

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 119 Session of 2017

INTRODUCED BY KAUFER, DAVIS, READSHAW, FEE, DRISCOLL, TAYLOR, MURT, MILLARD, RADER, B. MILLER, KAVULICH, MULLERY, NELSON, BAKER, McNEILL, WATSON, BOBACK, D. MILLER, SIMMONS, SAYLOR, CUTLER AND COOK, FEBRUARY 1, 2017

REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 1, 2017

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
 2 as amended, "An act providing for and reorganizing the
 3 conduct of the executive and administrative work of the
 4 Commonwealth by the Executive Department thereof and the
 5 administrative departments, boards, commissions, and officers
 6 thereof, including the boards of trustees of State Normal
 7 Schools, or Teachers Colleges; abolishing, creating,
 8 reorganizing or authorizing the reorganization of certain
 9 administrative departments, boards, and commissions; defining
 10 the powers and duties of the Governor and other executive and
 11 administrative officers, and of the several administrative
 12 departments, boards, commissions, and officers; fixing the
 13 salaries of the Governor, Lieutenant Governor, and certain
 14 other executive and administrative officers; providing for
 15 the appointment of certain administrative officers, and of
 16 all deputies and other assistants and employes in certain
 17 departments, boards, and commissions; providing for the
 18 regulation of pari-mutuel thoroughbred horse racing and
 19 harness horse racing activities, imposing certain taxes and
 20 providing for the disposition of funds from pari-mutuel
 21 tickets; and prescribing the manner in which the number and
 22 compensation of the deputies and all other assistants and
 23 employes of certain departments, boards and commissions shall
 24 be determined," providing for certified drug and alcohol
 25 recovery houses and establishing the Certified Drug and
 26 Alcohol Recovery House Fund.

27 The General Assembly of the Commonwealth of Pennsylvania
 28 hereby enacts as follows:

29 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding an
2 article to read:

3 ARTICLE XXIII-C

4 CERTIFIED DRUG AND ALCOHOL

5 RECOVERY HOUSE

6 Section 2301-C. Definitions.

7 The following words and phrases when used in this article
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Department." The Department of Drug and Alcohol Programs of
11 the Commonwealth.

12 "Certified drug and alcohol recovery house." A group housing
13 arrangement that meets all of the following:

14 (1) Provides a transitional living situation that may be
15 utilized between residential treatment and independent living
16 in the community.

17 (2) Provides safe recovery environments recognizing
18 multiple pathways to recovery for individuals who are not
19 ready to live on their own but who are motivated in recovery
20 and can thrive in an environment providing limited structure.

21 (3) Requires residents to pay to live and cohabitate in
22 a family-like setting sharing common living areas and
23 supporting each other in the recovery process.

24 "House administrator." The individual responsible for the
25 overall management of a certified drug and alcohol recovery
26 house, including the supervision of each resident and staff
27 employed by or volunteering for the certified drug and alcohol
28 recovery house.

29 Section 2302-C. Duties of department.

30 (a) Certification.--The department shall establish standards

1 for the purpose of developing and administering certification of
2 a drug and alcohol recovery house that receives funds from a
3 Federal or State agency.

4 (b) Process.--The department shall establish a process to:

5 (1) Administer the application, certification,
6 recertification and disciplinary processes.

7 (2) Monitor and inspect a certified drug and alcohol
8 recovery house and the staff of a certified drug and alcohol
9 recovery house to ensure compliance with certification
10 requirements. The department may authorize single county
11 authorities to perform the actions under this paragraph.

12 (3) Establish application, inspection and annual
13 certification renewal fees.

14 (c) Documentation.--The department shall require a drug and
15 alcohol recovery house to submit the following documents with
16 the completed application and fee:

17 (1) A policy and procedures manual containing:

18 (i) Job descriptions for each staff position.

19 (ii) Drug testing procedures and requirements.

20 (iii) A prohibition on the premises against alcohol,
21 illegal drugs and the use of prescribed medications by an
22 individual other than the individual for whom the
23 medication is prescribed.

24 (iv) Policies to support a resident's recovery
25 efforts.

26 (v) A good neighbor policy to address neighborhood
27 concerns.

28 (vi) The maintenance of the property, including
29 safety exits, the installation of smoke detectors and
30 fire extinguishers.

- 1 (2) Rules for residents.
- 2 (3) Copies of each form provided to residents.
- 3 (4) Intake procedures.
- 4 (5) Relapse policy.
- 5 (6) Fee schedule.
- 6 (7) Refund policy.
- 7 (8) Eviction procedures and policy.
- 8 (9) Code of ethics.
- 9 (10) Proof of insurance requirements.
- 10 (11) Criminal history record check requirements.
- 11 (12) Requirements for proof of satisfactory fire, safety
12 and health inspections.

