
By: **Delegates Nathan-Pulliam, Feldman, Hammen, Mandel, Marriott,
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Introduced and read first time: February 10, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities - Recovery Housing Programs**

3 FOR the purpose of providing that a private group home may be organized as a
4 nonprofit or organized wholly or partly for profit; requiring the Department of
5 Health and Mental Hygiene to serve as a point of entry for persons desiring
6 information on recovery housing programs; requiring the Department of Health
7 and Mental Hygiene to provide certain information about recovery housing
8 programs to certain persons; requiring the Department of Health and Mental
9 Hygiene to delegate certain responsibilities to the Department of Human
10 Resources; specifying the requirements of the Department of Health and Mental
11 Hygiene under this Act as related to recovery housing programs; requiring the
12 Department of Health and Mental Hygiene to adopt certain regulations in
13 consultation with certain persons and with the approval of the Department of
14 Human Resources; specifying certain provisions of those regulations; specifying
15 the requirements for licensure, certification, or registration as a recovery
16 housing program; requiring the Secretary of Health and Mental Hygiene to
17 issue a license or certificate to operate a recovery housing program to an
18 applicant who complies with the provisions of this Act; defining certain terms;
19 and generally relating to regulation of recovery housing programs.

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 10-515 and 19-1801
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2004 Supplement)

25 BY adding to
26 Article - Health - General
27 Section 19-2101 through 19-2107, inclusive, to be under the new subtitle
28 "Subtitle 21. Recovery Housing Programs"
29 Annotated Code of Maryland
30 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Health - General**

4 10-515.

5 It is the policy of this State that:

6 (1) An individual who has a mental disorder and who is placed in a
7 private group home have, as far as possible, an opportunity for placement in a
8 residence in the community of origin of the individual; [and]

9 (2) To assure, as far as possible, that a community will accept a private
10 group home, the private group home should be located:

11 (i) After consultation with the local government; and

12 (ii) In a manner consistent with the principles of normalization and
13 statewide standards; AND

14 (3) A PRIVATE GROUP HOME MAY BE A FACILITY THAT IS ORGANIZED AS
15 A NONPROFIT OR ORGANIZED WHOLLY OR PARTLY FOR PROFIT.

16 19-1801.

17 In this subtitle:

18 (1) "Assisted living program" means a residential or facility-based
19 program that provides housing and supportive services, supervision, personalized
20 assistance, health-related services, or a combination thereof that meets the needs of
21 individuals who are unable to perform or who need assistance in performing the
22 activities of daily living or instrumental activities of daily living in a way that
23 promotes optimum dignity and independence for the individuals.

24 (2) "Assisted living program" does not include:

25 (i) A nursing home, as defined under § 19-301 of this title;

26 (ii) A State facility, as defined under § 10-101 of this article;

27 (iii) A program licensed by the Department under Title 7 or Title 10
28 of this article;

29 (iv) A hospice care program regulated by the Department under
30 Subtitle 9 of this title;

31 (v) Services provided by family members; [or]

32 (vi) Services provided in an individual's own home; OR

1 (VII) A RECOVERY HOUSING PROGRAM AS DEFINED UNDER § 19-2101
2 OF THIS TITLE.

3 SUBTITLE 21. RECOVERY HOUSING PROGRAMS.

4 19-2101.

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

7 (B) (1) "HEALTH-RELATED SERVICES" MEANS SERVICES THAT ARE NEEDED
8 BY A RESIDENT TO MAINTAIN THE RESIDENT'S HEALTH.

9 (2) "HEALTH-RELATED SERVICES" INCLUDES THE ADMINISTRATION OF
10 MEDICATION.

11 (C) (1) "MENTAL DISORDER" MEANS A BEHAVIORAL OR EMOTIONAL
12 ILLNESS THAT RESULTS FROM A PSYCHIATRIC OR NEUROLOGICAL DISORDER.

13 (2) "MENTAL DISORDER" DOES NOT INCLUDE ALZHEIMER'S DISEASE OR
14 OTHER DEMENTING DISORDERS.

15 (D) (1) "RECOVERY HOUSING PROGRAM" MEANS A RESIDENCE-BASED
16 PROGRAM THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES THAT MEET THE
17 NEEDS OF INDIVIDUALS DIAGNOSED WITH A MENTAL DISORDER.

