

ASSEMBLY, No. 2158

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 33 (Hudson)

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SYNOPSIS

Clarifies DHS authority to regulate sober living homes and halfway houses as residential substance abuse aftercare facilities; requires background checks and other protections for residents of residential substance abuse facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the regulation of certain facilities by the
2 Department of Human Services and amending and
3 supplementing P.L.1975, c.305 and P.L.1970, c.334, amending
4 P.L.1982, c.149, and supplementing Titles 26 and 53 of the
5 Revised Statutes.

6
7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9
10 1. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to read
11 as follows:

12 2. The following words as used in this act shall, unless the
13 context requires otherwise, have the following meanings:

14 "Administrator" means the person in charge of the operation of a
15 facility, or his designee.

16 "Admitted" means accepted for treatment at a facility.

17 "Alcoholic" means any person who chronically, habitually or
18 periodically consumes alcoholic beverages to the extent that: a.
19 such use substantially injures his health or substantially interferes
20 with his social or economic functioning in the community on a
21 continuing basis, or b. he has lost the power of self-control with
22 respect to the use of such beverages.

23 "Authorized persons" means persons who serve as volunteer first
24 aid or ambulance squad members, para-professional medical
25 personnel and rehabilitated alcoholics.

26 "Commissioner" means the Commissioner of **【Health】** Human
27 Services.

28 "Department" means the **【State】** Department of **【Health】** Human
29 Services.

30 "Director" means the Director of the Division of **【Alcoholism】**
31 Mental Health and Addiction Services.

32 "Division" means the Division of **【Alcoholism】** Mental Health
33 and Addiction Services in the Department of Human Services.

34 "Facility" means any public, private place, or portion thereof
35 providing services especially designed for the treatment of
36 intoxicated persons or alcoholics; including, but not limited to
37 intoxication treatment centers, inpatient treatment facilities,
38 outpatient facilities, and residential aftercare facilities.

39 "Incapacitated" means the condition of a person who is: a. as a
40 result of the use of alcohol, unconscious or has his judgment so
41 impaired that he is incapable of realizing and making a rational
42 decision with respect to his need for treatment, b. in need of
43 substantial medical attention, or c. likely to suffer substantial
44 physical harm.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Independent physician" means a physician other than one
2 holding an office or appointment in any department, board or
3 agency of the State of New Jersey or in any public facility.

4 "Intoxicated person" means a person whose mental or physical
5 functioning is substantially impaired as a result of the use of
6 alcoholic beverages.

7 "Patient" means any person admitted to a facility.

8 "Private facility" means a facility other than one operated by the
9 Federal Government, the State of New Jersey or any political
10 subdivision thereof.

11 "Public facility" means a facility operated by the State of New
12 Jersey or any political subdivision thereof.

13 "Treatment" means services and programs for the care or
14 rehabilitation of intoxicated persons and alcoholics, including, but
15 not limited to, medical, psychiatric, psychological, vocational,
16 educational, recreational, and social services and programs.

17 (cf: P.L.1975, c.305, s.2)

18

19 2. Section 6 of P.L.1975, c.305 (C.26:2B-12) is amended to
20 read as follows:

21 6. The department shall take cognizance of all matters affecting
22 alcoholism in the State and shall establish and conduct a program
23 for the treatment of intoxicated persons and alcoholics.

24 The program may encourage regionalization of services and, if
25 not otherwise available, provide for the following facilities, which
26 need not be separately located:

27 a. Intoxication treatment centers, which centers shall render
28 emergency medical care, including detoxification, shall be open 24
29 hours every day, and shall be located conveniently near population
30 centers. Services shall be provided for the immediate physical and
31 social needs, including the needs for medication and shelter, of
32 intoxicated persons, and shall also provide for initial examination,
33 diagnosis and referral. To the extent possible, such treatment
34 centers shall be affiliated with a general or other hospital.

35 b. Inpatient facilities, for treatment of alcoholics, which shall,
36 to the extent possible, be affiliated with the medical service of a
37 general hospital, mental hospital, community mental health center,
38 or other hospital.

39 c. Outpatient facilities.

40 d. Residential aftercare facilities, such as halfway houses or
41 transitional sober living homes .

