

SENATE BILL 562

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11r1662

By: **Senator Pugh**

Introduced and read first time: February 4, 2011

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2011

CHAPTER _____

1 AN ACT concerning

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

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~~ identify standards for best practices on recovery homes and
18 report certain findings to the Governor and the General Assembly on or before a
19 certain date; and generally relating to the certification of recovery homes.

20 ~~BY adding to~~

21 ~~Article – Health – General~~

22 ~~Section 8–406~~

23 ~~Annotated Code of Maryland~~

24 ~~(2009 Replacement Volume and 2010 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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.