18 (2) "RECOVERY HOUSING PROGRAM" DOES NOT INCLUDE:

19 (I) A NURSING HOME, AS DEFINED UNDER § 19-301 OF THIS TITLE;

20 (II) AN ASSISTED LIVING PROGRAM, AS DEFINED UNDER § 19-1801
21 OF THIS TITLE EVEN IF THE PROGRAM SERVES INDIVIDUALS WHO HAVE BEEN
22 DIAGNOSED WITH A MENTAL DISORDER OR WHO HAVE BEEN OR ARE UNDER
23 TREATMENT FOR A MENTAL DISORDER;

24 (III) A STATE FACILITY, AS DEFINED UNDER § 10-101 OF THIS
25 ARTICLE;

26 (IV) A PROGRAM LICENSED BY THE DEPARTMENT UNDER TITLE 7
27 OR TITLE 10 OF THIS ARTICLE;

28 (V) A HOSPICE CARE PROGRAM REGULATED BY THE DEPARTMENT
29 UNDER SUBTITLE 9 OF THIS TITLE;

30 (VI) SERVICES PROVIDED BY FAMILY MEMBERS;

31 (VII) SERVICES PROVIDED IN AN INDIVIDUAL'S OWN HOME;

32 (VIII) A FACILITY THAT IS REGULATED BY THE DEPARTMENT OF
33 JUVENILE SERVICES; OR

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1 (IX) A RESIDENCE THAT IS OWNED OR RENTED BY:

2 1. ONE OR MORE OF ITS OCCUPANTS; OR

3 2. A PERSON WHO IS AN AGENT FOR ANY OF THE
4 OCCUPANTS BUT IS NOT A PROVIDER OF RESIDENTIAL SUPERVISION.

5 (E) (1) "SUPPORTIVE SERVICES" MEANS SERVICES TO ASSIST AN
6 INDIVIDUAL DIAGNOSED WITH, OR UNDER TREATMENT FOR, A MENTAL DISORDER IN
7 DAILY LIVING IN A COMMUNITY.

8 (2) "SUPPORTIVE SERVICES" INCLUDES:

9 (I) GENERAL SUPERVISION;

10 (II) HOUSEKEEPING SERVICES;

11 (III) SHOPPING;

12 (IV) FOOD PREPARATION;

13 (V) PROVISION OF FACILITIES AND RESOURCES FOR DAILY LIVING;

14 (VI) ASSISTANCE WITH PERSONAL OR HOUSEHOLD MANAGEMENT;

15 (VII) HEALTH-RELATED SERVICES;

16 (VIII) TRANSPORTATION;

17 (IX) ASSISTANCE IN PERFORMING THE ACTIVITIES OF DAILY LIVING
18 OR THE INSTRUMENTAL ACTIVITIES OF DAILY LIVING;

19 (X) PERSONALIZED ASSISTANCE; OR

20 (XI) A COMBINATION OF ITEMS (I) THROUGH (X) OF THIS
21 PARAGRAPH.

22 (F) "TREATMENT" MEANS ANY PROFESSIONAL CARE OR ATTENTION THAT IS
23 GIVEN TO IMPROVE OR TO PREVENT THE WORSENING OF A MENTAL DISORDER.

24 19-2102.

25 (A) THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND
26 MONITORING A STATEWIDE INTERAGENCY SYSTEM FOR REGULATING THE
27 ESTABLISHMENT AND OPERATION OF RECOVERY HOUSING PROGRAMS.

28 (B) A RECOVERY HOUSING PROGRAM MAY:

29 (1) PROVIDE RESIDENTIAL SERVICES TO ONE OR MORE INDIVIDUALS;
30 AND

1 (2) OFFER SERVICES TO ONE OR MORE INDIVIDUALS IN MULTIPLE
2 RESIDENTIAL UNITS.

3 (C) SUBJECT TO APPLICABLE STATE LAW AND REGULATION, A PROGRAM
4 LICENSED BY THE DEPARTMENT UNDER TITLE 10 OF THIS ARTICLE, OR A PROGRAM
5 APPROVED BY THE DEPARTMENT AS A RESIDENTIAL REHABILITATION PROGRAM,
6 MAY SHARE A FACILITY OR RESIDENCE WITH A RECOVERY HOUSING PROGRAM.

7 19-2103.

8 PROVIDERS OF RECOVERY HOUSING PROGRAM SERVICES MAY PROVIDE
9 SERVICES AT A VARIETY OF LEVELS AND IN A VARIETY OF SETTINGS, INCLUDING
10 24-HOUR ON-SITE SUPERVISION OR A LOWER LEVEL OF SUPERVISION TO MEET THE
11 NEEDS OF RESIDENTS.

12 19-2104.

