

HOUSE BILL 869

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CF SB 553

By: **Delegates S. Howard, Afzali, Arentz, Beitzel, Carey, Chang, Clark, Folden, Ghrist, Grammer, Malone, McComas, McDonough, McMillan, Metzgar, Morhaim, Reilly, Saab, Simonaire, Sophocleus, West, and B. Wilson**

Introduced and read first time: February 3, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Recovery Residence Residential Rights Protection Act**

3 FOR the purpose of requiring, beginning on a certain date, a behavioral health program or
4 certain health professional, when referring an individual to receive services at a
5 recovery residence, to provide the individual with a certain list; requiring certain
6 recovery residence certification requirements to include a requirement that a
7 recovery residence make arrangements for the receipt of certain services for certain
8 residents; requiring, on or before a certain date, the Department of Health and
9 Mental Hygiene to publish on its Web site a certain list; requiring the list to provide
10 certain information; defining certain terms; and generally relating to referrals to and
11 the certification of recovery residences.

12 BY adding to

13 Article – Health – General

14 Section 7.5–501 to be under the new subtitle “Subtitle 5. Referrals to Recovery
15 Residences”

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2016 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health – General

20 Section 19–2501 through 19–2503

21 Annotated Code of Maryland

22 (2015 Replacement Volume and 2016 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 5. REFERRALS TO RECOVERY RESIDENCES.**

2 **7.5–501.**

3 **(A) IN THIS SECTION, “HEALTH PROFESSIONAL” MEANS A PERSON WHO:**

4 **(1) IS LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND**

5 **(2) IS PROVIDING MENTAL HEALTH OR SUBSTANCE–RELATED**
6 **DISORDER SERVICES ACCORDING TO THE REQUIREMENTS OF THE APPROPRIATE**
7 **PROFESSIONAL BOARD.**

8 **(B) BEGINNING NOVEMBER 1, 2017, A BEHAVIORAL HEALTH PROGRAM OR**
9 **HEALTH PROFESSIONAL, WHEN REFERRING AN INDIVIDUAL TO RECEIVE SERVICES**
10 **AT A RECOVERY RESIDENCE, SHALL PROVIDE THE INDIVIDUAL WITH THE LIST OF**
11 **RECOVERY RESIDENCES OPERATING IN THE STATE THAT IS PUBLISHED BY THE**
12 **DEPARTMENT UNDER § 19–2503(B) OF THIS ARTICLE.**

13 19–2501.

14 (a) In this subtitle the following words have the meanings indicated.

15 **(B) “ASAM LEVEL 3.1 SERVICES” MEANS THE LEVEL OF CLINICALLY**
16 **MANAGED, LOW–INTENSITY RESIDENTIAL SERVICES FOR THE TREATMENT OF**
17 **ADDICTIVE, SUBSTANCE–RELATED, AND CO–OCCURRING CONDITIONS DESCRIBED**
18 **BY THE AMERICAN SOCIETY OF ADDICTION MEDICINE.**

19 **[(b)] (C)** “Certificate of compliance” means a certificate that is issued to a
20 recovery residence by a credentialing entity.

21 **[(c)] (D)** “Certified recovery residence” means a recovery residence that holds a
22 certificate of compliance.

23 **[(d)] (E)** “Credentialing entity” means a nonprofit organization that develops
24 and administers professional certification programs according to nationally recognized
25 certification standards.

26 **[(e)] (F)** “Recovery residence” has the meaning stated in § 7.5–101 of this article.

27 19–2502.

28 (a) The Department shall approve a credentialing entity to develop and
29 administer a certification process for recovery residences.

- 1 (b) The credentialing entity shall:
- 2 (1) Establish recovery residence certification requirements;
- 3 (2) Establish processes to administer the application, certification, and
4 recertification process;
- 5 (3) Establish processes to monitor and inspect a recovery residence;
- 6 (4) Conduct an on-site inspection of a recovery residence:
- 7 (i) Before issuing a certificate of compliance; and
- 8 (ii) At least once during each certification renewal period; and
- 9 (5) Issue a certificate of compliance on approval of the application process
10 and the inspection of the recovery residence.
- 11 (c) A certificate of compliance issued by the credentialing entity is valid for 1 year
12 from the date of issuance.

13 (d) The credentialing entity may revoke the certificate of compliance of a certified
14 recovery residence if the credentialing entity finds that the recovery residence is not in
15 compliance with the requirements established by the credentialing entity.

16 **(E) THE RECOVERY RESIDENCE CERTIFICATION REQUIREMENTS**
17 **ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION SHALL INCLUDE A**
18 **REQUIREMENT THAT A RECOVERY RESIDENCE MAKE ARRANGEMENTS FOR THE**
19 **RECEIPT OF ASAM LEVEL 3.1 SERVICES FOR RESIDENTS WHO HAVE BEEN**
20 **ASSESSED AS IN NEED OF THAT LEVEL OF CARE.**

21 19-2503.

22 (a) On or before October 1, 2017, the credentialing entity shall submit a list to the
23 Department of the recovery residences that have obtained a certificate of compliance.

24 (b) (1) On or before November 1, 2017, the Department shall publish on its
25 Web site [a]:

26 **(I) A list of each credentialing entity and the contact information for**
27 **the credentialing entity; AND**

28 **(II) A LIST OF EACH RECOVERY RESIDENCE OPERATING IN THE**
29 **STATE.**

1 **(2) THE LIST PUBLISHED UNDER PARAGRAPH (1)(II) OF THIS**
2 **SUBSECTION SHALL INDICATE WHETHER A RECOVERY RESIDENCE HAS RECEIVED A**
3 **VALID CERTIFICATE OF COMPLIANCE.**

4 **[(2) (C) [(i) (1)]** On or before November 1, 2017, a credentialing
5 entity shall publish on its Web site a list of each recovery residence that holds a valid
6 certificate of compliance.

7 **[(ii) (2)]** The list published under [subparagraph (i)] **PARAGRAPH**
8 **(1)** of this [paragraph] **SUBSECTION** shall include only the owner of the recovery residence
9 and the contact information of the owner.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.