

Recovery Residence Legislative Draft

January 2, 2019

SECTION 1. The Legislature finds and declares all of the following:

(a) (1) Substance use disorder is ranked in the top five clinically preventable burdens on health care spending.

(2) The level of health care services used by substance use disorder patients before receiving treatment is more than double that of nonaddicts. It has been shown that after 12 months of treatment of substance use disorders, the levels of health care services used return to almost average.

(3) An estimated four to five years is necessary for persons experiencing the chronic disease of addiction to reach a full sustained recovery; and the first 30 to 90 days after initial treatment are the most critical for preventing relapse, making it imperative that recovery residences be expanded as a means of reducing costs associated with multiple treatment episodes.

(4) There are an estimated 3.5 million persons with diagnosable substance use disorders in California and a limited number of available recovery residences to effectively provide healthy living environments for long term recovery.

(5) The need for quality recovery residence housing will continue to rise throughout the next decade.

(b) Therefore, it is the intent of the Legislature, in enacting this act, to identify best practices for recovery residences so that all of the following may occur:

(1) Access to legitimate recovery residence housing can be expanded.

(2) Those currently living in recovery residences may see an improved level of safety and a reduction in deaths due to opioid abuse and overdose.

(3) Local governments can recognize quality recovery residences for their valuable contributions to the continuum of care in addiction treatment and recovery, while addressing the legitimate concerns that local communities face when poorly run or fraudulent entities operate under the guise of “sober living.”

SECTION 1.

Chapter 7.4 (commencing with Section 11833.05) is added to Part 2 of Division 10.5 of the Health and Safety Code, to read:

Staff name

Office name

01/29/2019

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**CHAPTER 7.4. Licensing and Certification Program Disclosures
11833.06.**

(a) (1) The Department of Health Care Services shall adopt the “Best Practices for Operating Recovery Housing (BPORH),” which may include suggested minimum standards for operating recovery housing, upon its distribution by the United States Department of Health and Human Services.

(2) The Department shall require that any minimum standards provided within the BPORH document be used as minimum requirements for counties seeking to offer recovery housing using state or federal funding.

(3) Before such time that the BPROH is distributed, the Department shall adopt the most recent standards approved by the National Alliance for Recovery Residences (NARR) as the minimum standard for receiving state or federal funding for recovery residence housing.

(4) If a residence is certified by an organization that has adopted the standards approved by NARR, and subsequently the standards identified by the BPORH, and is currently a recognized affiliate of NARR, it shall be presumed to have met the minimum requirement for best practices.

(b) Any entity in the State of California that issues recognition, registration, or certification for recovery residences must maintain the following qualifications:

(1) Require that residences certified by it maintain the most current standards published by NARR until such time that the BPORH are distributed.

(2) Require that residences certified by it maintain the standards of the BPORH within six months of its initial distribution.

(3) Revoke the certification of a residence if the residence is not operating in compliance with NARR/BPORH requirements or applicable laws, and notify the department of the revocation.

(4) Require an operator who seeks to have a residence certified demonstrate proof that opioid overdose reversal medication is readily available in the case of an onsite opioid overdose emergency.

(5) Require that the owner, operator, or responsible resident complete a minimum of 10 hours per year of recovery residence training which shall include, at a minimum, the subjects of ethics, health and safety topics related to addiction recovery and maintenance, and emergency planning procedures.

(6) Deny an application for certification if the residence owner or operator name in the application is listed on the Office of the Inspector General exclusions list under the authority of Sections 1128 and 1156 of the Social Security Act.

(7) Deny an application for certification if an applicant has previously applied for a license to operate a residential alcoholism or drug abuse recovery or treatment facility, or certified alcoholism or drug abuse recovery or treatment program, or previously held a license to operate a residential alcoholism or drug abuse recovery or treatment facility, and that application was denied or the previous license was revoked, suspended, terminated, surrendered, forfeited, or otherwise had disciplinary or administrative action taken against it by the department, including imposition of civil penalties, that the department determines would make its certification inconsistent with ethical and safety standards required for certification.

(c) (1) A city, county, city and county, or local law enforcement agency which has documented evidence that a recovery residence is not operating in compliance with NARR/BPORH standards to an extent that resident or community safety is being impacted; or in a manner that suggests fraudulent activity is occurring; or in a manner that would require licensure as a residential treatment facility may report these findings to the Department and to entities that certify recovery residences and may require that the residence obtain certification as a recovery residence within 90 days in order to maintain protection under state and federal disability and housing laws and regulations meant for persons recovering from addiction. Should any treatment for addiction be found to be occurring, the recovery residence shall cease providing licensable services until appropriate licensure has been approved by the Department.

(2) The department shall maintain and post on its Internet Web site a registry containing the following information:

(a) The street address of each residence that has had its certification revoked by a certifying entity in California.

(b) The name of each operator of a residence that has had its certification revoked by a certifying organization entity in California.

(3) A city or county may reject any claim by a recovery residence for protection under state and federal disability and housing laws and regulations meant for persons recovering from addiction upon the residence being placed on the department's revocation registry.

(d) (1) Notwithstanding any other law, on and after January 1, 2021, a state agency, state contracted vendor, county agency, county contracted vendor, licensed or certified alcohol drug treatment program, certified alcohol drug counselor, or a person or entity licensed in the healing arts pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code that directs substance use treatment, shall first, when referring a person to a recovery residence as part of its duties with regard to substance use treatment, refer that person to a certified recovery residence, if available.

(2) A judge or parole board that sets terms and conditions for the release, parole, or discharge of a person from custody, if it requires a person to reside in a sober living environment, shall first, when referring a person to a recovery residence as part of its duties with regard to substance use treatment, refer that person to a certified recovery residence, if available, so that proper rehabilitation in accordance with the terms and conditions of the court's orders or terms of release as applicable, pursuant to subdivision (a) of Section 1170 of the Penal Code, may be accomplished.

(e) (1) This section does not prohibit any county contracting authority from requiring similar or additional quality and performance standards when contracting for recovery residence or sober living services.

(2) A certifying entity may enter into a memorandum of understanding with a county for the purposes of determining if the county's requirements meet or exceed the minimum requirements of the certifying entity. A memorandum of understanding may include the granting of reciprocal certifications based upon the requirements of the county contract.

(f) (1) The department shall report to the Legislature on or before January 1, 2025 the number and types of complaints received by certifying entities and the department, the status of complaints received, and the geographic concentration of reported complaints.

(2) The report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.