13 THE DEPARTMENT SHALL:

14 (1) SERVE AS THE POINT OF ENTRY FOR PERSONS DESIRING
15 INFORMATION ON RECOVERY HOUSING PROGRAMS;

16 (2) PROVIDE OTHER STATE AGENCIES THAT ROUTINELY RECEIVE
17 INQUIRIES FROM THE PUBLIC ABOUT RECOVERY HOUSING PROGRAMS WITH
18 INFORMATION THAT WILL ENABLE THE AGENCIES TO RESPOND TO THE INQUIRIES
19 ACCURATELY AND EFFECTIVELY; AND

20 (3) DELEGATE VARIOUS ASPECTS OF ITS RESPONSIBILITIES UNDER
21 THIS SUBTITLE TO MONITOR AND INSPECT RECOVERY HOUSING PROGRAMS AND
22 FACILITIES TO THE DEPARTMENT OF HUMAN RESOURCES, IN ACCORDANCE WITH AN
23 INTERAGENCY AGREEMENT, FOR THE PURPOSE OF ENSURING COMPLIANCE WITH
24 THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE.

25 19-2105.

26 (A) THE DEPARTMENT SHALL:

27 (1) DEFINE DIFFERENT LEVELS OF RECOVERY HOUSING ACCORDING TO
28 THE LEVEL OF CARE PROVIDED;

29 (2) REQUIRE ALL RECOVERY HOUSING PROGRAMS TO BE LICENSED,
30 CERTIFIED, OR REGISTERED TO OPERATE ACCORDING TO THE LEVEL OF THE
31 PROGRAM;

32 (3) DEVELOP A WAIVER PROCESS FOR AUTHORIZING A RECOVERY
33 HOUSING PROGRAM TO CONTINUE TO CARE FOR A RESIDENT WHOSE MEDICAL OR
34 FUNCTIONAL CONDITION HAS CHANGED SINCE ADMISSION TO THE PROGRAM TO
35 THE EXTENT THAT THE LEVEL OF CARE REQUIRED BY THE RESIDENT EXCEEDS THE
36 LEVEL OF CARE FOR WHICH THE PROGRAM IS LICENSED, CERTIFIED, OR
37 REGISTERED;

1 (4) PROMOTE AFFORDABLE AND ACCESSIBLE RECOVERY HOUSING
2 PROGRAMS THROUGHOUT THE STATE;

3 (5) ESTABLISH AND ENFORCE QUALITY STANDARDS FOR RECOVERY
4 HOUSING PROGRAMS, THAT INCLUDE:

5 (I) A STAFFING PLAN THAT IDENTIFIES THE TYPE AND NUMBER
6 OF STAFF NEEDED TO PROVIDE THE SERVICES REQUIRED BY A RECOVERY HOUSING
7 PROGRAM; AND

8 (II) A SUPPORT SERVICES PLAN THAT IS PROVIDED BY STAFF OR A
9 PROVIDER OF MENTAL HEALTH SERVICES THAT IS REASONABLY EXPECTED TO
10 BENEFIT THE RESIDENTS OF A RECOVERY HOUSING PROGRAM;

11 (6) REQUIRE INITIAL AND PERIODIC INSPECTIONS OF RECOVERY
12 HOUSING PROGRAMS, INCLUDING UNANNOUNCED ON-SITE INSPECTION;

13 (7) ESTABLISH REQUIREMENTS FOR THE QUALIFICATIONS AND
14 TRAINING OF RECOVERY HOUSING PROGRAM FACILITIES; AND

15 (8) ESTABLISH A "RESIDENT BILL OF RIGHTS" FOR RESIDENTS OF
16 RECOVERY HOUSING PROGRAM FACILITIES.

17 (B) (1) THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF
18 THE AFFECTED INDUSTRY, INDIVIDUALS WITH MENTAL DISORDERS AND THEIR
19 FAMILIES, AND ADVOCATES OF INDIVIDUALS WITH MENTAL DISORDERS, AND WITH
20 THE APPROVAL OF THE DEPARTMENT OF HUMAN RESOURCES, SHALL ADOPT
21 REGULATIONS TO IMPLEMENT THIS SUBTITLE.

