

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, COOK, ROZZI, GALLOWAY AND BARBIN, FEBRUARY 1, 2017

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 8, 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 FINDS AND DECLARES AS FOLLOWS: <--

28 (1) INDIVIDUALS WITH ALCOHOL AND DRUG ADDICTIONS MAY BE

1 IN NEED OF A SUPPORTIVE, SOBER HOUSING ARRANGEMENT AFTER  
2 COMPLETING INPATIENT TREATMENT FOR ADDICTION.

3 (2) STABLE HOUSING HAS BEEN RECOGNIZED AS A VERIFIABLE  
4 NEED FOR INDIVIDUALS IN RECOVERY, ESPECIALLY EARLY RECOVERY,  
5 BUT IS OFTEN DIFFICULT TO OBTAIN.

6 (3) THE GOAL IS TO FIND A PLACE THAT IS SAFE,  
7 APPROPRIATELY MAINTAINED AND BENEFICIAL TO THE INDIVIDUAL'S  
8 RECOVERY PROCESS.

9 (4) SOBER LIVING RECOVERY HOUSES CAN BE EXTREMELY  
10 HELPFUL IN STABILIZING EARLY RECOVERY AS AN INDIVIDUAL WHO  
11 HAS AN ADDICTION CONTINUES TREATMENT AND BEGINS TO SEARCH FOR  
12 EMPLOYMENT.

13 (5) THE CONGRESS OF THE UNITED STATES ADDED PROTECTIONS  
14 FOR INDIVIDUALS WITH DISABILITIES TO THE FAIR HOUSING ACT  
15 (PUBLIC LAW 90-284, 42 U.S.C. § 3601 ET SEQ.).

16 (6) THESE FEDERAL STATUTES PROHIBIT A BROAD RANGE OF  
17 PRACTICES THAT DISCRIMINATE AGAINST INDIVIDUALS ON THE BASIS  
18 OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, FAMILIAL  
19 STATUS, HANDICAP OR DISABILITY OR HAVING A SUBSTANCE ABUSE  
20 DISORDER.

21 (7) THE FAIR HOUSING ACT DOES NOT PREEMPT LOCAL ZONING  
22 LAWS BUT IS INTENDED TO PROHIBIT THE USE OF LOCAL LAWS AND  
23 ORDINANCES TO MAKE HOUSING UNAVAILABLE TO INDIVIDUALS WITH A  
24 DISABILITY SOLELY ON THE BASIS OF THEIR DISABILITY.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
28 as The Administrative Code of 1929, is amended by adding an  
29 article to read:

30 ARTICLE XXIII-C

1 CERTIFIED DRUG AND ALCOHOL

2 RECOVERY HOUSE

3 Section 2301-C. Definitions.

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

7 "Department." The Department of Drug and Alcohol Programs of <--  
8 the Commonwealth.

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

11 (1) Provides a transitional living situation that may be  
12 utilized between residential treatment and independent living  
13 in the community.

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

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

21 "DEPARTMENT." THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OF <--  
22 THE COMMONWEALTH.

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

28 Section 2302-C. Duties of department.

29 (a) Certification.--The department shall establish standards  
30 for the purpose of developing and administering certification of

1 a drug and alcohol recovery house that receives funds from a  
2 Federal or State agency.

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

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

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

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

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

16 (1) A policy and procedures manual containing:

17 (i) Job descriptions for each staff position.

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.

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

30 (2) Rules for residents.

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

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

18       ~~(e) Criminal history record checks.~~ <--

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

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

26       (E) CRIMINAL HISTORY RECORD CHECKS.--THE DEPARTMENT SHALL <--  
27 REQUIRE ALL APPLICANTS, EMPLOYEES AND VOLUNTEERS OF A DRUG AND  
28 ALCOHOL RECOVERY HOUSE TO UNDERGO CRIMINAL HISTORY RECORD  
29 CHECKS.

30       (f) Certificate of compliance.--The department shall issue a

1 certificate of compliance upon approval of the application and  
2 inspection. The certification shall automatically terminate if  
3 not renewed within one year after the date of issuance.

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

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

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

11 (3) Provided false, misleading or incomplete  
12 information.

13 (4) Has delinquent State taxes.

