

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 632

Representative Baldrige

A BILL

To amend sections 340.034 and 5119.01 and to enact 1
sections 5119.39, 5119.391, and 5119.392 of the 2
Revised Code regarding recovery housing. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 340.034 and 5119.01 be amended 4
and sections 5119.39, 5119.391, and 5119.392 of the Revised Code 5
be enacted to read as follows: 6

Sec. 340.034. All of the following apply to the recovery 7
housing required by section 340.033 of the Revised Code to be 8
part of included opioid and co-occurring drug addiction services 9
and recovery supports: 10

(A) The recovery housing shall not be subject to 11
residential facility licensure by the department of mental 12
health and addiction services under section 5119.34 of the 13
Revised Code. 14

(B) The recovery housing shall not be subject to 15
certification as a recovery support under section 5119.36 of the 16
Revised Code, but to be eligible to receive public funds or 17
referrals as described in division (B) of section 5119.39 of the 18
Revised Code, the recovery housing shall be certified as 19

<u>provided in that division.</u>	20
(C) The recovery housing shall not be owned and operated	21
by a board of alcohol, drug addiction, and mental health	22
services unless any of the following applies:	23
(1) The board owns and operates the recovery housing on	24
July 1, 2017.	25
(2) The board utilizes local funds in the development,	26
purchase, or operation of the recovery housing.	27
(3) The board determines that there is a need for the	28
board to assume the ownership and operation of the recovery	29
housing such as when an existing owner and operator of the	30
recovery housing goes out of business, and the board considers	31
the assumption of ownership and operation of the recovery	32
housing to be in the best interest of the community.	33
(D) The recovery housing shall have protocols for all of	34
the following:	35
(1) Administrative oversight;	36
(2) Quality standards;	37
(3) Policies and procedures, including house rules, for	38
its residents to which the residents must agree to adhere.	39
(E) Family members of the recovery housing's residents may	40
reside in the recovery housing to the extent the recovery	41
housing's protocols permit.	42
(F) The recovery housing shall not limit a resident's	43
duration of stay to an arbitrary or fixed amount of time.	44
Instead, each resident's duration of stay shall be determined by	45
the resident's needs, progress, and willingness to abide by the	46

recovery housing's protocols, in collaboration with the recovery 47
housing's owner and operator, and, if appropriate, in 48
consultation and integration with a community addiction services 49
provider. 50

(G) The recovery housing may permit its residents to 51
receive medication-assisted treatment. 52

(H) A recovery housing resident may receive addiction 53
services that are certified by the department of mental health 54
and addiction services under section 5119.36 of the Revised 55
Code. 56

Sec. 5119.01. (A) As used in this chapter: 57

(1) "Addiction" means the chronic and habitual use of 58
alcoholic beverages, the use of a drug of abuse as defined in 59
section 3719.011 of the Revised Code, or the use of gambling by 60
an individual to the extent that the individual no longer can 61
control the individual's use of alcohol, the individual becomes 62
physically or psychologically dependent on the drug, the 63
individual's use of alcohol or drugs endangers the health, 64
safety, or welfare of the individual or others, or the 65
individual's gambling causes psychological, financial, 66
emotional, marital, legal, or other difficulties endangering the 67
health, safety, or welfare of the individual or others. 68

(2) "Addiction services" means services, including 69
intervention, for the treatment of persons with alcohol, drug, 70
or gambling addictions, and for the prevention of such 71
addictions. 72

(3) "Alcohol and drug addiction services" means services, 73
including intervention, for the treatment of alcoholics or 74
persons who abuse drugs of abuse and for the prevention of 75

alcoholism and drug addiction.	76
(4) "Alcoholic" means a person suffering from alcoholism.	77
(5) "Alcoholism" means the chronic and habitual use of	78
alcoholic beverages by an individual to the extent that the	79
individual no longer can control the individual's use of alcohol	80
or endangers the health, safety, or welfare of the individual or	81
others.	82
(6) "Certifiable services and supports" means all of the	83
following:	84
(a) Alcohol and drug addiction services;	85
(b) Mental health services;	86
(c) The types of recovery supports that are specified in	87
rules adopted under section 5119.36 of the Revised Code as	88
requiring certification under that section.	89
(7) "Community addiction services provider" means an	90
agency, association, corporation or other legal entity,	91
individual, or program that provides one or more of the	92
following:	93
(a) Alcohol and drug addiction services that are certified	94
by the director of mental health and addiction services under	95
section 5119.36 of the Revised Code;	96
(b) Gambling addiction services;	97
(c) Recovery supports that are related to alcohol and drug	98
addiction services or gambling addiction services and paid for	99
with federal, state, or local funds administered by the	100
department of mental health and addiction services or a board of	101
alcohol, drug addiction, and mental health services.	102

(8) "Community mental health services provider" means an	103
agency, association, corporation, individual, or program that	104
provides either of the following:	105
(a) Mental health services that are certified by the	106
director of mental health and addiction services under section	107
5119.36 of the Revised Code;	108
(b) Recovery supports that are related to mental health	109
services and paid for with federal, state, or local funds	110
administered by the department of mental health and addiction	111
services or a board of alcohol, drug addiction, and mental	112
health services.	113
(9) "Drug addiction" means the use of a drug of abuse, as	114
defined in section 3719.011 of the Revised Code, by an	115
individual to the extent that the individual becomes physically	116
or psychologically dependent on the drug or endangers the	117
health, safety, or welfare of the individual or others.	118
(10) "Gambling addiction" means the use of gambling by an	119
individual to the extent that it causes psychological,	120
financial, emotional, marital, legal, or other difficulties	121
endangering the health, safety, or welfare of the individual or	122
others.	123
(11) "Gambling addiction services" means services for the	124
treatment of persons who have a gambling addiction and for the	125
prevention of gambling addiction.	126
(12) "Hospital" means a hospital or inpatient unit	127
licensed by the department of mental health and addiction	128
services under section 5119.33 of the Revised Code, and any	129
institution, hospital, or other place established, controlled,	130
or supervised by the department under Chapter 5119. of the	131