42 The department shall maintain, supervise and control all
43 facilities operated by it pursuant to **【this act】** P.L.1975, c.305
44 (C.26:2B-7 et seq.) and all such facilities shall be staffed with an
45 adequate number of qualified and trained personnel. The
46 administrator of each **【such】** facility shall make an annual report of
47 its activities to the director in such manner and form as the director
48 may deem appropriate. All appropriate resources, particularly

1 community mental health centers, shall whenever possible be
2 utilized in and coordinated with the program.

3 Services delivered by the department pursuant to **[this act]**
4 P.L.1975, c.305 (C.26:2B-7 et seq.) may be administered on the
5 premises of institutions operated in whole or in part by the
6 department of institutions and agencies. Such services shall be
7 administered as such services are administered in the other facilities
8 of the department and shall in all respects be therapeutic in nature
9 rather than penal or correctional.

10 The department shall annually prepare and publish **[annually]** a
11 list of all **[services]** facilities and service-providing entities
12 operating in accordance with **[this act and]** P.L.1975, c.305
13 (C.26:2B-7 et seq.), shall make the list available , upon request , to
14 members of the public, and shall include the information on its
15 website in accordance with the registry established pursuant to
16 section 17 of P.L. , c. (C.)(pending before the Legislature
17 as this bill). The department shall notify all law enforcement
18 agencies and judges in the State of the location and capacity of
19 intoxication treatment centers and other **[services]** service-
20 providing entities operating in accordance with **[this act]** P.L.1975,
21 c.305 (C.26:2B-7 et seq.), which are situated in or near their
22 jurisdictions.

23 (cf: P.L.1975, c.305, s.6)

24

25 3. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to
26 read as follows:

27 2. As used in this act:

28 **[(a)]** "Commissioner" means the Commissioner of Human
29 Services.

30 "Department" means the Department of Human Services.

31 "Narcotic drug" means any narcotic, drug, or dangerous
32 controlled substance, as defined in any law of the State of New
33 Jersey or of the United States.

34 "Narcotic and drug abuse treatment center" means any
35 establishment, facility or institution, public or private, whether
36 operated for profit or not, which primarily offers, or purports to
37 offer, maintain, or operate facilities for the residential or outpatient
38 diagnosis, care, treatment, **[or]** rehabilitation , or transitional sober
39 living of two or more nonrelated individuals, who are patients as
40 defined herein, excluding, however, any hospital or mental hospital
41 otherwise licensed by Title 30 of the Revised Statutes.

42 **[(b)]** "Patient" means a person who is addicted to, or otherwise
43 suffering physically or mentally from the use, or abuse of, narcotic
44 drugs , or who is in the process of recovering from such addiction
45 or physical or mental suffering, and who requires the continuing
46 care of a narcotic and drug abuse treatment center.

1 **[(c) "Narcotic drug" means any narcotic, drug, or dangerous**
2 **controlled substance, as defined in any law of the State of New**
3 **Jersey or of the United States.]**

4 (b) "Commissioner" means the Commissioner of the State
5 Department of Health of New Jersey. **]**

6 (cf: P.L.1970, c.334, s.2)

7

8 4. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to
9 read as follows:

10 5. The commissioner shall adopt, amend, promulgate and
11 enforce such rules, regulations and minimum standards **[of] for the**
12 treatment of patients of narcotic and drug abuse treatment centers as
13 may be reasonably necessary to accomplish the purposes of **[this**
14 **act] P.L.1970, c.334 (C.26:2G-21 et seq.).** Such narcotic and drug
15 abuse treatment centers may be classified into two or more classes
16 with appropriate rules, regulations and minimum standards for each
17 such class. The department's classification system shall account for
18 all types of narcotic and drug abuse treatment centers, including,
19 but not limited to: (1) facilities that provide patients with
20 detoxification, medication-assisted treatment, or other intensive or
21 emergency-level drug abuse treatment on an inpatient basis; (2)
22 facilities that provide patients with detoxification, medication-
23 assisted treatment, or other drug abuse treatment, on an outpatient
24 basis; and (3) residential aftercare facilities, such as halfway houses
25 and transitional sober living homes, which help recovering drug
26 addicts and abusers make a successful and sober transition back into
27 the community-at-large.