14 (5) ~~Has an employee or volunteer~~ KNOWINGLY HAS A HOUSE <--  
15 ADMINISTRATOR who has been convicted of a criminal offense  
16 that occurred within the past three years relating to the  
17 sale or possession of drugs, narcotics or controlled  
18 substances or who are subject to the disqualifying offenses  
19 under section 2304-C(b).

20 Section 2303-C. Advertisement.

21 No person may advertise to the public a drug and alcohol  
22 recovery house as a certified drug and alcohol recovery house  
23 unless the drug and alcohol recovery house has secured a  
24 certificate of compliance under this article.

25 Section 2304-C. Criminal history record checks.

26 (a) Requirement.--

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

30 (2) An applicant who applies to the department for a

1 certificate shall include a criminal history record for every  
2 employee or volunteer at the drug and alcohol recovery house.

3 (b) Disqualification.--

4 (1) No drug and alcohol recovery house administrator may  
5 hire ~~an applicant~~ A HOUSE ADMINISTRATOR if the individual's <--  
6 criminal history record indicates that the applicant has been  
7 convicted of one or more of the following offenses under  
8 Title 18 (relating to crimes and offenses) or an equivalent  
9 crime under Federal law or the law of another state:

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

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

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

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

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

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

16 (vii) Section 3122.1 (relating to statutory sexual  
17 assault).

18 (viii) Section 3123 (relating to involuntary deviate  
19 sexual intercourse).

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

21 (x) Section 3125 (relating to aggravated indecent  
22 assault).

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

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

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

26 (xiv) Section 4303 (relating to concealing death of  
27 child).

28 (xv) Section 4304 (relating to endangering welfare  
29 of children).

30 (xvi) Section 4305 (relating to dealing in infant

1 children).

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

4 (xviii) Section 5903(c) or (d) (relating to obscene  
5 and other sexual materials and performances).

6 (xix) Section 6301 (relating to corruption of  
7 minors).

8 (xx) Section 6312 (relating to sexual abuse of  
9 children).

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

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

20 ~~(d) Effect on certification. The department may not issue~~  
21 ~~or renew a certificate and shall revoke a certificate if the~~  
22 ~~applicant for certification, employee or volunteer of a~~  
23 ~~certified drug and alcohol recovery house has been convicted of~~  
24 ~~an offense enumerated under subsection (b).~~

25 Section 2305-C. House administrator.

26 (a) Competency.--A certified drug and alcohol recovery house  
27 shall employ a house administrator who has the competency  
28 necessary to respond ON A TIMELY BASIS to the needs of residents <--  
29 and maintain property standards.

30 (b) Establishment.--The department shall establish the



1 following in regard to a house administrator:

2 (1) Standards and criteria for the purpose of developing  
3 and administering certification.

4 (2) Core competencies, certification requirements,  
5 testing instruments and recertification requirements.

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

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

10 (5) Application, certification and annual certification  
11 renewal fees ADEQUATE TO CARRY OUT THE PROVISIONS OF THIS <--  
12 ARTICLE.

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

16 (d) Termination.--Certification shall automatically  
17 terminate if not renewed within one year after the date of  
18 issuance.

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

23 (f) Advertisement.--

24 (1) No individual may advertise himself or herself to  
25 the public as a certified house administrator unless the  
26 individual has secured a certificate of compliance under this  
27 section.

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

30 Section 2306-C. Standards.

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

4 (1) Policies and procedures to ensure that, upon  
5 admission, residents are informed of all certified drug and  
6 alcohol recovery house rules, residency requirements and  
7 lease agreements.

8 (2) Policies and procedures for the establishment and  
9 maintenance of an accounting system that fully documents each  
10 financial transaction, including each financial transaction  
11 of each resident.

12 (3) Policies and procedures addressing the safety and  
13 protection of each resident and the community.

14 (4) Policies that promote recovery by requiring resident  
15 participation in treatment, self-help groups or other  
16 recovery supports.

17 (5) Policies requiring abstinence from alcohol and other  
18 drugs.

19 (6) Procedures regarding appropriate use and security of  
20 medication.

21 (7) The maintenance of the property and the grounds in  
22 which the certified drug and alcohol recovery house is  
23 located, including, but not limited to, safety exits and the  
24 installation of functioning smoke detectors and fire  
25 extinguishers.

