

LEGISLATIVE REFERENCE BUREAU

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No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Providing for the certification of recovery residences and recovery residence administrators and for the establishment of the State Board of Recovery Residences and its powers and duties; and imposing penalties.

INTRODUCED _____ 20_____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

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|---------------------------------|---------|
| Referred to Committee on | |
| Date _____ | 20_____ |
| Reported _____ | 20_____ |
| As Committed-Amended | |
| Recommendation | |
| _____ | |
| By Hon. _____ | |

AN ACT

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1 Section 1101. Effective date.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 CHAPTER 1

5 PRELIMINARY PROVISIONS

6 Section 101. Short title.

7 This act shall be known and may be cited as the Certified
8 Recovery Residence Act.

9 Section 102. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) A person suffering from addiction has a higher
12 success rate of achieving long-lasting sobriety when given
13 the opportunity to build a stronger foundation by living in a
14 recovery residence after completing treatment.

15 (2) The Commonwealth has a legitimate State interest in
16 protecting persons suffering from addiction, who represent a
17 vulnerable consumer population in need of adequate housing.

18 Section 103. Legislative intent.

19 It is the intent of the General Assembly to ensure that
20 recovery residences provide a safe environment for residents and
21 the surrounding community.

22 Section 104. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Board." The State Board of Recovery Residences established
27 under this act.

28 "Bureau." The Bureau of Professional and Occupational
29 Affairs in the department.

30 "Certificate of compliance." A certificate that is issued by

1 the board to a recovery residence or a recovery residence
2 administrator.

3 "Certified recovery residence." A recovery residence that
4 holds a valid certificate of compliance and is actively managed
5 by a certified recovery residence administrator.

6 "Certified recovery residence administrator." A recovery
7 residence administrator who holds a valid certificate of
8 compliance.

9 "Commissioner." The commissioner of the bureau.

10 "Department." The Department of State of the Commonwealth.

11 "Director." The chief administrative or executive officer of
12 a service provider or recovery residence.

13 "Recovery residence." A residential dwelling unit or other
14 form of group housing that is offered or advertised through any
15 means, including oral, written, electronic or printed means, by
16 any person or entity as a residence that provides a peer-
17 supported, alcohol-free and drug-free living environment. The
18 term shall include a residence described as a sober house or a
19 house where there are residents in recovery from alcohol or
20 other drug addiction.

21 "Recovery residence administrator." The person responsible
22 for overall management of the recovery residence, including, but
23 not limited to, the supervision of residents and staff employed
24 by or volunteering for the residence.

25 CHAPTER 3

26 STATE BOARD OF RECOVERY RESIDENCES

27 Section 301. Creation of board.

28 The State Board of Recovery Residences is established within
29 the bureau.

30 Section 302. Composition of board.

1 The board shall consist of the following members, all of whom
2 shall be residents of this Commonwealth:

3 (1) The commissioner, who shall serve as an ex officio
4 member of the board.

5 (2) The Secretary of Drug and Alcohol Programs or a
6 designee.

7 (3) The Secretary of Human Services or a designee.

8 (4) The Secretary of Health or a designee.

9 (5) A law enforcement official.

10 (6) An individual representing providers of drug and
11 alcohol treatment facilities.

12 (7) An individual representing drug and alcohol recovery
13 residences in this Commonwealth. At the time of appointment,
14 the individual need not be certified but must have satisfied
15 eligibility requirements for certification under this act.

16 (8) A certified codes official.

17 (9) A public member.

18 Section 303. Appointment and confirmation of members.

19 By and with the advice and consent of the Senate, the
20 Governor shall appoint the individuals under section 302(5),
21 (6), (7), (8) and (9) to the board.

22 Section 304. Term of membership and vacancies.

23 (a) Term.--The term of office for each member of the board
24 listed under section 302(5), (6), (7), (8) and (9) shall be
25 three years. If the member dies or resigns or is otherwise
26 disqualified during the term of office, a successor shall be
27 appointed in the same manner and with the same qualifications as
28 the predecessor. The successor shall hold office for the
29 remainder of the unexpired term.