13 (d) Inspection.--The department or a single county authority
14 may conduct an onsite inspection of a drug and alcohol recovery
15 house before issuing a certificate of compliance. Onsite follow-
16 up monitoring of a certified drug and alcohol recovery house may
17 be conducted to determine continuing compliance with
18 certification requirements.

19 (e) Criminal history record checks.--

20 (1) The department shall require all applicants,
21 employees and volunteers of a drug and alcohol recovery house
22 to undergo criminal history record checks.

23 (2) The department shall deny the application of an
24 applicant who has been convicted of a criminal offense that
25 occurred within the past three years relating to the sale or
26 possession of drugs, narcotics or controlled substances.

27 (f) Certificate of compliance.--The department shall issue a
28 certificate of compliance upon approval of the application and
29 inspection. The certification shall automatically terminate if
30 not renewed within one year after the date of issuance.

1 (g) Denial, suspension or revocation.--The department shall
2 deny a drug and alcohol recovery house's application for
3 certification and may suspend or revoke a certification if the
4 drug and alcohol recovery house:

5 (1) Is not in compliance with this article.

6 (2) Has failed to remedy a deficiency identified by the
7 department within the time period specified.

8 (3) Provided false, misleading or incomplete
9 information.

10 (4) Has delinquent State taxes.

11 (5) Has an employee or volunteer who has been convicted
12 of a criminal offense that occurred within the past three
13 years relating to the sale or possession of drugs, narcotics
14 or controlled substances or who are subject to the
15 disqualifying offenses under section 2304-C(b).

16 Section 2303-C. Advertisement.

17 No person may advertise to the public a drug and alcohol
18 recovery house as a certified drug and alcohol recovery house
19 unless the drug and alcohol recovery house has secured a
20 certificate of compliance under this article.

21 Section 2304-C. Criminal history record checks.

22 (a) Requirement.--

23 (1) An applicant for certification and employee or
24 volunteer of a drug and alcohol recovery house must undergo a
25 criminal history record check.

26 (2) An applicant who applies to the department for a
27 certificate shall include a criminal history record for every
28 employee or volunteer at the drug and alcohol recovery house.

29 (b) Disqualification.--

30 (1) No drug and alcohol recovery house administrator may

1 hire an applicant if the individual's criminal history record
2 indicates that the applicant has been convicted of one or
3 more of the following offenses under Title 18 (relating to
4 crimes and offenses) or an equivalent crime under Federal law
5 or the law of another state:

6 (i) Chapter 25 (relating to criminal homicide).

7 (ii) Section 2702 (relating to aggravated assault).

8 (iii) Section 2709.1 (relating to stalking).

9 (iv) Section 2901 (relating to kidnapping).

10 (v) Section 2902 (relating to unlawful restraint).

11 (vi) Section 3121 (relating to rape).

12 (vii) Section 3122.1 (relating to statutory sexual
13 assault).

14 (viii) Section 3123 (relating to involuntary deviate
15 sexual intercourse).

16 (ix) Section 3124.1 (relating to sexual assault).

17 (x) Section 3125 (relating to aggravated indecent
18 assault).

19 (xi) Section 3126 (relating to indecent assault).

20 (xii) Section 3127 (relating to indecent exposure).

21 (xiii) Section 4302 (relating to incest).

22 (xiv) Section 4303 (relating to concealing death of
23 child).

24 (xv) Section 4304 (relating to endangering welfare
25 of children).

26 (xvi) Section 4305 (relating to dealing in infant
27 children).

28 (xvii) A felony offense under section 5902(b)
29 (relating to prostitution and related offenses).

30 (xviii) Section 5903(c) or (d) (relating to obscene

1 and other sexual materials and performances).

2 (xix) Section 6301 (relating to corruption of
3 minors).

4 (xx) Section 6312 (relating to sexual abuse of
5 children).

6 (2) The attempt, solicitation or conspiracy to commit
7 any of the offenses under paragraph (1).

8 (c) The Controlled Substance, Drug, Device and Cosmetic
9 Act.--The department may not issue a certificate nor shall a
10 volunteer or employee be hired if the criminal history record
11 indicates there has been a conviction of a felony offense under
12 the act of April 14, 1972 (P.L.233, No.64), known as The
13 Controlled Substance, Drug, Device and Cosmetic Act, committed
14 within the three-year period immediately preceding verification
15 under this section.

16 (d) Effect on certification.--The department may not issue
17 or renew a certificate and shall revoke a certificate if the
18 applicant for certification, employee or volunteer of a
19 certified drug and alcohol recovery house has been convicted of
20 an offense enumerated under subsection (b).
21 Section 2305-C. House administrator.

22 (a) Competency.--A certified drug and alcohol recovery house
23 shall employ a house administrator who has the competency
24 necessary to respond to the needs of residents and maintain
25 property standards.

