

Chapter 711

(House Bill 1411)

AN ACT concerning

Health – Recovery Residences – Certification

FOR the purpose of requiring the Department of Health and Mental Hygiene to approve a credentialing entity to develop and administer a certification process for recovery residences; requiring the certification entity to establish certain requirements and processes, conduct a certain inspection, and issue a certain certificate of compliance; providing that a certificate of compliance is valid for a certain period of time; authorizing the credentialing entity to revoke the certificate of compliance of a certified recovery residence under certain circumstances; requiring, on or before a certain date, the credentialing entity to submit a certain list to the Department; requiring, on or before a certain date, the Department to publish on its Web site a certain list that includes certain information; requiring, on or before a certain date, a credentialing entity to publish on its Web site a certain list that includes certain information; prohibiting a person from advertising, representing, or implying to the public that a recovery residence is a certified recovery residence unless the recovery residence has obtained a certain certificate of compliance; establishing a certain civil penalty; requiring the Department to consider certain factors when setting the amount of a certain civil penalty; defining certain terms; and generally relating to the certification of recovery residences.

BY adding to

Article – Health – General

Section 19–2401 through 19–2404 to be under the new subtitle “Subtitle 24. Recovery Residences”

Annotated Code of Maryland
(2015 Replacement Volume)

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

Article – Health – General

SUBTITLE 24. RECOVERY RESIDENCES.

19–2401.

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

(B) “CERTIFICATE OF COMPLIANCE” MEANS A CERTIFICATE THAT IS ISSUED TO A RECOVERY RESIDENCE BY A CREDENTIALING ENTITY.

(C) “CERTIFIED RECOVERY RESIDENCE” MEANS A RECOVERY RESIDENCE THAT HOLDS A CERTIFICATE OF COMPLIANCE.

(D) “CREDENTIALING ENTITY” MEANS A NONPROFIT ORGANIZATION THAT DEVELOPS AND ADMINISTERS PROFESSIONAL CERTIFICATION PROGRAMS ACCORDING TO NATIONALLY RECOGNIZED CERTIFICATION STANDARDS.

(E) “RECOVERY RESIDENCE” ~~MEANS A RESIDENTIAL DWELLING UNIT OR ANY OTHER FORM OF GROUP HOUSING THAT IS OFFERED OR ADVERTISED BY ANY PERSON AS A RESIDENCE THAT PROVIDES A PEER-SUPPORTED, ALCOHOL-FREE, AND DRUG-FREE LIVING ENVIRONMENT~~ HAS THE MEANING STATED IN § 7.5-101 OF THIS ARTICLE.

19-2402.

(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.

19-2403.

(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 LIST OF EACH ~~RECOVERY RESIDENCE THAT HOLDS A VALID CERTIFICATE OF COMPLIANCE.~~

~~(2) THE LIST PUBLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE OWNER OF THE RECOVERY RESIDENCE AND THE CONTACT INFORMATION OF THE OWNER.~~ CREDENTIALING ENTITY AND THE CONTACT INFORMATION FOR THE CREDENTIALING ENTITY.

(2) (I) 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) THE LIST PUBLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE ONLY THE OWNER OF THE RECOVERY RESIDENCE AND THE CONTACT INFORMATION OF THE OWNER.

19-2404.

(A) A PERSON MAY NOT ADVERTISE, REPRESENT, OR IMPLY TO THE PUBLIC THAT A RECOVERY RESIDENCE IS A CERTIFIED RECOVERY RESIDENCE UNLESS THE RECOVERY RESIDENCE HAS OBTAINED A CERTIFICATE OF COMPLIANCE UNDER THIS SUBTITLE.

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY IMPOSED BY THE DEPARTMENT NOT EXCEEDING \$1,000 FOR EACH OFFENSE.

(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL CONSIDER THE

NATURE, NUMBER, AND SERIOUSNESS OF THE VIOLATIONS, THE ABILITY OF THE CERTIFIED RECOVERY RESIDENCE TO PAY THE PENALTY, AND ANY OTHER FACTORS THE DEPARTMENT DETERMINES ARE RELEVANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.