30 (b) Reappointment.--A member of the board listed under

1 section 302(5), (6), (7), (8) and (9) shall be eligible for
2 reappointment, but a member shall not be appointed to serve more
3 than two consecutive terms.

4 Section 305. Expenses of members.

5 A member of the board may not receive compensation for
6 services as a member of the board but shall be entitled to
7 reimbursement for all necessary and reasonable expenses incurred
8 in connection with the performance of the member's official
9 duties as a member of the board.

10 Section 306. Meetings of board.

11 (a) Timing of meetings.--The board shall meet at least four
12 times each year and, subject to the approval of the
13 commissioner, may hold additional meetings whenever necessary to
14 discharge its duties.

15 (b) Location of meetings.--The location of the meetings of
16 the board shall be determined by the board, subject to the
17 approval of the commissioner, but shall be within this
18 Commonwealth.

19 Section 307. Attendance at meetings.

20 A member of the board listed under section 302(5), (6), (7),
21 (8) and (9) who fails to attend three meetings in 18 months
22 shall forfeit the member's seat unless the commissioner, upon
23 written request from the member, finds that the member should be
24 excused from a meeting because of illness or death of a family
25 member.

26 Section 308. Powers and duties of board generally.

27 The board shall:

28 (1) Develop and administer a voluntary certification
29 program for recovery residences.

30 (2) Establish procedures to:

1 (i) Administer the application, certification,
2 recertification and disciplinary processes.

3 (ii) Monitor and inspect a recovery residence and
4 its staff to ensure compliance with certification
5 requirements.

6 (iii) Interview and evaluate residents, employees
7 and volunteer staff on their knowledge and application of
8 certification requirements.

9 (3) Develop a code of ethics for recovery residence
10 administrators and the staff employed by or volunteering for
11 recovery residences.

12 (4) Establish application, inspection and annual
13 certification renewal fees in accordance with Chapter 5.

14 (5) Implement training and treatment protocols for
15 recovery residence administrators and the staff employed by
16 or volunteering for recovery residences regarding the
17 administration of medication or other antidotes such as
18 Narcan used to counter the effects of opioid or other drug
19 overdose during a drug overdose event to a patient if
20 requested by the patient or otherwise deemed medically
21 appropriate. For purposes of this paragraph, the following
22 shall apply:

23 (i) The term "drug overdose event" means an acute
24 medical condition, including, but not limited to, severe
25 physical illness, coma, mania, hysteria or imminent death
26 that is the result of consumption or use of one or more
27 controlled substances causing an adverse reaction.

28 (ii) A patient's condition shall be deemed a drug
29 overdose if a prudent layperson possessing an average
30 knowledge of medicine and health would reasonably believe

1 that the condition is a drug overdose and requires
2 immediate medical attention.

3 CHAPTER 5

4 GENERAL PROCEDURES

5 Section 501. Fees regarding recovery residence.

6 (a) Application fee.--An application fee to establish a
7 recovery residence shall not exceed \$100.

8 (b) Inspection fee.--An onsite inspection fee may be
9 assessed on a recovery residence. The fee shall reflect the
10 actual costs for the inspection.

11 (c) Renewal fee.--The annual certification renewal fee for a
12 recovery residence shall not exceed \$100.

13 Section 502. Documentation.

14 The board shall require each recovery residence to submit the
15 following with the completed application and fee:

16 (1) A policy and procedures manual containing:

17 (i) Job descriptions for all staff positions.

18 (ii) Drug-testing procedures and requirements.

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

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

25 (v) A good neighbor policy to address neighborhood
26 concerns and complaints.

27 (2) Rules for residents.

28 (3) Copies of all forms provided to residents.

29 (4) Intake procedures.

30 (5) A sexual predator and sexual offender registry

1 compliance policy.

2 (6) A relapse policy.

3 (7) A fee schedule.

4 (8) A refund policy.

5 (9) Eviction procedures and policies.

6 (10) A code of ethics.

7 (11) Proof of insurance.

8 (12) Proof of background screening.