28

29 5. Section 1 of P.L.1982, c.149 (C.26:2H-11.1) is amended to
30 read as follows:

31 1. In the case of an application for a certificate of need or
32 initial licensure, as applicable, for a narcotic and drug abuse
33 treatment center to be located within 500 feet from any building in
34 this State used for the instruction of children between the ages of
35 five and 18 years, the applicant shall notify the governing body of
36 the municipality within which the applicant proposes to locate the
37 treatment center of the applicant's intention to apply for the
38 certificate of need or licensure and the proposed location of the
39 center. Documentation of the notice shall be filed with the
40 certificate of need or license application. The Commissioner of
41 Health is hereby authorized to adopt reasonable rules and
42 regulations, in accordance with the provisions of the
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.), to effectuate the purposes of this act. For the purposes of this
45 act, the definition of "narcotic and drug abuse treatment center"
46 shall be identical to the definition in **[subsection (a) of]** section 2 of
47 P.L.1970, c.334 (C.26:2G-22). This act shall not apply to any

1 narcotic and drug abuse treatment center for which an application
2 was filed prior to the effective date of this act.
3 (cf: P.L.2012, c.17, s.177)
4

5 6. (New section) a. Except as provided in subsection b. of this
6 section, a facility regulated by the department pursuant to P.L.
7 1975, c.305 (C.26:2B-7 et seq.) shall not remove a resident from the
8 facility until at least one week following the date of delivery by the
9 facility to the resident of a written notice that advises the resident
10 that the resident shall be removed from the facility no less than one
11 week from the date of delivery of the notice.

12 b. The provisions of subsection a. of this section shall not
13 apply if the resident of the facility poses an immediate and serious
14 threat to other residents of the facility or to the facility.

15 c. As used in this section, "immediate and serious threat"
16 means that the resident causes or will imminently cause a serious
17 injury, harm, impairment, or death to a resident of the facility, or
18 causes or will imminently cause an incident affecting the safety of
19 the facility.
20

21 7. (New section) In addition to any other inspection of a
22 facility regulated by the department pursuant to P.L.1975, c.305
23 (C.26:2B-7 et seq.), the department shall conduct a biweekly
24 inspection of a facility if the facility is under investigation for a
25 violation of P.L.1975, c.305 (C.26:2B-7 et seq.) or any rules and
26 regulations adopted pursuant thereto, or under any other authority.
27 The biweekly inspection shall continue until such time as the
28 investigation is concluded.
29

30 8. (New section) a. Except as provided in subsection b. of this
31 section, a narcotic and drug abuse treatment center regulated by the
32 department pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.) shall
33 not remove a resident from the center until at least one week
34 following the date of delivery by the center to the resident of a
35 written notice that advises the resident that the resident shall be
36 removed from the center no less than one week from the date of
37 delivery of the notice.

38 b. The provisions of subsection a. of this section shall not
39 apply if the resident of the center poses an immediate and serious
40 threat to other residents of the center or to the center.

41 c. As used in this section, "immediate and serious threat"
42 means that the resident causes or will imminently cause a serious
43 injury, harm, impairment, or death to a resident of the center, or
44 causes or will imminently cause an incident affecting the safety of
45 the center.

1 9. (New section) In addition to any other inspection of a
2 narcotic and drug abuse treatment center regulated by the
3 department pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.), the
4 department shall conduct a biweekly inspection of a center if the
5 center is under investigation for a violation of P.L.1970, c.334
6 (C.26:2G-21 et seq.) or any rules and regulations adopted pursuant
7 thereto, or under any other authority. The biweekly inspection shall
8 continue until such time as the investigation is concluded.

9
10 10. (New section) As used in sections 10 through 14 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill):

12 "Administrator" means the person in charge of the operation of a
13 facility.

14 "Commissioner" means the Commissioner of Human Services.

15 "Department" means the Department of Human Services.

16 "Facility" means a facility as defined in section 2 of P.L.1975,
17 c.305 (C.26:2B-8) or a narcotic and drug abuse treatment center as
18 defined in section 2 of P.L.1975, c.305 (C.26:2G-22), and includes
19 a residential aftercare facility, such as a halfway house or
20 transitional sober living home.

21 "Owner of the physical plant" or "owner" means the person who
22 owns the property on which the facility is located.

23 "Representative payee" means a person who is employed by a
24 facility and receives government benefits on behalf of an individual
25 residing in the facility.

