

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 785 (Delegate Kipke)
Health and Government Operations

Recovery Residences - Condition of Acceptance of State Funds - Prohibition

This bill prohibits the State from requiring a recovery residence, as a condition of acceptance of State funds, to admit applicants, for residence, who are receiving medication-assisted treatment for opioid dependence.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances, as discussed below.

Local Effect: None.

Small Business Effect: Potential meaningful for any such residences that would be able to limit admission and remain eligible for State funding.

Analysis

Current Law/Background: 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 the Department of Health and Mental Hygiene (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.

State Expenditures: Although the bill is not expected to materially affect State operations or finances, the Behavioral Health Administration (BHA) advises that its current policy is that, in order to receive grant funds, recovery residences may not refuse admission for those in medically assisted treatment programs. Thus, BHA advises that the bill conflicts with this policy.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Department of Budget and Management; Department of Health and Mental Hygiene; Department of Legislative Services

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