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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1884 Session of  
2015

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AND McNEILL, MARCH 14, 2016

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 14, 2016

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AN ACT

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

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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 hereby established  
29 within 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 the Department of Drug and Alcohol  
6 Programs or a designee.

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

9 (4) The Secretary of the Department of Health or a  
10 designee.

11 (5) A law enforcement official.

12 (6) An individual representing providers of drug and  
13 alcohol treatment facilities.

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

18 (8) A certified codes official.

19 (9) A public member.

20 Section 303. Appointment and confirmation of members.

21 By and with the advice and consent of the Senate, the  
22 Governor shall appoint the individuals under section 302(5),  
23 (6), (7), (8) and (9) to the board.

24 Section 304. Term of membership and vacancies.

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

1 remainder of the unexpired term.

2 (b) Reappointment.--A member of the board listed under  
3 section 302(5), (6), (7), (8) and (9) shall be eligible for  
4 reappointment, but a member shall not be appointed to serve more  
5 than two consecutive terms.

6 Section 305. Expenses of members.

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

12 Section 306. Meetings of board.

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

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

21 Section 307. Attendance at meetings.

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

28 Section 308. Powers and duties of board generally.

29 The board shall:

30 (1) Develop and administer a voluntary certification

1 program for recovery residences.

2 (2) Establish procedures to:

3 (i) Administer the application, certification,  
4 recertification and disciplinary processes.

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

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

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

14 (4) Establish application, inspection and annual  
15 certification renewal fees in accordance with chapter 5.

## 16 CHAPTER 5

### 17 GENERAL PROCEDURES

18 Section 501. Fees regarding recovery residence.

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

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

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

26 Section 502. Documentation.

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

29 (1) A policy and procedures manual containing:

30 (i) Job descriptions for all staff positions.

1 (ii) Drug-testing procedures and requirements.

2 (iii) A prohibition on the premises against alcohol,  
3 illegal drugs and the use of prescribed medications by an  
4 individual other than the individual for whom the  
5 medication is prescribed.

6 (iv) Policies to support a resident's recovery  
7 efforts.

8 (v) A good neighbor policy to address neighborhood  
9 concerns and complaints.

10 (2) Rules for residents.

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

12 (4) Intake procedures.

13 (5) A sexual predator and sexual offender registry  
14 compliance policy.

15 (6) A relapse policy.

16 (7) A fee schedule.

17 (8) A refund policy.

18 (9) Eviction procedures and policies.

19 (10) A code of ethics.

20 (11) Proof of insurance.

21 (12) Proof of background screening.

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

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

25 Section 503. Management of recovery residence.

26 (a) Requirement.--The board shall require a certified  
27 recovery residence to be actively managed by a certified  
28 recovery residence administrator.

29 (b) Application.--Each application for certification must  
30 include the name of the certified recovery residence



1 administrator who will be actively managing the applicant  
2 recovery residence.

3 Section 504. Inspections.

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

7 (b) Ongoing monitoring.--The board shall conduct, or cause  
8 to be conducted, onsite follow-up monitoring of a certified  
9 recovery residence to determine continuing compliance with  
10 certification requirements. The board shall inspect each  
11 certified recovery residence at least annually to ensure  
12 compliance.

13 (c) Fine for noncompliance.--A certified recovery residence  
14 that is found to be noncompliant shall be fined as determined by  
15 the board.

16 Section 505. Background screening.

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

20 (b) Costs.--The costs associated with background screening  
21 under this section shall be the responsibility of the individual  
22 screened.

23 (c) Notification of eligibility.--The board shall notify the  
24 owner, director or chief financial officer of eligibility  
25 regarding the operation of a recovery residence, based on the  
26 results of the background screening.

