Chapter 255
(Senate Bill 562)

AN ACT concerning

Department of Health and Mental Hygiene – Required Certification of Recovery Homes – Best Practices

FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt regulations for the certification of recovery homes in the State; requiring the regulations to include certain standards, requirements, fees, and procedures; authorizing the regulations to include certain requirements; requiring the certification fee set by the Department to cover certain departmental costs; prohibiting a person from operating a recovery home without certain certification; prohibiting certain programs from referring program participants to a recovery home that is not certified; requiring applicants for certification as a recovery home to submit an application on the form the Department requires; requiring the Department to issue a certificate to an applicant that meets certain certification requirements; requiring the Department to give an applicant an opportunity for a hearing under certain circumstances; providing that a person who operates a recovery home in violation of this Act is subject to a certain penalty; identify standards for best practices on recovery homes and report certain findings to the Governor and the General Assembly on or before a certain date; and generally relating to the certification of recovery homes.

BY adding to

Article – Health – General
Section 8–406
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: the Department of Health and Mental Hygiene shall:

(1) identify standards for best practices for recovery homes; and

(2) on or before December 31, 2011, report its findings regarding standards for best practices for recovery homes to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

Article – Health – General
8–406.

(A) (1) **In this section,** “recovery home” means a home that provides temporary residential accommodation, guidance, supervision, and personal adjustment services for a group of three or more individuals recovering from alcohol or drug addiction.

(2) “Recovery home” does not include:

(i) An alcohol abuse and drug abuse treatment program as defined in § 8–403 of this subtitle; or

(ii) A private group home as defined in § 10–514 of this Article.

(B) (1) The Department shall adopt regulations for the certification of recovery homes in the State.

(2) The regulations required under this subsection shall include:

(i) Standards for the staff of the recovery home, including a requirement that staff be free of drugs for at least 1 year prior to working in the recovery home;

(ii) A requirement for the demonstration of the need for the recovery home;

(iii) Certification fees;

(iv) Procedures for applying for certification as a recovery home under this section; and

(v) Procedures for the renewal of certification as a recovery home under this section.

(3) The regulations adopted under this subsection may include requirements for information to be submitted by certified recovery homes to the Department.

(C) The certification fee set by the Department shall cover the Department’s costs of certifying recovery homes under this section.
(D) (1) A person may not operate a recovery home without receiving certification from the Department under this section.

(2) A mental health program licensed or certified by the Department or an alcohol abuse and drug abuse program licensed or certified by the Department may not refer program participants to a recovery home that is not certified by the Department.

(E) (1) An applicant for certification as a recovery home shall submit an application to the Department on the form that the Department requires.

(2) The Department shall issue a certificate to an applicant that meets the Department's certification requirements.

(3) Before the Department disapproves an application, the Department shall give the applicant an opportunity for a hearing.

(F) A person that operates a recovery home in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.