26 (b) Establishment.--The department shall establish the
27 following in regard to a house administrator:

28 (1) Standards and criteria for the purpose of developing
29 and administering certification.

30 (2) Core competencies, certification requirements,

1 testing instruments and recertification requirements.

2 (3) A process to administer the certification,
3 application, award and maintenance processes.

4 (4) Minimum requirements of training, work experience,
5 supervision and a disciplinary process of certified persons.

6 (5) Application, certification and annual certification
7 renewal fees.

8 (c) Criminal history record checks.--A certified house
9 administrator must pass a criminal history record check as
10 provided under section 2304-C.

11 (d) Termination.--Certification shall automatically
12 terminate if not renewed within one year after the date of
13 issuance.

14 (e) Ineligibility.--An individual whose criminal history
15 record indicates that the individual has been convicted of one
16 or more of the disqualifying offenses under section 2304-C(b)(1)
17 shall be ineligible to become a house administrator.

18 (f) Advertisement.--

19 (1) No individual may advertise himself or herself to
20 the public as a certified house administrator unless the
21 individual has secured a certificate of compliance under this
22 section.

23 (2) An individual who violates this subsection commits a
24 misdemeanor of the second degree.

25 Section 2306-C. Standards.

26 (a) Contents.--The standards developed by the department
27 under this article shall address the following areas and shall
28 include, but not be limited to:

29 (1) Policies and procedures to ensure that, upon
30 admission, residents are informed of all certified drug and

1 alcohol recovery house rules, residency requirements and
2 lease agreements.

3 (2) Policies and procedures for the establishment and
4 maintenance of an accounting system that fully documents each
5 financial transaction, including each financial transaction
6 of each resident.

7 (3) Policies and procedures addressing the safety and
8 protection of each resident and the community.

9 (4) Policies that promote recovery by requiring resident
10 participation in treatment, self-help groups or other
11 recovery supports.

12 (5) Policies requiring abstinence from alcohol and other
13 drugs.

14 (6) Procedures regarding appropriate use and security of
15 medication.

16 (7) The maintenance of the property and the grounds in
17 which the certified drug and alcohol recovery house is
18 located, including, but not limited to, safety exits and the
19 installation of functioning smoke detectors and fire
20 extinguishers.

21 (8) General safety and emergency procedures, including
22 provisions for fire drills and the evacuation and transfer of
23 residents and staff to a safe location, assignment of staff
24 during emergencies and notification to the department during
25 an emergency.

26 (9) Procedures, including referral agreements, to handle
27 relapse.

28 Section 2307-C. Code of ethics.

29 The department shall establish a code of ethics for certified
30 alcohol and drug recovery houses to satisfy as a condition of

1 employment. The code of ethics shall address, but not be limited
2 to, the following:

3 (1) The confidentiality of client-identifying
4 information.

5 (2) Knowledge of how to access treatment resources in
6 the community, including knowledge of the single county
7 authority and the authority's assessment and referral
8 protocol.

9 (3) Maintaining an alcohol-free and illicit drug-free
10 environment.

11 (4) Prohibiting ethical conflicts, including the
12 payment, solicitation or receipt of a commission, bonus or
13 rebate or engagement in a split-fee arrangement.

14 Section 2308-C. Registry.

15 (a) Duty to establish.--The department shall establish and
16 maintain a registry of all certified drug and alcohol recovery
17 houses in this Commonwealth.

18 (b) Referrals.--Providers of drug and alcohol treatment
19 programs and public agencies that provide drug and alcohol
20 treatment services may only refer clients to a certified drug
21 and alcohol recovery house.

22 Section 2309-C. Compliance with other laws.

23 In order to receive and maintain certification, each drug and
24 alcohol recovery house shall comply with Federal, State and
25 local laws. Failure to comply or remain in compliance shall
26 result in loss of certification and removal from the registry.

27 Section 2310-C. Funding.

28 No drug and alcohol recovery house may receive funding from
29 the department or a State agency without certification.

30 Section 2311-C. Violations.

1 If the department determines a drug and alcohol recovery
2 house is not in compliance with this article, the department may
3 impose an administrative penalty of up to \$1,000 per day against
4 the drug and alcohol recovery house.

5 Section 2312-C. Certified Drug and Alcohol Recovery House Fund
6 Account.

7 The Certified Drug and Alcohol Recovery House Fund Account is
8 established as a restricted account in the State Treasury. Each
9 fine and fee collected under this article shall be deposited
10 into the account. Funds in the account shall be utilized for the
11 enforcement of this article.

12 Section 2313-C. Regulations.

13 The department shall promulgate regulations to administer
14 this article.

15 Section 2. This act shall take effect in 60 days.