Revised Code.	132
(13) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.	133 134 135 136 137 138 139 140
(14) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.	141 142
(15) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.	143 144 145 146
(16) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.	147 148 149
(17) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.	150 151
(18) <u>"Recovery housing" has the same meaning as in section 340.01 of the Revised Code.</u>	152 153
<u>(19)</u> "Recovery supports" means assistance that is intended to help an individual who is an alcoholic or has a drug addiction or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcoholism, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services.	154 155 156 157 158 159 160

~~(19)~~ ~~(a)~~ (20) (a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.39. (A) The department of mental health and

addiction services shall establish a voluntary certification for 190
recovery housing. As part of establishing that certification, 191
the department may approve, contract with, or otherwise 192
officially designate an outside certifying organization to 193
perform one or more of the functions of the department pursuant 194
to this section and may delegate functions to such a certifying 195
organization. 196

(B) (1) No person or government entity that is a provider 197
of recovery housing shall be eligible to receive for the 198
provision of recovery housing any state funds, federal funds, or 199
funds administered by a board of alcohol, drug addiction, and 200
mental health services, unless the provider of recovery housing 201
is certified by one or more of the following: 202

(a) The department, pursuant to this section; 203

(b) The national alliance for recovery residences; 204

(c) Oxford house, inc.; 205

(d) The commission on accreditation of rehabilitation 206
facilities. 207

(2) No person or government entity that is a provider of 208
recovery housing shall be eligible to receive referrals from 209
community addiction services providers or community mental 210
health services providers, unless the provider of recovery 211
housing is certified by the department pursuant to this section, 212
or by one or more of the organizations identified in division 213
(B) (1) of this section. 214

(C) The department may adopt rules to implement this 215
section. The rules, if adopted, shall be adopted in accordance 216
with Chapter 119. of the Revised Code. 217

Sec. 5119.391. The department of mental health and 218
addiction services shall establish a statewide registry of 219
certified recovery housing providers. To be included on the 220
registry, a recovery housing provider must be certified by the 221
department pursuant to section 5119.39 of the Revised Code, or 222
provide proof to the department of certification by one or more 223
of the following: 224

(A) The national alliance for recovery residences; 225

(B) Oxford house, inc.; 226

(C) The commission on accreditation of rehabilitation 227
facilities. 228

The department may, through rules adopted pursuant to 229
Chapter 119. of the Revised Code, require, as a condition to be 230
included on the statewide registry, a recovery housing provider 231
to meet additional requirements, including requirements related 232
to resident use of, or referral for, medication-assisted 233
treatment. 234

Sec. 5119.392. The department of mental health and 235
addiction services shall establish all of the following: 236

(A) A list of rights of residents of recovery housing; 237

(B) A system for residents of recovery housing to file 238
grievances and complaints; 239

(C) A committee to review grievances and complaints. 240

The department may adopt rules to implement this section. 241
The rules, if adopted, shall be adopted in accordance with 242
Chapter 119. of the Revised Code. 243

Section 2. That existing sections 340.034 and 5119.01 of 244

the Revised Code are hereby repealed.	245
Section 3. (A) As used in this section:	246
(1) "Person" has the same meaning as in section 1.59 of the Revised Code.	247 248
(2) "Medication-assisted treatment" and "recovery housing" have the same meanings as in section 340.01 of the Revised Code.	249 250
(B) Beginning six months after the effective date of this section and continuing for a period of three years from that date, both of the following apply in the counties of Adams, Scioto, and Lawrence:	251 252 253 254
(1) No person or government entity shall provide recovery housing unless the Department of Mental Health and Addiction Services determines that the recovery housing meets requirements for recovery housing set forth in section 340.034 of the Revised Code and the person or government entity is certified by one or more of the following:	255 256 257 258 259 260
(a) The Department, pursuant to section 5119.39 of the Revised Code;	261 262
(b) Ohio Recovery Housing;	263
(c) The National Alliance for Recovery Residences;	264
(d) Oxford House, Inc.;	265
(e) The Commission on Accreditation of Rehabilitation Facilities;	266 267
(f) Any other certifying organization designated by the Department for purposes of this section.	268 269
(2) Notwithstanding division (B) of section 5119.35 of the Revised Code, the certification requirement of division (A) of	270 271

that section applies to an individual who holds a valid license,	272
certificate, or registration issued by this state authorizing	273
the practice of a health care profession that includes the	274
performance of the services described in divisions (A) (1) to (3)	275
of that section, including the performance of addiction services	276
that also constitute medication-assisted treatment, regardless	277
of whether the services are performed as part of a sole	278
proprietorship, partnership, or group practice.	279
(C) The Department may adopt rules to implement this	280
section. The rules, if adopted, shall be adopted in accordance	281
with Chapter 119. of the Revised Code.	282