9 (13) Fire, safety and health policies, along with proof
10 of any satisfactory fire, safety and health inspections.

11 (14) Any other information that the board requires.

12 Section 503. Management of recovery residence.

13 (a) Requirement.--The board shall require a certified
14 recovery residence to be actively managed by a certified
15 recovery residence administrator.

16 (b) Application.--Each application for certification must
17 include the name of the certified recovery residence
18 administrator who will be actively managing the applicant
19 recovery residence.

20 Section 504. Inspections.

21 (a) Inspection after application.--Upon receiving a complete
22 application, the board shall conduct, or cause to be conducted,
23 an onsite inspection of the recovery residence.

24 (b) Ongoing monitoring.--The board shall conduct, or cause
25 to be conducted, onsite follow-up monitoring of a certified
26 recovery residence to determine continuing compliance with
27 certification requirements. The board shall inspect each
28 certified recovery residence at least annually to ensure
29 compliance.

30 (c) Fine for noncompliance.--A certified recovery residence

1 that is found to be noncompliant shall be fined as determined by
2 the board.

3 Section 505. Background screening.

4 (a) Requirement.--Each owner, director and chief financial
5 officer of an applicant recovery residence shall be subject to
6 background screening.

7 (b) Costs.--The costs associated with background screening
8 under this section shall be the responsibility of the individual
9 screened.

10 (c) Notification of eligibility.--The board shall notify the
11 owner, director or chief financial officer of eligibility
12 regarding the operation of a recovery residence, based on the
13 results of the background screening.

14 (d) Denial.--Unless the department issues an exemption, a
15 recovery residence is ineligible for certification, and the
16 board shall deny a recovery residence's application, if an
17 owner, director or chief financial officer of the applicant
18 recovery residence has been found guilty of, or has entered a
19 plea of guilty or nolo contendere to, any of the following,
20 regardless of any adjudication:

21 (1) An offense designated as a felony or misdemeanor
22 under 18 Pa.C.S. (relating to crimes and offenses).

23 (2) An offense designated as a felony or misdemeanor
24 under the act of April 14, 1972 (P.L.233, No.64), known as
25 The Controlled Substance, Drug, Device and Cosmetic Act.

26 (3) Child abuse, as defined under 23 Pa.C.S. § 6303(b.1)
27 (relating to definitions).

28 (4) Any attempt, solicitation or conspiracy to commit an
29 offense under paragraph (1), (2) or (3).

30 Section 506. Certificate of compliance.

1 (a) Issuance.--The board shall issue a certificate of
2 compliance upon approval of the recovery residence's application
3 and inspection.

4 (b) Annual renewal.--A certification shall automatically
5 terminate one year after issuance of a certificate of compliance
6 unless the certification is renewed.

7 Section 507. Suspension or revocation of certification.

8 (a) Discretionary suspension or revocation.--Except as
9 provided in subsection (b), the board may suspend or revoke the
10 certification of a certified recovery residence if the recovery
11 residence is not in compliance with any provision of this act or
12 has failed to remedy any deficiency identified by the board
13 within the time period specified.

14 (b) Mandatory revocation.--The board shall revoke the
15 certification of a certified recovery residence if the certified
16 recovery residence:

17 (1) Provides false or misleading information to the
18 board at any time.

19 (2) Fails to comply with section 508 or 707.

20 Section 508. Removal for certain offenses committed.

21 If an owner, director or chief financial officer of a
22 certified recovery residence is arrested for, has been found
23 guilty of or has entered a plea of guilty or nolo contendere to
24 an offense under section 505(d), regardless of any adjudication,
25 while acting in the official capacity as owner, director or
26 chief financial officer, the certified recovery residence shall
27 immediately remove the individual from that position and shall
28 notify the board within three business days after the removal.

29 Section 509. Advertisement.

30 (a) Prohibition.--A person may not advertise to the public,

1 in any way or by any medium whatsoever, a recovery residence as
2 a certified recovery residence unless the recovery residence has
3 first secured a certificate of compliance under this act.

