

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2325 Session of 2015

INTRODUCED BY KAUFER, DRISCOLL, HARHART, BOBACK, TOOHL, TAYLOR, RADER, COOK-ARTIS, RAPP, DAVIS, NELSON, MURT, BAKER, GINGRICH, KAUFFMAN, McNEILL, WARD, READSHAW AND STAATS, SEPTEMBER 14, 2016

REFERRED TO COMMITTEE ON HUMAN SERVICES, SEPTEMBER 14, 2016

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for the regulation of pari-mutuel
 18 thoroughbred horse racing and harness horse racing
 19 activities, imposing certain taxes and providing for the
 20 disposition of funds from pari-mutuel tickets; and
 21 prescribing the manner in which the number and compensation
 22 of the deputies and all other assistants and employes of
 23 certain departments, boards and commissions shall be
 24 determined," providing for certified drug and alcohol
 25 recovery houses.

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

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding an
2 article to read:

3 ARTICLE XXIII-C

4 CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE

5 Section 2301-C. Definitions.

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

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 drug and alcohol recovery houses that receive 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 certified drug and alcohol
7 recovery houses and the staff of certified drug and alcohol
8 recovery houses 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 drug and
14 alcohol recovery houses 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) Background screening requirements.
- 10 (12) Requirements for proof of satisfactory fire,
11 safety, and health inspections.

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

18 (e) Criminal background checks.--The department shall
19 require all applicants, employees and volunteers of drug and
20 alcohol recovery houses to undergo criminal background checks.
21 The department shall deny the application of an applicant who
22 has been convicted of a criminal offense that occurred within
23 the past three years relating to the sale or possession of
24 drugs, narcotics or controlled substances.

25 (f) Certificate of compliance.--The department shall issue a
26 certificate of compliance upon approval of the application and
27 inspection. The certification shall automatically terminate if
28 not renewed within one year after the date of issuance.

29 (g) Denial, suspension or revocation.--The department shall
30 deny a drug and alcohol recovery house's application for

1 certification and may suspend or revoke a certification if the
2 drug and alcohol recovery house:

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

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

6 (3) Provided false, misleading or incomplete
7 information.

8 (4) Has delinquent State taxes.

9 (5) Has an employee or volunteer who has been convicted
10 of a criminal offense that occurred within the past three
11 years relating to the sale or possession of drugs, narcotics
12 or controlled substances or who are subject to the
13 disqualifying offenses under section 2304-C(b).

14 Section 2303-C. Advertisement.

15 It is unlawful for a person to advertise to the public a drug
16 and alcohol recovery house as a certified drug and alcohol
17 recovery house unless the drug and alcohol recovery house has
18 secured a certificate of compliance under this article.

19 Section 2304-C. Background checks.

20 (a) Requirement.--Each applicant for certification and
21 employee or volunteer of a drug and alcohol recovery house must
22 undergo a criminal background check. An applicant who applies to
23 the department for a certificate shall include a criminal
24 history record for every employee or volunteer at the drug and
25 alcohol recovery house.

26 (b) Disqualification.--

27 (1) A house administrator may not hire an applicant if
28 the individual's criminal history record information
29 indicates that the applicant has been convicted of one or
30 more of the following offenses under Title 18 (relating to

1 crimes and offenses) or an equivalent crime under Federal law
2 or the law of another state:

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

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

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

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

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

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

9 (vii) Section 3122.1 (relating to statutory sexual
10 assault).

11 (viii) Section 3123 (relating to involuntary deviate
12 sexual intercourse).

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

14 (x) Section 3125 (relating to aggravated indecent
15 assault).

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

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

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

19 (xiv) Section 4303 (relating to concealing death of
20 child).

21 (xv) Section 4304 (relating to endangering welfare
22 of children).

23 (xvi) Section 4305 (relating to dealing in infant
24 children).

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

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

29 (xix) Section 6301 (relating to corruption of
30 minors).

1 (xx) Section 6312 (relating to sexual abuse of
2 children).

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

5 (c) The Controlled Substance, Drug, Device and Cosmetic
6 Act.--The department may not issue a certificate nor shall a
7 volunteer or employee be hired if the criminal history record
8 information indicates there has been a conviction of a felony
9 offense under the act of April 14, 1972 (P.L.233, No.64), known
10 as The Controlled Substance, Drug, Device and Cosmetic Act,
11 committed within the three-year period immediately preceding
12 verification under this section.

13 (d) Effect on certification.--The department shall refuse to
14 issue or renew a certificate or shall revoke a certificate if
15 the applicant for certification, employee or volunteer of the
16 certified drug and alcohol recovery house has been convicted of
17 an offense enumerated under subsection (b).
18 Section 2305-C. House administrator.