22 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
23 SECTION SHALL:

24 (I) PROVIDE FOR THE ESTABLISHMENT, OPERATION, AND
25 LICENSING, CERTIFICATION, OR REGISTRATION OF RECOVERY HOUSING PROGRAMS;

26 (II) PROVIDE FOR THE ACCEPTANCE OF REFERRALS OF
27 APPROPRIATE INDIVIDUALS BY ALL LEVELS OF RECOVERY HOUSING PROGRAMS
28 FROM ANY SOURCE, INCLUDING HOSPITALS AND RELATED FACILITIES, HOMELESS
29 PROVIDERS, OUTPATIENT TREATMENT PROVIDERS, AND PRIVATE INDIVIDUALS;

30 (III) REQUIRE THE SECRETARY TO CHARGE FEES IN A MANNER
31 THAT WILL PRODUCE FUNDS NOT TO EXCEED THE ACTUAL DIRECT AND INDIRECT
32 COST TO THE DEPARTMENT FOR INSPECTING RECOVERY HOUSING PROGRAM
33 FACILITIES AND MAINTAINING THE LICENSURE, CERTIFICATION, OR REGISTRATION
34 PROGRAM FOR RECOVERY HOUSING PROGRAMS UNDER THIS SUBTITLE; AND

35 (IV) REQUIRE A RECOVERY HOUSING PROGRAM FACILITY TO POST
36 IN A CONSPICUOUS PLACE VISIBLE TO ACTUAL AND POTENTIAL RESIDENTS OF THE
37 FACILITY AND OTHER INTERESTED PARTIES:

- 1 1. A. ITS STATEMENT OF DEFICIENCIES FOR THE MOST
2 RECENT SURVEY;
- 3 B. ANY SUBSEQUENT COMPLAINT INVESTIGATIONS
4 CONDUCTED BY FEDERAL, STATE, OR LOCAL SURVEYORS; AND
- 5 C. ANY PLANS OF CORRECTION IN EFFECT WITH RESPECT TO
6 THE SURVEY OR COMPLAINT INVESTIGATION; OR
- 7 2. A NOTICE OF THE LOCATION, WITHIN THE FACILITY, OF
8 THE ITEMS LISTED IN ITEM 1 OF THIS ITEM.

9 19-2106.

10 (A) TO BE LICENSED, CERTIFIED, OR REGISTERED UNDER THIS SUBTITLE, AN
11 APPLICANT SHALL SATISFY THE SECRETARY THAT THE PROPOSED RECOVERY
12 HOUSING PROGRAM FACILITY:

13 (1) MEETS OR, ON COMPLETION, WILL MEET THE REQUIREMENTS OF
14 THIS SUBTITLE; AND

15 (2) MEETS OR, ON COMPLETION, WILL MEET ALL GENERAL ZONING
16 REQUIREMENTS THAT APPLY TO THE SITE AND THAT RELATE TO:

17 (I) THE HEIGHT AND SIZE OF ANY BUILDINGS THAT ARE
18 INVOLVED;

19 (II) THE LAND THAT MAY BE COVERED OR OCCUPIED;

20 (III) THE SIZE OF YARDS THAT REQUIRE OPEN SPACE;

21 (IV) THE DENSITY OF POPULATION; AND

22 (V) THE USE OF ANY LAND OR BUILDINGS.

23 (B) (1) A RECOVERY HOUSING PROGRAM FACILITY WITH LESS THAN NINE
24 RESIDENTS IS DEEMED CONCLUSIVELY TO BE A SINGLE-FAMILY DWELLING AND IS
25 AUTHORIZED TO LOCATE IN ALL RESIDENTIAL ZONES.

26 (2) A RECOVERY HOUSING PROGRAM FACILITY WITH NINE OR MORE
27 RESIDENTS IS DEEMED CONCLUSIVELY TO BE A MULTIFAMILY DWELLING OR A
28 MULTIFAMILY DWELLING OF SIMILAR DENSITY IN THE SAME ZONE.

29 (3) A RECOVERY HOUSING PROGRAM FACILITY MAY NOT BE SUBJECT TO
30 ANY SPECIAL EXCEPTION, CONDITIONAL USE PERMIT, OR PROCEDURE THAT
31 DIFFERS FROM THAT REQUIRED FOR A SINGLE-FAMILY DWELLING OR A
32 MULTIFAMILY DWELLING OF SIMILAR DENSITY IN THE SAME ZONE.

33 (4) A GENERAL ZONING ORDINANCE THAT CONFLICTS WITH THE
34 PROVISIONS OF THIS SECTION IS SUPERSEDED BY THIS SECTION TO THE EXTENT OF
35 THE CONFLICT.

1 19-2107.

2 THE SECRETARY SHALL ISSUE A LICENSE OR CERTIFICATE TO OPERATE A
3 RECOVERY HOUSING PROGRAM TO AN APPLICANT WHO MEETS THE REQUIREMENTS
4 OF THIS SUBTITLE AND ALL APPLICABLE REGULATIONS ADOPTED BY THE
5 SECRETARY.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2005.