26 (8) General safety and emergency procedures, including  
27 provisions for fire drills and the evacuation and transfer of  
28 residents and staff to a safe location, assignment of staff  
29 during emergencies and notification to the department during  
30 an emergency.

1       (9) Procedures, including referral agreements, to handle  
2       relapse.

3       (B) (RESERVED). <--

4       Section 2307-C. Code of ethics.

5       (A) ESTABLISHMENT.--The department shall establish a code of <--  
6       ethics for certified alcohol and drug recovery houses to satisfy  
7       as a condition of employment. The code of ethics shall address,  
8       but not be limited to, the following:

9               (1) The confidentiality of client-identifying  
10              information.

11              (2) Knowledge of how to access treatment resources in  
12              the community, including knowledge of the single county  
13              authority and the authority's assessment and referral  
14              protocol.

15              (3) Maintaining an alcohol-free and illicit drug-free  
16              environment.

17              ~~(4) Prohibiting ethical conflicts, including the~~ <--  
18              ~~payment, solicitation or receipt of a commission, bonus or~~  
19              ~~rebate or engagement in a split fee arrangement.~~

20              (4) THE PROCESS FOR A RESIDENT TO REPORT AN ETHICAL OR <--  
21              STANDARDS VIOLATION.

22              (5) PROHIBITING RETRIBUTION, INTIMIDATION OR ANY  
23              NEGATIVE CONSEQUENCES TO A RESIDENT IF A GRIEVANCE OR  
24              COMPLAINT HAS BEEN FILED.

25              (6) PROHIBITING AN OWNER OR HOUSE ADMINISTRATOR FROM  
26              DIRECTLY OR INDIRECTLY SOLICITING OR ACCEPTING A COMMISSION,  
27              FEE OR ANYTHING OF MONETARY OR MATERIAL VALUE FROM A  
28              RESIDENT, OTHER RELATED INDIVIDUAL, THIRD-PARTY ENTITY OR  
29              REFERRAL SOURCE BEYOND SPECIFIED RENT ESTABLISHED IN WRITING  
30              AT THE TIME OF RESIDENCY.

1           (7) THAT NO OWNER, HOUSE ADMINISTRATOR OR EMPLOYEE MAY  
2 BECOME PERSONALLY INVOLVED WITH A RESIDENT'S FINANCIAL  
3 AFFAIRS, INCLUDING BORROWING OR LENDING MONEY, BUYING OR  
4 SELLING PROPERTY OR ANY OTHER FINANCIAL TRANSACTIONS.

5           (8) THAT NO OWNER, HOUSE ADMINISTRATOR OR EMPLOYEE MAY  
6 OFFER, PAY, SOLICIT OR RECEIVE A COMMISSION, BONUS OR REBATE,  
7 DIRECTLY OR INDIRECTLY, IN CASH OR IN-KIND, OR ENGAGE IN A  
8 SPLIT-FEE ARRANGEMENT, IN ANY FORM, FOR ANY OF THE FOLLOWING:

9           (I) TO INDUCE THE REFERRAL OF PATIENTS OR PATRONAGE  
10 TO OR FROM A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY  
11 OR OTHER THIRD-PARTY ENTITY; OR

12           (II) IN RETURN FOR THE ACCEPTANCE OR ACKNOWLEDGMENT  
13 OF SERVICES FROM A HEALTH CARE PROVIDER, HEALTH CARE  
14 FACILITY OR THIRD-PARTY ENTITY.

15           (B) POSTING.--THE CODE OF ETHICS SHALL BE POSTED ON THE  
16 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.  
17 Section 2308-C. Registry.

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

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

25 ~~Section 2309 C. Compliance with other laws.~~

<--

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

30 ~~Section 2310-C 2309-C. Funding.~~

<--

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

3 Section ~~2311-C~~ 2310-C. Violations. <--

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

8 Section ~~2312-C~~ 2311-C. Certified Drug and Alcohol Recovery <--  
9 House Fund Account.

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

15 Section ~~2313-C~~ 2312-C. Regulations. <--

16 The department shall promulgate regulations to administer  
17 this article.

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