

SENATE BILL 1094

J1, J3

6lr3752
CF HB 1411

By: **Senator Astle**

Introduced and read first time: February 22, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Recovery Residences – Certification**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to approve a
4 credentialing entity to develop and administer a certification process for recovery
5 residences; requiring the certification entity to establish certain requirements and
6 processes, conduct a certain inspection, and issue a certain certificate of compliance;
7 providing that a certificate of compliance is valid for a certain period of time;
8 authorizing the credentialing entity to revoke the certificate of compliance of a
9 certified recovery residence under certain circumstances; requiring, on or before a
10 certain date, the credentialing entity to submit a certain list to the Department;
11 requiring, on or before a certain date, the Department to publish on its Web site a
12 certain list; prohibiting a person from advertising, representing, or implying to the
13 public that a recovery residence is a certified recovery residence unless the recovery
14 residence has obtained a certain certificate of compliance; establishing a certain civil
15 penalty; requiring the Department to consider certain factors when setting the
16 amount of a certain civil penalty; defining certain terms; and generally relating to
17 the certification of recovery residences.

18 BY adding to

19 Article – Health – General

20 Section 19–2401 through 19–2404 to be under the new subtitle “Subtitle 24. Recovery
21 Residences”

22 Annotated Code of Maryland
23 (2015 Replacement Volume)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 24. RECOVERY RESIDENCES.**19-2401.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CERTIFICATE OF COMPLIANCE" MEANS A CERTIFICATE THAT IS ISSUED TO A RECOVERY RESIDENCE BY A CREDENTIALING ENTITY.

(C) "CERTIFIED RECOVERY RESIDENCE" MEANS A RECOVERY RESIDENCE THAT HOLDS A CERTIFICATE OF COMPLIANCE.

(D) "CREDENTIALING ENTITY" MEANS A NONPROFIT ORGANIZATION THAT DEVELOPS AND ADMINISTERS PROFESSIONAL CERTIFICATION PROGRAMS ACCORDING TO NATIONALLY RECOGNIZED CERTIFICATION STANDARDS.

(E) "RECOVERY RESIDENCE" MEANS A RESIDENTIAL DWELLING UNIT OR ANY OTHER FORM OF GROUP HOUSING THAT IS OFFERED OR ADVERTISED BY ANY PERSON AS A RESIDENCE THAT PROVIDES A PEER-SUPPORTED, ALCOHOL-FREE, AND DRUG-FREE LIVING ENVIRONMENT.

19-2402.

(A) THE DEPARTMENT SHALL APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A CERTIFICATION PROCESS FOR RECOVERY RESIDENCES.

(B) THE CREDENTIALING ENTITY SHALL:

(1) ESTABLISH RECOVERY RESIDENCE CERTIFICATION REQUIREMENTS;

(2) ESTABLISH PROCESSES TO ADMINISTER THE APPLICATION, CERTIFICATION, AND RECERTIFICATION PROCESS;

(3) ESTABLISH PROCESSES TO MONITOR AND INSPECT A RECOVERY RESIDENCE;

(4) CONDUCT AN ON-SITE INSPECTION OF A RECOVERY RESIDENCE:

(I) BEFORE ISSUING A CERTIFICATE OF COMPLIANCE; AND

1 (II) AT LEAST ONCE DURING EACH CERTIFICATION RENEWAL
2 PERIOD; AND

3 (5) ISSUE A CERTIFICATE OF COMPLIANCE ON APPROVAL OF THE
4 APPLICATION PROCESS AND THE INSPECTION OF THE RECOVERY RESIDENCE.

5 (C) A CERTIFICATE OF COMPLIANCE ISSUED BY THE CREDENTIALING
6 ENTITY IS VALID FOR 1 YEAR FROM THE DATE OF ISSUANCE.

7 (D) THE CREDENTIALING ENTITY MAY REVOKE THE CERTIFICATE OF
8 COMPLIANCE OF A CERTIFIED RECOVERY RESIDENCE IF THE CREDENTIALING
9 ENTITY FINDS THAT THE RECOVERY RESIDENCE IS NOT IN COMPLIANCE WITH THE
10 REQUIREMENTS ESTABLISHED BY THE CREDENTIALING ENTITY.

11 19-2403.

12 (A) ON OR BEFORE OCTOBER 1, 2017, THE CREDENTIALING ENTITY SHALL
13 SUBMIT A LIST TO THE DEPARTMENT OF THE RECOVERY RESIDENCES THAT HAVE
14 OBTAINED A CERTIFICATE OF COMPLIANCE.

15 (B) (1) ON OR BEFORE NOVEMBER 1, 2017, THE DEPARTMENT SHALL
16 PUBLISH ON ITS WEB SITE A LIST OF EACH RECOVERY RESIDENCE THAT HOLDS A
17 VALID CERTIFICATE OF COMPLIANCE.

18 (2) THE LIST PUBLISHED UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION SHALL INCLUDE THE OWNER OF THE RECOVERY RESIDENCE AND THE
20 CONTACT INFORMATION OF THE OWNER.

21 19-2404.

22 (A) A PERSON MAY NOT ADVERTISE, REPRESENT, OR IMPLY TO THE PUBLIC
23 THAT A RECOVERY RESIDENCE IS A CERTIFIED RECOVERY RESIDENCE UNLESS THE
24 RECOVERY RESIDENCE HAS OBTAINED A CERTIFICATE OF COMPLIANCE UNDER THIS
25 SUBTITLE.

26 (B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS
27 SUBJECT TO A CIVIL PENALTY IMPOSED BY THE DEPARTMENT NOT EXCEEDING
28 \$1,000 FOR EACH OFFENSE.

29 (2) IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER
30 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL CONSIDER THE
31 NATURE, NUMBER, AND SERIOUSNESS OF THE VIOLATIONS, THE ABILITY OF THE

1 **CERTIFIED RECOVERY RESIDENCE TO PAY THE PENALTY, AND ANY OTHER FACTORS**
2 **THE DEPARTMENT DETERMINES ARE RELEVANT.**

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