4 (b) Penalty.--A person who violates subsection (a) commits a
5 misdemeanor of the first degree and shall, upon conviction, be
6 sentenced to pay a fine of not more than \$10,000 or to
7 imprisonment for not more than five years, or both.

8 CHAPTER 7

9 RECOVERY RESIDENCE ADMINISTRATORS

10 Section 701. Notice of removal.

11 A certified recovery residence shall notify the board within
12 three business days after the removal or permanent absence of
13 the recovery residence's certified recovery residence
14 administrator due to termination, resignation or another reason.

15 Section 702. Successor administrator.

16 A certified recovery residence shall retain a successor
17 certified recovery residence administrator within 30 days of the
18 removal or permanent absence of the previous administrator.

19 Section 703. Certification.

20 (a) Voluntary certification.--A recovery residence
21 administrator may voluntarily earn and maintain certification
22 from the board, to:

23 (1) Ensure that the administrator has the competencies
24 necessary to appropriately respond to the needs of residents.

25 (2) Maintain residence standards.

26 (3) Meet residence certification requirements.

27 (b) Duties of board.--The board shall:

28 (1) Develop and administer voluntary certification for
29 recovery residence administrators.

30 (2) Establish recovery residence administrator core

1 competencies, certification requirements and recertification
2 requirements.

3 (3) Establish a process to administer the certification
4 application, award and maintenance processes.

5 (4) Develop and administer a code of ethics and
6 disciplinary process.

7 (5) Require adherence to a code of ethics and provide
8 for a disciplinary process that applies to certified persons.

9 (6) Establish application and certification fees and an
10 annual certification renewal fee, but:

11 (i) The application and certification fees shall not
12 exceed \$225.

13 (ii) The annual certification renewal fee shall not
14 exceed \$100.

15 Section 704. Background screening.

16 (a) Requirement.--Each recovery residence administrator
17 applicant shall be subject to background screening.

18 (b) Costs.--The costs associated with background screening
19 under this section shall be the responsibility of the recovery
20 residence administrator applicant.

21 (c) Notification of eligibility.--The board shall notify the
22 applicant of eligibility based on the results of the background
23 screening.

24 (d) Denial.--Unless the department issues an exemption, a
25 recovery residence administrator applicant is ineligible for
26 certification, and the board shall deny the application, if the
27 applicant has been found guilty of, or has entered a plea of
28 guilty or nolo contendere to, an offense under section 505(d),
29 regardless of any adjudication.

30 Section 705. Certificate of compliance.

1 (a) Issuance.--The board shall issue a certificate of
2 compliance upon approval of the application of the recovery
3 residence administrator applicant.

4 (b) Annual renewal.--A certification shall automatically
5 terminate one year after issuance of a certificate of compliance
6 unless the certification is renewed.

7 Section 706. Suspension or revocation of certification.

8 The board shall revoke the certification of a certified
9 recovery residence administrator if the certified recovery
10 residence administrator provides false or misleading information
11 to the board at any time.

12 Section 707. Removal for certain offenses committed.

13 If a certified recovery residence administrator is arrested
14 for, has been found guilty of or has entered a plea of guilty or
15 nolo contendere to an offense under section 505(d), regardless
16 of any adjudication, while acting in the official capacity as a
17 certified recovery residence administrator, the recovery
18 residence shall immediately remove the individual from that
19 position, in which case the following shall apply:

20 (1) Section 701.

21 (2) Section 702.

22 Section 708. Advertisement.

23 (a) Prohibition.--An individual may not advertise to the
24 public, in any way or by any medium whatsoever, that the
25 individual is a certified recovery residence administrator
26 unless the individual has first secured a certificate of
27 compliance under this section.

28 (b) Penalty.--An individual who violates subsection (a)
29 commits a misdemeanor of the first degree and shall, upon
30 conviction, be sentenced to pay a fine of not more than \$10,000

1 or to imprisonment for not more than five years, or both.

2 Section 709. Active management.

3 A certified recovery residence administrator may actively
4 manage no more than three recovery residences at any given time.

