

SENATE BILL 562

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1lr1662

By: **Senator Pugh**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Required Certification of**
3 **Recovery Homes**

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

18 BY adding to

19 Article – Health – General

20 Section 8–406

21 Annotated Code of Maryland

22 (2009 Replacement Volume and 2010 Supplement)

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

25 **Article – Health – General**

26 **8–406.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 **(2) “RECOVERY HOME” DOES NOT INCLUDE:**

6 **(I) AN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT**
7 **PROGRAM AS DEFINED IN § 8-403 OF THIS SUBTITLE; OR**

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

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

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

14 **(I) STANDARDS FOR THE STAFF OF THE RECOVERY HOME,**
15 **INCLUDING A REQUIREMENT THAT STAFF BE FREE OF DRUGS FOR AT LEAST 1**
16 **YEAR PRIOR TO WORKING IN THE RECOVERY HOME;**

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

19 **(III) CERTIFICATION FEES;**

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

22 **(V) PROCEDURES FOR THE RENEWAL OF CERTIFICATION AS**
23 **A RECOVERY HOME UNDER THIS SECTION.**

24 **(3) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION MAY**
25 **INCLUDE REQUIREMENTS FOR INFORMATION TO BE SUBMITTED BY CERTIFIED**
26 **RECOVERY HOMES TO THE DEPARTMENT.**

27 **(C) THE CERTIFICATION FEE SET BY THE DEPARTMENT SHALL COVER**
28 **THE DEPARTMENT’S COSTS OF CERTIFYING RECOVERY HOMES UNDER THIS**
29 **SECTION.**

30 **(D) (1) A PERSON MAY NOT OPERATE A RECOVERY HOME WITHOUT**
31 **RECEIVING CERTIFICATION FROM THE DEPARTMENT UNDER THIS SECTION.**

1 **(2) A MENTAL HEALTH PROGRAM LICENSED OR CERTIFIED BY**
2 **THE DEPARTMENT OR AN ALCOHOL ABUSE AND DRUG ABUSE PROGRAM**
3 **LICENSED OR CERTIFIED BY THE DEPARTMENT MAY NOT REFER PROGRAM**
4 **PARTICIPANTS TO A RECOVERY HOME THAT IS NOT CERTIFIED BY THE**
5 **DEPARTMENT.**

6 **(E) (1) AN APPLICANT FOR CERTIFICATION AS A RECOVERY HOME**
7 **SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THAT THE**
8 **DEPARTMENT REQUIRES.**

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

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

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

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