

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 869

(Delegate S. Howard, *et al.*)

Health and Government Operations

Finance

---

**Recovery Residence Residential Rights Protection Act**

---

This bill requires the Department of Health and Mental Hygiene (DHMH) to publish a list of each recovery residence operating in each county in the State on its website by November 1, 2017; the list must indicate whether the owner of a recovery residence has received a valid certificate of compliance. Beginning November 1, 2017, the bill also requires a behavioral health program or health professional to provide an individual with a list of certified recovery residences and provide an individual who has been assessed as in need of ASAM Level 3.1 services with information on where the individual may receive those services when referring the individual to receive services at a recovery residence.

---

**Fiscal Summary**

**State Effect:** DHMH can handle the bill's requirements with existing resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

---

**Analysis**

**Bill Summary:** "Health professional" means a person who is licensed under the Health Occupations Article and who is providing mental health or substance-related disorder services according to the requirements of the appropriate professional board.

“ASAM Level 3.1 services” means the level of clinically managed, low-intensity residential services for the treatment of addictive, substance-related, and co-occurring conditions described by the American Society of Addiction Medicine.

**Current Law:** Under § 7.5-101 of the Health-General Article, “recovery residence” means a service that (1) provides alcohol-free and illicit-drug-free housing to individuals with substance-related disorders or addictive disorders or co-occurring mental disorders and substance-related disorders or addictive disorders and (2) does not include clinical treatment services.

A behavioral health program must be licensed by the Secretary of Health and Mental Hygiene before program services may be offered in Maryland. However, the Secretary may exempt specified entities from licensure requirements, including recovery residences.

Chapters 710 and 711 of 2016 required DHMH to approve a credentialing entity to develop and administer a certification process for recovery residences. By October 1, 2017, the credentialing entity must submit a list of the recovery residences that have a certificate of compliance to DHMH. By November 1, 2017, DHMH must publish a list of each credentialing entity and the credentialing entity’s contact information on its website; likewise, a credentialing entity must publish a list of the recovery residences that hold a certificate of compliance on its website. A credentialing entity’s published list must include only the owner of the recovery residence and the owner’s contact information. A person may not advertise, represent, or imply to the public that a recovery residence is a certified recovery residence unless the recovery residence has a certificate of compliance. Violation is subject to a civil penalty of up to \$1,000 for each offense, assessed by DHMH. DHMH must consider specified factors when determining the amount of the civil penalty to assess.

Pursuant to Chapters 710 and 711, the credentialing entity must (1) establish certification requirements; (2) establish processes to administer the application, certification, and recertification process; (3) establish processes to monitor and inspect recovery residences; (4) conduct an on-site inspection of a recovery residence before issuing a certificate of compliance and at least once during each certification renewal period; and (5) issue a certificate of compliance on approval of the application process and the inspection.

A certificate of compliance is valid for one year from the date of issuance. The credentialing entity may revoke the certificate of compliance if the credentialing entity finds that the recovery residence is not in compliance with requirements.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 553 (Senator Hershey) - Finance.

**Information Source(s):** Maryland Association of County Health Officers; Department of Health and Mental Hygiene; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2017  
mm/ljm Third Reader - April 6, 2017  
Revised - Amendment(s) - April 6, 2017

---

Analysis by: Sasika Subramaniam

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510