

HOUSE BILL 1429

J1, J3

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By: **Delegates S. Howard, Cassilly, Cluster, Folden, Hornberger, Kipke, Malone, and Otto**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Recovery Home Residential Rights Protection Act**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
4 regulations for the certification of recovery homes in the State; requiring the
5 regulations to include certain standards, requirements, fees, and procedures;
6 prohibiting a person from operating a recovery home without certain certification;
7 prohibiting certain programs from referring program participants to a recovery home
8 that is not certified; requiring applicants for certification as a recovery home to
9 submit an application on the form the Department requires; requiring the
10 Department to issue a certificate to an applicant that meets certain certification
11 requirements; requiring the Department to give an applicant an opportunity for a
12 hearing under certain circumstances; authorizing the Department to inspect a
13 certified recovery home for a certain purpose; requiring the Department to establish
14 a public registry of certified recovery homes for a certain purpose; providing that a
15 person who operates a recovery home in violation of this Act is subject to a certain
16 penalty; defining a certain term; and generally relating to the certification of
17 recovery homes.

18 BY adding to

19 Article – Health – General
20 Section 8–407
21 Annotated Code of Maryland
22 (2015 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-407.

2 (A) (1) IN THIS SECTION, "RECOVERY HOME" MEANS A HOME THAT
3 PROVIDES TEMPORARY RESIDENTIAL ACCOMMODATION, GUIDANCE, SUPERVISION,
4 AND PERSONAL ADJUSTMENT SERVICES FOR A GROUP OF THREE OR MORE
5 INDIVIDUALS RECOVERING FROM ALCOHOL OR DRUG ADDICTION.

6 (2) "RECOVERY HOME" DOES NOT INCLUDE:

7 (I) A BEHAVIORAL HEALTH PROGRAM AS DEFINED IN § 7.5-101
8 OF THIS ARTICLE; OR

9 (II) A PRIVATE GROUP HOME AS DEFINED IN § 10-514 OF THIS
10 ARTICLE.

11 (B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE
12 CERTIFICATION OF RECOVERY HOMES IN THE STATE.

13 (2) THE REGULATIONS REQUIRED UNDER THIS SUBSECTION SHALL
14 INCLUDE:

15 (I) STANDARDS FOR THE STAFF OF THE RECOVERY HOME;

16 (II) A REQUIREMENT FOR THE DEMONSTRATION OF THE NEED
17 FOR THE RECOVERY HOME;

18 (III) CERTIFICATION FEES;

19 (IV) PROCEDURES FOR APPLYING FOR CERTIFICATION AS A
20 RECOVERY HOME UNDER THIS SECTION;

21 (V) PROCEDURES FOR THE RENEWAL OF CERTIFICATION AS A
22 RECOVERY HOME UNDER THIS SECTION;

23 (VI) REQUIREMENTS FOR INFORMATION TO BE SUBMITTED BY
24 CERTIFIED RECOVERY HOMES TO THE DEPARTMENT, INCLUDING:

25 1. THE FOLLOWING INFORMATION ABOUT RESIDENTS
26 OF CERTIFIED RECOVERY HOMES:

27 A. AGE AND SEX, INCLUDING INFORMATION ON ANY
28 CHILDREN RESIDING IN THE RECOVERY HOME;

1 **B. MARITAL STATUS;**

2 **C. EMPLOYMENT STATUS AND INCOME, INCLUDING**
3 **INFORMATION ON ANY PUBLIC BENEFITS RECEIVED BY RESIDENTS;**

4 **D. CRIMINAL HISTORY;**

5 **E. DATE OF ENTRY INTO THE RECOVERY HOME AND THE**
6 **DURATION OF RESIDENCE IN THE RECOVERY HOME;**

7 **F. THE DURATION OF ALCOHOL OR SUBSTANCE USE**
8 **BEFORE ENTRY INTO THE RECOVERY HOME; AND**

9 **G. HISTORY OF PRIOR RESIDENCE IN RECOVERY HOMES;**

10 **2. THE RATES CHARGED BY CERTIFIED RECOVERY**
11 **HOMES TO RESIDE IN AND RECEIVE SERVICES PROVIDED BY THE RECOVERY HOME;**
12 **AND**

13 **3. WHETHER RESIDENTS HAVE ACCESS TO PUBLIC**
14 **TRANSPORTATION;**

15 **(VII) REQUIREMENTS FOR PERSONS WHO OPERATE RECOVERY**
16 **HOMES TO DEMONSTRATE COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND**
17 **LOCAL LAWS, ORDINANCES, AND CODES ESTABLISHING BUILDING, HEALTH, SAFETY,**
18 **FIRE, AND OCCUPANCY STANDARDS FOR HOUSING; AND**

19 **(VIII) REQUIREMENTS FOR PERSONS WHO OPERATE CERTIFIED**
20 **RECOVERY HOMES TO PERFORM A CRIMINAL HISTORY RECORDS CHECK FOR EACH**
21 **RESIDENT IN A RECOVERY HOME.**

22 **(C) (1) A PERSON MAY NOT OPERATE A RECOVERY HOME WITHOUT**
23 **RECEIVING CERTIFICATION FROM THE DEPARTMENT UNDER THIS SECTION.**

24 **(2) A BEHAVIORAL HEALTH PROGRAM LICENSED BY THE**
25 **DEPARTMENT MAY NOT REFER PROGRAM PARTICIPANTS TO A RECOVERY HOME**
26 **THAT IS NOT CERTIFIED BY THE DEPARTMENT.**

27 **(D) (1) AN APPLICANT FOR CERTIFICATION AS A RECOVERY HOME SHALL**
28 **SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THAT THE**
29 **DEPARTMENT REQUIRES.**

1 **(2) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO AN**
2 **APPLICANT THAT MEETS THE DEPARTMENT'S CERTIFICATION REQUIREMENTS.**

3 **(3) BEFORE THE DEPARTMENT DISAPPROVES AN APPLICATION, THE**
4 **DEPARTMENT SHALL GIVE THE APPLICANT AN OPPORTUNITY FOR A HEARING.**

5 **(E) THE DEPARTMENT MAY INSPECT A CERTIFIED RECOVERY HOME TO**
6 **ENSURE THAT THE CERTIFIED RECOVERY HOME IS OPERATING IN COMPLIANCE**
7 **WITH STANDARDS AND REQUIREMENTS FOR CERTIFICATION ESTABLISHED BY THE**
8 **DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION.**

9 **(F) THE DEPARTMENT SHALL ESTABLISH A PUBLIC REGISTRY OF**
10 **CERTIFIED RECOVERY HOMES TO FACILITATE THE TRANSITION OF AN INDIVIDUAL**
11 **TO A RECOVERY HOME FROM A LICENSED BEHAVIORAL HEALTH PROGRAM.**

12 **(G) A PERSON THAT OPERATES A RECOVERY HOME IN VIOLATION OF THIS**
13 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**
14 **NOT EXCEEDING \$1,000.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.