

# HOUSE BILL 869

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CF SB 553

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By: Delegates S. Howard, Afzali, Arentz, Beitzel, Carey, Chang, Clark, Folden,  
Ghrist, Grammer, Malone, McComas, McDonough, McMillan, Metzgar,  
Morhaim, Reilly, Saab, Simonaire, Sophocleus, West, and B. Wilson

Introduced and read first time: February 3, 2017  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 27, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Recovery Residence Residential Rights Protection Act**

3 FOR the purpose of requiring, beginning on a certain date, a behavioral health program or  
4 certain health professional, when referring an individual to receive services at a  
5 recovery residence, to provide the individual with a certain list and provide certain  
6 information to certain individuals; requiring certain recovery residence certification  
7 requirements to include a requirement that a recovery residence make arrangements  
8 for the receipt of certain services for certain residents; requiring, on or before a  
9 certain date, the Department of Health and Mental Hygiene to publish on its Web  
10 site a certain list; requiring the list to provide certain information; defining certain  
11 terms; and generally relating to referrals to and the certification of recovery  
12 residences.

13 BY adding to

14 Article – Health – General  
15 Section 7.5–501 to be under the new subtitle “Subtitle 5. Referrals to Recovery  
16 Residences”  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health – General  
21 Section ~~19–2501 through~~ 19–2503

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Annotated Code of Maryland  
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Health – General**

**SUBTITLE 5. REFERRALS TO RECOVERY RESIDENCES.**

**7.5–501.**

~~(A) IN THIS SECTION, “HEALTH PROFESSIONAL” MEANS A PERSON WHO:~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED.

(2) “ASAM LEVEL 3.1 SERVICES” MEANS THE LEVEL OF CLINICALLY  
MANAGED, LOW-INTENSITY RESIDENTIAL SERVICES FOR THE TREATMENT OF  
ADDICTIVE, SUBSTANCE-RELATED, AND CO-OCCURRING CONDITIONS DESCRIBED  
BY THE AMERICAN SOCIETY OF ADDICTION MEDICINE.

(3) “HEALTH PROFESSIONAL” MEANS A PERSON WHO:

~~(1)~~ (I) IS LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;  
AND

~~(2)~~ (II) IS PROVIDING MENTAL HEALTH OR SUBSTANCE-RELATED  
DISORDER SERVICES ACCORDING TO THE REQUIREMENTS OF THE APPROPRIATE  
PROFESSIONAL BOARD.

(B) BEGINNING NOVEMBER 1, 2017, A BEHAVIORAL HEALTH PROGRAM OR  
HEALTH PROFESSIONAL, WHEN REFERRING AN INDIVIDUAL TO RECEIVE SERVICES  
AT A RECOVERY RESIDENCE, SHALL ~~PROVIDE~~:

(1) PROVIDE THE INDIVIDUAL WITH ~~THE~~ A LIST OF CERTIFIED  
RECOVERY RESIDENCES OPERATING IN THE STATE THAT IS PUBLISHED BY THE  
DEPARTMENT UNDER § 19–2503(B) OF THIS ARTICLE; AND

(2) PROVIDE TO AN INDIVIDUAL WHO HAS BEEN ASSESSED AS IN NEED  
OF ASAM LEVEL 3.1 SERVICES INFORMATION ON WHERE THE INDIVIDUAL MAY  
RECEIVE THOSE SERVICES.

~~19–2501.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) "ASAM LEVEL 3.1 SERVICES" MEANS THE LEVEL OF CLINICALLY  
MANAGED, LOW INTENSITY RESIDENTIAL SERVICES FOR THE TREATMENT OF  
ADDICTIVE, SUBSTANCE RELATED, AND CO-OCCURRING CONDITIONS DESCRIBED  
BY THE AMERICAN SOCIETY OF ADDICTION MEDICINE.~~

~~[(b)] (c) "Certificate of compliance" means a certificate that is issued to a  
recovery residence by a credentialing entity.~~

~~[(c)] (d) "Certified recovery residence" means a recovery residence that holds a  
certificate of compliance.~~

~~[(d)] (e) "Credentialing entity" means a nonprofit organization that develops  
and administers professional certification programs according to nationally recognized  
certification standards.~~

~~[(c)] (f) "Recovery residence" has the meaning stated in § 7.5-101 of this article.  
19-2502.~~

~~(a) The Department shall approve a credentialing entity to develop and  
administer a certification process for recovery residences.~~

~~(b) The credentialing entity shall:~~

~~(1) Establish recovery residence certification requirements;~~

~~(2) Establish processes to administer the application, certification, and  
recertification process;~~

~~(3) Establish processes to monitor and inspect a recovery residence;~~

~~(4) Conduct an on-site inspection of a recovery residence:~~

~~(i) Before issuing a certificate of compliance; and~~

~~(ii) At least once during each certification renewal period; and~~

~~(5) Issue a certificate of compliance on approval of the application process  
and the inspection of the recovery residence.~~

~~(c) A certificate of compliance issued by the credentialing entity is valid for 1 year  
from the date of issuance.~~

~~(d) The credentialing entity may revoke the certificate of compliance of a certified recovery residence if the credentialing entity finds that the recovery residence is not in compliance with the requirements established by the credentialing entity.~~

~~(E) THE RECOVERY RESIDENCE CERTIFICATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION SHALL INCLUDE A REQUIREMENT THAT A RECOVERY RESIDENCE MAKE ARRANGEMENTS FOR THE RECEIPT OF ASAM LEVEL 3.1 SERVICES FOR RESIDENTS WHO HAVE BEEN ASSESSED AS IN NEED OF THAT LEVEL OF CARE.~~

19-2503.

(a) On or before October 1, 2017, the credentialing entity shall submit a list to the Department of the recovery residences that have obtained a certificate of compliance.

(b) (1) On or before November 1, 2017, the Department shall publish on its Web site [a]:

(I) A list of each credentialing entity and the contact information for the credentialing entity; AND

(II) A LIST OF EACH RECOVERY RESIDENCE OPERATING IN EACH COUNTY IN THE STATE.

(2) THE LIST PUBLISHED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL INDICATE WHETHER THE OWNER OF A RECOVERY RESIDENCE HAS RECEIVED A VALID CERTIFICATE OF COMPLIANCE.

[(2)] (C) [(i)] (1) On or before November 1, 2017, a credentialing entity shall publish on its Web site a list of each recovery residence that holds a valid certificate of compliance.

[(ii)] (2) The list published under [subparagraph (i)] PARAGRAPH (1) of this [paragraph] SUBSECTION shall include only the owner of the recovery residence and the contact information of the owner.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.