27 (d) Denial.--Unless the department issues an exemption, a  
28 recovery residence is ineligible for certification, and the  
29 board shall deny a recovery residence's application, if an  
30 owner, director or chief financial officer of the applicant

1 recovery residence has been found guilty of, or has entered a  
2 plea of guilty or nolo contendere to, any of the following,  
3 regardless of any adjudication:

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

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

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

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

13 Section 506. Certificate of compliance.

14 (a) Issuance.--The board shall issue a certificate of  
15 compliance upon approval of the recovery residence's application  
16 and inspection.

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

20 Section 507. Suspension or revocation of certification.

21 (a) Discretionary suspension or revocation.--Except as  
22 provided in subsection (b), the board may suspend or revoke the  
23 certification of a certified recovery residence if the recovery  
24 residence is not in compliance with any provision of this act or  
25 has failed to remedy any deficiency identified by the board  
26 within the time period specified.

27 (b) Mandatory revocation.--The board shall revoke the  
28 certification of a certified recovery residence if the certified  
29 recovery residence:

30 (1) Provides false or misleading information to the

1 board at any time.

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

3 Section 508. Removal for certain offenses committed.

4 If an owner, director or chief financial officer of a  
5 certified recovery residence is arrested for, has been found  
6 guilty of or has entered a plea of guilty or nolo contendere to  
7 an offense under section 505(d), regardless of any adjudication,  
8 while acting in the official capacity as owner, director or  
9 chief financial officer, the certified recovery residence shall  
10 immediately remove the individual from that position and shall  
11 notify the board within three business days after the removal.

12 Section 509. Advertisement.

13 (a) Prohibition.--A person may not advertise to the public,  
14 in any way or by any medium whatsoever, a recovery residence as  
15 a certified recovery residence unless the recovery residence has  
16 first secured a certificate of compliance under this act.

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

21 CHAPTER 7

22 RECOVERY RESIDENCE ADMINISTRATORS

23 Section 701. Notice of removal.

24 A certified recovery residence shall notify the board within  
25 three business days after the removal or permanent absence of  
26 the recovery residence's certified recovery residence  
27 administrator due to termination, resignation or another reason.

28 Section 702. Successor administrator.

29 A certified recovery residence shall retain a successor  
30 certified recovery residence administrator within 30 days of the

1 removal or permanent absence of the previous administrator.

2 Section 703. Certification.

3 (a) Voluntary certification.--A recovery residence  
4 administrator may voluntarily earn and maintain certification  
5 from the board, to:

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

8 (2) Maintain residence standards.

9 (3) Meet residence certification requirements.

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

11 (1) Develop and administer voluntary certification for  
12 recovery residence administrators.

13 (2) Establish recovery residence administrator core  
14 competencies, certification requirements and recertification  
15 requirements.

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

18 (4) Develop and administer a code of ethics and  
19 disciplinary process.

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

22 (6) Establish application and certification fees and an  
23 annual certification renewal fee, but:

24 (i) The application and certification fees shall not  
25 exceed \$225.

26 (ii) The annual certification renewal fee shall not  
27 exceed \$100.

28 Section 704. Background screening.

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

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

4 (c) Notification of eligibility.--The board shall notify the  
5 applicant of eligibility based on the results of the background  
6 screening.

7 (d) Denial.--Unless the department issues an exemption, a  
8 recovery residence administrator applicant is ineligible for  
9 certification, and the board shall deny the application, if the  
10 applicant has been found guilty of, or has entered a plea of  
11 guilty or nolo contendere to, an offense under section 505(d),  
12 regardless of any adjudication.

13 Section 705. Certificate of compliance.

14 (a) Issuance.--The board shall issue a certificate of  
15 compliance upon approval of the application of the recovery  
16 residence administrator applicant.

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

20 Section 706. Suspension or revocation of certification.

21 The board shall revoke the certification of a certified  
22 recovery residence administrator if the certified recovery  
23 residence administrator provides false or misleading information  
24 to the board at any time.

