

HOUSE BILL 1411

J1, J3

6lr3104
CF SB 1094

By: Delegates McMillan, Angel, Cullison, Kipke, McDonough, Miele, Morgan, Oaks, Saab, and West West, S. Howard, Hammen, Barron, Bromwell, Hayes, Hill, Kelly, Krebs, Morhaim, Pena-Melnyk, Pendergrass, Rose, Sample-Hughes, and K. Young

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2016

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

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 Section 19–2401 through 19–2404 to be under the new subtitle “Subtitle 24. Recovery
2 Residences”
3 Annotated Code of Maryland
4 (2015 Replacement Volume)

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

7 **Article – Health – General**

8 **SUBTITLE 24. RECOVERY RESIDENCES.**

9 **19–2401.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

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

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

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

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

24 **19–2402.**

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

28 (B) THE CREDENTIALING ENTITY SHALL:

29 (1) ESTABLISH RECOVERY RESIDENCE CERTIFICATION
30 REQUIREMENTS;

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

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

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

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

7 (II) AT LEAST ONCE DURING EACH CERTIFICATION RENEWAL
8 PERIOD; AND

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

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

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

17 **19-2403.**

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

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

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

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

1 **(ii) THE LIST PUBLISHED UNDER SUBPARAGRAPH (i) OF THIS**
 2 **PARAGRAPH SHALL INCLUDE ONLY THE OWNER OF THE RECOVERY RESIDENCE AND**
 3 **THE CONTACT INFORMATION OF THE OWNER.**

4 **19-2404.**

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

9 **(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS**
 10 **SUBJECT TO A CIVIL PENALTY IMPOSED BY THE DEPARTMENT NOT EXCEEDING**
 11 **\$1,000 FOR EACH OFFENSE.**

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

17 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
 18 **October 1, 2016.**

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.