahousegop.com)  
**Cc:** [Salvia, Ralph](#)  
**Subject:** RE: [EXTERNAL]: RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code Chapter 97  
**Date:** Thursday, October 8, 2026 9:01:26 AM  
**Attachments:** [image001.png](#)

---

Jaime:

This email shall serve as confirmation of receipt.

Thank you,

Steve

Steven T. Smith, Esq.  
Judiciary Committee (R)  
329 Ryan Office Building  
717.260.6468  
[ssmith@pahousegop.com](mailto:ssmith@pahousegop.com)

---

**From:** Boyd, Jaime (Legal) <jaiboyd@pa.gov>  
**Sent:** Thursday, October 8, 2026 8:54 AM  
**To:** Steven Smith <ssmith@pahousegop.com>; Rob Kauffman <Rkauffma@pahousegop.com>;  
phuss@pahousegop.com  
**Cc:** Salvia, Ralph <rsalvia@pa.gov>  
**Subject:** [EXTERNAL]: RE: Confirm Receipt Requested - Proposed Regulation Package- 37 Pa. Code  
Chapter 97  
**Importance:** High

Good Morning Steven,

As per our conversation last week, attached please find a proposed regulation package for 37 Pa. Code Chapter 97. The regulation package includes a cover letter, signed face sheet, preamble, annex, and regulatory analysis form.

Upon receipt, please immediately confirm via email that this regulation package has been received. Your confirmation email will then be sent to IRRC as part of the delivery process.

Thank you.

Sincerely,

Jaime Boyd

October 8, 2026

**Jaime B. Boyd**

Assistant Counsel, Department of Corrections  
Governor's Office of General Counsel  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
Cell: (717) 728-7756

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