19 (a) Competency.--Each certified drug and alcohol recovery
20 house shall employ a house administrator who has the competency
21 necessary to respond to the needs of residents and maintain
22 property standards.

23 (b) Establishment.--The department shall establish the
24 following in regard to a house administrator:

25 (1) Standards and criteria for the purpose of developing
26 and administering certification.

27 (2) Core competencies, certification requirements,
28 testing instruments and recertification requirements.

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

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

3 (5) Application, certification and annual certification
4 renewal fees.

5 (c) Background checks.--Certified house administrators must
6 pass a criminal background check as provided under section 2304-
7 C.

8 (d) Termination.--Certification shall automatically
9 terminate if not renewed within one year after the date of
10 issuance.

11 (e) Ineligibility.--An individual whose criminal history
12 record information indicates that the individual has been
13 convicted of one or more of the disqualifying offenses under
14 section 2304-C(b)(1) shall be ineligible to become a house
15 administrator.

16 (f) Advertisement.--It shall be unlawful for an individual
17 to advertise himself or herself to the public as a certified
18 house administrator unless the individual has secured a
19 certificate of compliance under this section. An individual who
20 violates this subsection commits a misdemeanor of the second
21 degree.

22 Section 2306-C. Standards.

23 (a) Contents.--The standards developed by the department
24 shall address the following areas and shall include, but not be
25 limited to:

26 (1) Policies and procedures to ensure that, upon
27 admission, residents are informed of all certified drug and
28 alcohol recovery house rules, residency requirements and
29 lease agreements.

30 (2) Policies and procedures for the establishment and

1 maintenance of an accounting system that fully documents each
2 financial transaction, including each financial transaction
3 of each resident.

4 (3) Policies and procedures addressing the safety and
5 protection of each resident and the community.

6 (4) Policies that promote recovery by requiring resident
7 participation in treatment, self-help groups or other
8 recovery supports.

9 (5) Policies requiring abstinence from alcohol and other
10 drugs.

11 (6) Procedures regarding appropriate use and security of
12 medication.

13 (7) The maintenance of the property and the grounds in
14 which the certified drug and alcohol recovery house is
15 located, including, but not limited to, safety exits, the
16 installation of functioning smoke detectors and fire
17 extinguishers.

18 (8) General safety and emergency procedures including
19 provisions for fire drills and the evacuation and transfer of
20 residents and staff to a safe location and assignments of
21 staff during emergencies and notifying the department during
22 an emergency.

23 (9) Procedures, including referral agreements, to handle
24 relapse.

25 (b) (Reserved).

26 Section 2307-C. Code of ethics.

27 The department shall establish a code of ethics for certified
28 alcohol and drug recovery houses that must be a condition of
29 employment. The code of ethics shall address but not be limited
30 to:

1 (1) The confidentiality of client-identifying
2 information.

3 (2) Knowledge of how to access treatment resources in
4 the community, including knowledge of the single county
5 authority and its assessment and referral protocol.

6 (3) Maintaining an alcohol-free and illicit drug-free
7 environment.

8 (4) Prohibiting ethical conflicts including the payment,
9 solicitation or receipt of a commission, bonus or rebate or
10 engagement in a split-fee arrangement.

11 Section 2308-C. Registry.

12 The department shall create and maintain a registry of each
13 certified drug and alcohol recovery house within this
14 Commonwealth. Providers of drug and alcohol treatment programs
15 and public agencies which provide drug and alcohol treatment
16 services may only refer clients to a certified drug and alcohol
17 recovery house.

18 Section 2309-C. Compliance with other laws.

19 In order to receive and maintain certification, each drug and
20 alcohol recovery house must be in compliance with Federal, State
21 and local laws. Failure to comply or remain in compliance shall
22 result in loss of certification and removal from the registry.

23 Section 2310-C. Funding.

24 A drug and alcohol recovery house may not receive funding
25 from the department or a State agency without certification.

26 Section 2311-C. Violations.

27 If the department determines a drug and alcohol recovery
28 house is not in compliance with this article, the department may
29 impose an administrative penalty of up to \$1,000 per day against
30 a drug and alcohol recovery house that operates in violation of

1 this article.

2 Section 2312-C. Certified Drug and Alcohol Recovery House Fund
3 Account.

4 The Certified Drug and Alcohol Recovery House Fund Account is
5 established as a restricted account in the State Treasury. Each
6 fine and fee collected under this article shall be deposited
7 into the account. Funds in the account shall be utilized for the
8 enforcement of this article.

9 Section 2313-C. Regulations.

10 The department shall promulgate regulations to administer
11 this article.

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