26
27 11. (New section) a. The commissioner shall not issue a license
28 or certificate of approval, as applicable, to a facility pursuant to
29 P.L.1975, c.305 (C.26:2B-7 et seq.) or P.L.1970, c.334 (C.26:2G-21
30 et seq.), unless the Commissioner of Human Services determines,
31 consistent with the requirements of sections 10 through 14 of
32 P.L. , c. (C.)(pending before the Legislature as this bill),
33 that no criminal history record information exists on file in the
34 Federal Bureau of Investigation, Identification Division, or in the
35 State Bureau of Identification in the Division of State Police in the
36 Department of Law and Public Safety, which would: disqualify a
37 person from employment as an administrator or representative
38 payee at the facility; or reveal that an owner of the physical plant of
39 a facility has been convicted of crimes or offenses that would
40 disqualify a person from securing or maintaining a license or
41 certificate of approval for a facility.

42 b. If an administrator, representative payee, or owner of the
43 physical plant of a facility refuses to consent to, or cooperate in, the
44 securing of a criminal history record background check pursuant to
45 P.L. , c. (C.) (pending before the Legislature as this bill), the
46 department shall suspend, deny, revoke, or refuse to renew the
47 license or certificate of approval of a facility, as applicable.

12. (New section) In the case of a facility established prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the commissioner shall require each administrator, representative payee, or owner of the physical plant of a facility to submit to the department a request for a criminal history record background check within 60 days of the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) for processing by the Division of State Police and the Federal Bureau of Investigation.

13. (New section) a. A person shall be disqualified from securing or maintaining a license or certificate of approval, as applicable, of a facility if the criminal history record background check of the person who is the owner of the physical plant of the facility or a person who seeks and is subsequently employed or is currently employed as an administrator or representative payee reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(c) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or

(d) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10.

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no person shall be disqualified pursuant to this section on the basis of any conviction disclosed by a criminal history record background check performed pursuant to P.L. , c. (C.)(pending before the Legislature as this bill) if the person has affirmatively demonstrated to the commissioner clear and convincing evidence of the person's rehabilitation. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;

- 1 (2) the nature and seriousness of the offense;
- 2 (3) the circumstances under which the offense occurred;
- 3 (4) the date of the offense;
- 4 (5) the age of the person when the offense was committed;
- 5 (6) whether the offense was an isolated or repeated incident;
- 6 (7) any social conditions which may have contributed to the
- 7 offense; and
- 8 (8) any evidence of rehabilitation, including good conduct in
- 9 prison or in the community, counseling or psychiatric treatment
- 10 received, acquisition of additional academic or vocational
- 11 schooling, successful participation in correctional work-release
- 12 programs, or the recommendation of those who have had the person
- 13 under their supervision.

14

15 14. (New section) a. A person who is required to undergo a

16 criminal history record background check pursuant to sections 10

17 through 13 of P.L. , c. (C.) (pending before the Legislature

18 as this bill) shall submit to the commissioner that person's name,

19 address, and fingerprints. The commissioner is authorized to

20 exchange fingerprint data with and receive criminal history record

21 information from the Federal Bureau of Investigation and the

22 Division of State Police in the Department of Law and Public

23 Safety for use in making the determinations required by P.L. , c.

24 (C.) (pending before the legislature as this bill).

25 b. Upon receipt of the criminal history record information for a

26 person from the Federal Bureau of Investigation or the Division of

27 State Police, the commissioner shall immediately notify, in writing:

28 (1) the person and the person's employer, as applicable, or the

29 person's prospective employer, if known, of the person's

30 qualification or disqualification for employment as an administrator

31 or payee representative. If the person is disqualified, the conviction

32 or convictions which constitute the basis for the disqualification

33 shall be identified in the notice to the person, but shall not be

34 identified in the notice to the person's employer or prospective

35 employer; or, as applicable,

36 (2) the person who is the owner of the physical plant and the

37 facility which is located on the property of the owner, of a person's

38 qualification or disqualification for securing or maintaining a

39 license pursuant to P.L.1975, c.305 (C.26:2B-7 et seq.) or

40 certificate of approval pursuant to P.L.1970, c.334 (C.26:2G-21 et

41 seq.). The owner shall be notified of the conviction or convictions

42 which constitute the results of the owner's criminal history record

43 background check. If the results reveal that a person would be

44 disqualified from securing or maintaining a license or certificate of

45 approval, the crimes and offenses shall be identified in the notice to

46 the owner, but shall not be identified in the notice to the facility

47 which is located on the property of the owner.