25 Section 707. Removal for certain offenses committed.

26 If a certified recovery residence administrator is arrested  
27 for, has been found guilty of or has entered a plea of guilty or  
28 nolo contendere to an offense under section 505(d), regardless  
29 of any adjudication, while acting in the official capacity as a  
30 certified recovery residence administrator, the recovery

1 residence shall immediately remove the individual from that  
2 position, in which case the following shall apply:

3 (1) Section 701.

4 (2) Section 702.

5 Section 708. Advertisement.

6 (a) Prohibition.--An individual may not advertise to the  
7 public, in any way or by any medium whatsoever, that the  
8 individual is a certified recovery residence administrator  
9 unless the individual has first secured a certificate of  
10 compliance under this section.

11 (b) Penalty.--An individual who violates subsection (a)  
12 commits a misdemeanor of the first degree and shall, upon  
13 conviction, be sentenced to pay a fine of not more than \$10,000  
14 or to imprisonment for not more than five years, or both.

15 Section 709. Active management.

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

18 Section 710. Qualifications.

19 The board shall establish qualifications for individuals  
20 seeking to become a certified recovery residence administrator.  
21 Qualifications may include criteria involving age, education,  
22 professional experiences, training, moral character, sobriety  
23 and other requirements deemed necessary by the board.

24 CHAPTER 9

25 ADMINISTRATION

26 Section 901. Exemption from disqualification.

27 (a) Purpose.--An exemption referenced in section 505(d) or  
28 704(b) may be requested if a recovery residence determines that  
29 the exemption will benefit the recovery residence.

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

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

3 (2) Include a justification for the exemption.

4 (c) Grant of exemption.--Except as provided in subsection  
5 (d), the board may exempt an individual from a disqualifying  
6 offense under this act if at least three years have elapsed  
7 since the individual completed or was lawfully released from  
8 confinement, supervision or sanction for the disqualifying  
9 offense.

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

13 (1) is designated as a sexually violent predator under  
14 42 Pa.C.S. (relating to judiciary and judicial procedure);

15 (2) is required to register as a sexual offender under  
16 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
17 sexual offenders), unless the individual has been removed  
18 from the registry; or

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

23 Section 902. Lists and publication.

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

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

30 (1) All recovery residences that hold a valid

1 certificate of compliance.

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

4 (c) Exclusion from publication.--A recovery residence or  
5 recovery residence administrator shall be excluded from  
6 publication under subsection (b) upon written request to the  
7 board by the recovery residence or recovery residence  
8 administrator.

9 Section 903. Licensure process and fees.

10 (a) Departmental rules.--The department shall establish by  
11 rule the licensure process to include fees and categories of  
12 licenses.

13 (b) Licenses generally.--The department may issue a  
14 probationary, regular or interim license.

15 (c) Issuance.--After adopting the rule governing the  
16 licensure process and fees, the department shall issue one  
17 license for each service component that is operated by a service  
18 provider.

19 (d) Required information.--A probationary or regular license  
20 may be issued only after all required information has been  
21 submitted.

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

23 Section 904. Referrals.

24 (a) Certification necessary.--A licensed service provider  
25 may not refer a current or discharged patient to a recovery  
26 residence unless the recovery residence holds a valid  
27 certificate of compliance and is actively managed by a certified  
28 recovery residence administrator.

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



1 (c) Penalty.--An agency or service provider that refers a  
2 current or discharged patient to a noncertified recovery  
3 residence:

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

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

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

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

12 Section 905. Purpose of fees and fines.

13 Each fee and fine collected under this act shall be used to  
14 further the purposes of this act.

15 Section 906. Regulations.

16 The department shall promulgate regulations necessary to  
17 implement the provisions of this act.

18 CHAPTER 11

19 MISCELLANEOUS PROVISIONS

20 Section 1101. Effective date.

21 This act shall take effect as follows:

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

23 (2) This section shall take effect immediately.

24 (3) The remainder of this act shall take effect in 60  
25 days.