5 Section 710. Qualifications.

6 The board shall establish qualifications for individuals
7 seeking to become a certified recovery residence administrator.
8 Qualifications may include criteria involving age, education,
9 professional experiences, training, moral character, sobriety
10 and other requirements deemed necessary by the board.

11 CHAPTER 9

12 ADMINISTRATION

13 Section 901. Exemption from disqualification.

14 (a) Purpose.--An exemption referenced in section 505(d) or
15 704(d) may be requested if a recovery residence determines that
16 the exemption will benefit the recovery residence.

17 (b) Written exemption.--A request for an exemption shall:

18 (1) Be submitted in writing to the board within 20 days
19 after the denial of certification by the board.

20 (2) Include a justification for the exemption.

21 (c) Grant of exemption.--Except as provided in subsection
22 (d), the board may exempt an individual from a disqualifying
23 offense under this act if at least three years have elapsed
24 since the individual completed or was lawfully released from
25 confinement, supervision or sanction for the disqualifying
26 offense.

27 (d) Denial of exemption.--An exemption from a disqualifying
28 offense under this act may not be given under any circumstance
29 for an individual who:

30 (1) is designated as a sexually violent predator under

1 42 Pa.C.S. (relating to judiciary and judicial procedure);
2 (2) is required to register as a sexual offender under
3 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
4 sexual offenders), unless the individual has been removed
5 from the registry; or

6 (3) is an offender who has been found guilty of, or has
7 entered a plea of guilty or nolo contendere to, more than
8 three felony offenses under 18 Pa.C.S. (relating to crimes
9 and offenses) within the last 15 years.

10 Section 902. Lists and publication.

11 (a) Maintenance of lists.--The board shall maintain a list
12 of all certified recovery residences and recovery residence
13 administrators that hold a valid certificate of compliance.

14 (b) Publication.--Except as provided in subsection (c), the
15 department shall publish on its publicly accessible Internet
16 website a list of:

17 (1) All recovery residences that hold a valid
18 certificate of compliance.

19 (2) All recovery residence administrators who hold a
20 valid certificate of compliance.

21 (c) Exclusion from publication.--A recovery residence or
22 recovery residence administrator shall be excluded from
23 publication under subsection (b) upon written request to the
24 board by the recovery residence or recovery residence
25 administrator.

26 Section 903. Licensure process and fees.

27 (a) Departmental rules.--The department shall establish by
28 rule the licensure process to include fees and categories of
29 licenses.

30 (b) Licenses generally.--The department may issue a

1 probationary, regular or interim license.

2 (c) Issuance.--After adopting the rule governing the
3 licensure process and fees, the department shall issue one
4 license for each service component that is operated by a service
5 provider.

6 (d) Required information.--A probationary or regular license
7 may be issued only after all required information has been
8 submitted.

9 (e) Nontransferability.--A license may not be transferred.

10 Section 904. Referrals.

11 (a) Certification necessary.--A licensed service provider
12 may not refer a current or discharged patient to a recovery
13 residence unless the recovery residence holds a valid
14 certificate of compliance and is actively managed by a certified
15 recovery residence administrator.

16 (b) Effect.--This section shall not require a licensed
17 service provider to refer a patient to a recovery residence.

18 (c) Penalty.--An agency or service provider that refers a
19 current or discharged patient to a noncertified recovery
20 residence:

21 (1) shall be ineligible to receive funds or grants from
22 the Commonwealth; and

23 (2) shall be fined as determined by the board.

24 (d) Definition.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Refer." Inform a patient by any means about the name,
28 address or other details of the recovery residence.

29 Section 905. Purpose of fees and fines.

30 Each fee and fine collected under this act shall be used to

1 further the purposes of this act.

2 Section 906. Regulations.

3 The department shall promulgate regulations necessary to
4 implement the provisions of this act.

5 CHAPTER 11

6 MISCELLANEOUS PROVISIONS

7 Section 1101. Effective date.

8 This act shall take effect as follows:

9 (1) Section 904 shall take effect in one year.

10 (2) This section shall take effect immediately.

11 (3) The remainder of this act shall take effect in 60
12 days.