1 c. The person who is the subject of the background check shall
2 have 30 days from the date of the written notice of disqualification
3 to petition the commissioner for a hearing on the accuracy of the
4 person's criminal history record information or to establish the
5 person's rehabilitation under subsection b. of section 13 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill). The
7 commissioner shall notify the person's employer or prospective
8 employer or the person securing or maintaining a license or
9 certificate of approval, as applicable, of the person's petition for a
10 hearing within five days following the receipt of the petition from
11 the person. Upon the issuance of a final decision upon a petition to
12 the commissioner pursuant to this subsection, the commissioner
13 shall notify the person and the person's employer or prospective
14 employer or the owner of the physical plant and the person securing
15 or maintaining a license or certificate of approval, as applicable, as
16 to whether the person remains disqualified for employment or
17 whether a person securing or maintaining a license or certificate of
18 approval remains disqualified under P.L. , c. (C.) (pending
19 before the Legislature as this bill).

20 d. (1) A facility that has received an employment application
21 from a person who is seeking employment as an administrator or
22 representative payee or that currently employs an administrator or
23 representative payee, and:

24 (a) receives notice from the commissioner that the prospective
25 or current administrator or representative payee has been
26 determined by the commissioner to be disqualified to be an
27 administrator or representative payee; or

28 (b) terminates its employment of an administrator or
29 representative payee because the person was disqualified from
30 employment as an administrator or representative payee on the basis
31 of a conviction of a crime or offense as described in section 13 of
32 P.L. , c. (C.) (pending before the Legislature as this bill);
33 shall be immune from liability for disclosing that disqualification or
34 termination in good faith to another facility that may employ that
35 person as an administrator or representative payee.
36

37 15. (New section) A person who undergoes a criminal history
38 record background check pursuant to sections 10 through 14 of
39 P.L. , c. (C.) (pending before the Legislature as this bill)
40 shall assume the cost of the criminal history record background
41 check conducted pursuant to P.L. , c. (C.) (pending before
42 the Legislature as this bill).
43

44 16. (New section) a. The Commissioner of Human Services is
45 authorized to exchange fingerprint data with, and to receive
46 information from, the Division of State Police in the Department of
47 Law and Public Safety and the Federal Bureau of Investigation, in

1 accordance with the provisions of sections 10 through 14 of
2 P.L. , c. (C.) (pending before the Legislature as this bill).
3 b. The Division of State Police shall promptly notify the
4 Department of Human Services in the event a person who was the
5 subject of a criminal history record background check conducted
6 pursuant to subsection a. of this section, is convicted of a crime or
7 offense in this State after the date the background check was
8 performed. Upon receipt of such notification, the department shall
9 make a determination regarding the employment of the
10 administrator or representative payee, or the maintenance of a
11 license or certificate of approval, as applicable, of a facility
12 pursuant to sections 10 through 14 of P.L. , c. (C.) (pending
13 before the Legislature as this bill).
14
15 17. (New section) a. The Division of Mental Health and
16 Addiction Services in the Department of Human Services shall
17 oversee the development and maintenance of a registry, which shall
18 collect and track the information received pursuant to subsection e.
19 of this section about the number of openings available for persons
20 seeking residency in each facility licensed pursuant to P.L.1975,
21 c.305 (C.26:2B-7 et seq.) and each narcotic and drug abuse
22 treatment center issued a certificate of approval pursuant to
23 P.L.1970, c.334 (C.26:2G-21 et seq.) in the State.
24 b. The information maintained in the registry shall include, by
25 county:
26 (1) the name, address and telephone number of the facility or
27 center;
28 (2) the type of services provided by the facility or center;
29 (3) the maximum occupancy of the facility or center; and
30 (4) the number of openings available for persons seeking
31 residency, based on the information received pursuant to subsection
32 e. of this section.
33 c. The information described in subsection b. of this section
34 shall be:
35 (1) prominently displayed on the website of the department and
36 provide for a search by county or the name of the facility or center;
37 (2) made available to the public, upon request, through the
38 addictions telephone hotline and the Statewide 2-1-1 telephone
39 system; and
40 (3) made available using any other means that the
41 Commissioner of Human Services deems appropriate.
42 d. The commissioner is authorized to solicit, receive, and
43 accept grants, funds, or anything of value from any public or private
44 entity and receive and accept contributions of money, property,
45 labor, or any other thing of value from any legitimate source for the
46 purpose of the development and maintenance of a registry pursuant
47 to this section.

