

# SENATE BILL 1094

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6lr3752  
CF HB 1411

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By: **Senator Astle**

Introduced and read first time: February 22, 2016

Assigned to: Rules

Re-referred to: Finance, March 2, 2016

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2016

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## CHAPTER \_\_\_\_\_

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 that includes certain information; requiring, on or before a certain date,  
13 a credentialing entity to publish on its Web site a certain list that includes certain  
14 information; prohibiting a person from advertising, representing, or implying to the  
15 public that a recovery residence is a certified recovery residence unless the recovery  
16 residence has obtained a certain certificate of compliance; establishing a certain civil  
17 penalty; requiring the Department to consider certain factors when setting the  
18 amount of a certain civil penalty; defining certain terms; and generally relating to  
19 the certification of recovery residences.

20 BY adding to

21 Article – Health – General

22 Section 19–2401 through 19–2404 to be under the new subtitle “Subtitle 24. Recovery

23 Residences”

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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.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume)

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

5 **Article – Health – General**

6 **SUBTITLE 24. RECOVERY RESIDENCES.**

7 **19-2401.**

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

10 (B) “CERTIFICATE OF COMPLIANCE” MEANS A CERTIFICATE THAT IS  
11 ISSUED TO A RECOVERY RESIDENCE BY A CREDENTIALING ENTITY.

12 (C) “CERTIFIED RECOVERY RESIDENCE” MEANS A RECOVERY RESIDENCE  
13 THAT HOLDS A CERTIFICATE OF COMPLIANCE.

14 (D) “CREDENTIALING ENTITY” MEANS A NONPROFIT ORGANIZATION THAT  
15 DEVELOPS AND ADMINISTERS PROFESSIONAL CERTIFICATION PROGRAMS  
16 ACCORDING TO NATIONALLY RECOGNIZED CERTIFICATION STANDARDS.

17 (E) “RECOVERY RESIDENCE” ~~MEANS A RESIDENTIAL DWELLING UNIT OR~~  
18 ~~ANY OTHER FORM OF GROUP HOUSING THAT IS OFFERED OR ADVERTISED BY ANY~~  
19 ~~PERSON AS A RESIDENCE THAT PROVIDES A PEER-SUPPORTED, ALCOHOL-FREE,~~  
20 ~~AND DRUG-FREE LIVING ENVIRONMENT~~ HAS THE MEANING STATED IN § 7.5-101 OF  
21 THIS ARTICLE.

22 **19-2402.**

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

26 (B) THE CREDENTIALING ENTITY SHALL:

27 (1) ESTABLISH RECOVERY RESIDENCE CERTIFICATION  
28 REQUIREMENTS;

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

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

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

4                 (I) BEFORE ISSUING A CERTIFICATE OF COMPLIANCE; AND

5                 (II) AT LEAST ONCE DURING EACH CERTIFICATION RENEWAL  
6 PERIOD; AND

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

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

11           (D) THE CREDENTIALING ENTITY MAY REVOKE THE CERTIFICATE OF  
12 COMPLIANCE OF A CERTIFIED RECOVERY RESIDENCE IF THE CREDENTIALING  
13 ENTITY FINDS THAT THE RECOVERY RESIDENCE IS NOT IN COMPLIANCE WITH THE  
14 REQUIREMENTS ESTABLISHED BY THE CREDENTIALING ENTITY.

15 **19-2403.**

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

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

22                 ~~(2) THE LIST PUBLISHED UNDER PARAGRAPH (1) OF THIS~~  
23 ~~SUBSECTION SHALL INCLUDE THE OWNER OF THE RECOVERY RESIDENCE AND THE~~  
24 ~~CONTACT INFORMATION OF THE OWNER. CREDENTIALING ENTITY AND THE~~  
25 CONTACT INFORMATION FOR THE CREDENTIALING ENTITY.

26                 (2) (I) ON OR BEFORE NOVEMBER 1, 2017, A CREDENTIALING  
27 ENTITY SHALL PUBLISH ON ITS WEB SITE A LIST OF EACH RECOVERY RESIDENCE  
28 THAT HOLDS A VALID CERTIFICATE OF COMPLIANCE.

29                 (II) THE LIST PUBLISHED UNDER SUBPARAGRAPH (I) OF THIS  
30 PARAGRAPH SHALL INCLUDE ONLY THE OWNER OF THE RECOVERY RESIDENCE AND  
31 THE CONTACT INFORMATION OF THE OWNER.

1 **19-2404.**

2       **(A) A PERSON MAY NOT ADVERTISE, REPRESENT, OR IMPLY TO THE PUBLIC**  
3 **THAT A RECOVERY RESIDENCE IS A CERTIFIED RECOVERY RESIDENCE UNLESS THE**  
4 **RECOVERY RESIDENCE HAS OBTAINED A CERTIFICATE OF COMPLIANCE UNDER THIS**  
5 **SUBTITLE.**

6       **(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS**  
7 **SUBJECT TO A CIVIL PENALTY IMPOSED BY THE DEPARTMENT NOT EXCEEDING**  
8 **\$1,000 FOR EACH OFFENSE.**

9       **(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER**  
10 **PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL CONSIDER THE**  
11 **NATURE, NUMBER, AND SERIOUSNESS OF THE VIOLATIONS, THE ABILITY OF THE**  
12 **CERTIFIED RECOVERY RESIDENCE TO PAY THE PENALTY, AND ANY OTHER FACTORS**  
13 **THE DEPARTMENT DETERMINES ARE RELEVANT.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.