

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~~

~~§ 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 ~~October~~ July 1, 2011.

Approved by the Governor, May 10, 2011.