1 e. Each facility licensed pursuant to P.L.1975, c.305 (C.26:2B-
2 7 et seq.) and each narcotic and drug abuse treatment center issued a
3 certificate of approval pursuant to P.L.1970, c.334 (C.26:2G-21 et
4 seq.) shall submit to the registry developed and maintained pursuant
5 to this section, no less than once a day, information advising of the
6 number of openings that are available in the facility or center on
7 that day.

8
9 18. The Commissioner of Human Services shall, in accordance
10 with the "Administrative Procedure Act," P.L.1968, c.410
11 (C.52:14B-1 et seq.), adopt any rules and regulations as the
12 commissioner deems necessary to carry out the provisions of this
13 act.

14
15 19. This act shall take effect on the first day of the seventh
16 month next following the date of enactment, except the
17 Commissioner of Human Services may take any anticipatory
18 administrative action in advance as shall be necessary for the
19 implementation of this act.

20
21
22 STATEMENT

23
24
25 This bill would amend the State's substance abuse treatment
26 laws in relation to the regulation of sober living homes and halfway
27 houses. In particular, the bill would expressly clarify that the
28 existing statutory authority of the Department of Human Services
29 (DHS) to license and regulate residential substance abuse facilities,
30 pursuant to the provisions of P.L.1975, c.305 (C.26:2B-7 et seq.)
31 which concerns alcohol and P.L.1970, c.334 (C.26:2G-21 et seq.)
32 which concerns narcotic drugs, includes the authority to license and
33 regulate residential substance abuse aftercare facilities such as
34 transitional sober living homes and halfway houses.

35 The bill also provides for criminal history record background
36 checks of a person employed or seeking employment as an
37 administrator of these residential substance abuse facilities, or as a
38 representative payee who receives government benefits on behalf of
39 an individual residing in a facility. The background checks are also
40 to be conducted on a person who is the owner of the physical plant
41 on which a facility is located. A person would be disqualified from
42 securing or maintaining a license pursuant to P.L.1975, c.305
43 (C.26:2B-7 et seq.) or certificate of approval pursuant to P.L.1970,
44 c.334 (C.26:2G-21 et seq.), if the criminal history record
45 background check of the person who is the owner of the physical
46 plant of the facility or a person employed as an administrator or
47 representative payee at the facility reveals a record of conviction of
48 the crimes or offenses enumerated in the bill.

1 If a person refuses to consent to, or cooperate in, securing a
2 criminal history record background check, DHS is to suspend, deny,
3 revoke, or refuse to renew the license or certificate of approval of
4 the facility. The criminal history record background checks are to
5 be processed by the Division of State Police and the Federal Bureau
6 of Investigation, and the person who undergoes the background
7 check is to assume the cost of the background check.

8 The bill also provides that the facilities are not to remove a
9 resident from a facility until at least one week following the date of
10 delivery by the facility to the resident of a written notice advising
11 that the resident is to be removed. However, this provision would
12 not apply if the resident poses an immediate and serious threat to
13 other residents or the facility. DHS is also required to conduct
14 inspections every two weeks if there is an investigation for a
15 violation of the laws and regulations governing these facilities or
16 under any other authority.

17 Additionally, the Division of Mental Health and Addiction
18 Services in DHS is to oversee the development and maintenance of
19 a registry to collect and track information about the number of
20 openings available for persons seeking residency in these facilities.
21 The facilities are required to submit to the registry, no less than
22 once a day, information as to the number of openings that are
23 available on that day. The registry would contain, by county, the
24 following information: the name, address and telephone number of
25 the facility; the type of services provided; the maximum occupancy;
26 and the number of openings available. The registry would: be
27 prominently displayed on the DHS website; provide for a search by
28 county or name; be made available to the public, upon request,
29 through the addictions telephone hotline and the Statewide 2-1-1
30 telephone system; and also be made available using any other
31 means that the Commissioner of Human Services deems
32 appropriate.

33 Lastly, the bill would update the language used in this area of
34 law, in order to ensure grammatical correctness, maintain
35 consistency with current rules of statutory drafting, and correctly
36 reference the Division of Mental Health and Addiction Services in
37 DHS, which is the agency and division currently responsible for the
38 regulation of substance abuse treatment facilities.