

[First Reprint]

## ASSEMBLY, No. 2270

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

### SYNOPSIS

Requires DCA to approve credentialing entity to develop and administer voluntary recovery residence certification program.

### CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on February 3, 2020, with amendments.



(Sponsorship Updated As Of: 2/3/2020)

1 AN ACT concerning the voluntary certification of recovery  
 2 residences, and supplementing Title <sup>1</sup>[26] 55<sup>1</sup> of the Revised  
 3 Statutes.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 1. As used in this act:

9 “Certificate of compliance” means a certificate<sup>1</sup>[, which is]<sup>1</sup>  
 10 issued by the credentialing entity to a recovery residence, <sup>1</sup>[and]<sup>1</sup>  
 11 which affirms that the recovery residence is in compliance with all  
 12 requirements necessary for certification<sup>1</sup>[,]<sup>1</sup> and is authorized to  
 13 hold itself out to the public as a certified recovery residence.

14 “Certified recovery residence” means a recovery residence that  
 15 holds a valid certificate of compliance issued pursuant to this act.

16 “Certified recovery residence administrator” means a recovery  
 17 residence administrator who holds a valid professional certification  
 18 issued pursuant to this act.

19 “Credentialing entity” means a nonprofit organization, operating  
 20 in New Jersey, which develops and administers professional  
 21 certification programs, and which is approved by the department to  
 22 develop and administer a recovery residence certification program  
 23 in this State, in accordance with the provisions of this act.

24 “Department” means the Department of Community Affairs.

25 “Peer-managed facility” means a recovery residence that is not  
 26 directly managed, on a day-to-day basis, by a recovery residence  
 27 administrator, but which, instead, is self-managed, on a cooperative  
 28 basis, by the residents in recovery who are renting rooms at the  
 29 facility.

30 “Professional certification” means a certificate that is issued by  
 31 the credentialing entity to a recovery residence administrator, and  
 32 which affirms that the administrator is in compliance with all  
 33 applicable professional certification requirements<sup>1</sup>[,]<sup>1</sup> and has been  
 34 deemed <sup>1</sup>[to be]<sup>1</sup> capable of managing a certified recovery  
 35 residence.

36 “Professionally-managed facility” means a recovery residence  
 37 that is directly managed by a recovery residence administrator<sup>1</sup>[,]<sup>1</sup>  
 38 and is not a peer-managed facility.

39 “Recovery residence” means housing with a home-like  
 40 atmosphere, which is available in either a professionally-managed  
 41 facility or a peer-managed facility, and which provides a sober  
 42 living environment and alcohol and drug free living  
 43 accommodations to individuals with substance use disorders, or to  
 44 individuals with co-occurring mental health and substance use

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHU committee amendments adopted February 3, 2020.

1 disorders, but which does not provide clinical treatment services for  
2 mental health or substance use disorders. “Recovery residence”  
3 includes, but is not limited to, a facility that is commonly referred  
4 to as a sober living home.

5 “Recovery residence administrator” means the owner or operator  
6 of a recovery residence, who is responsible for the overall  
7 management of the recovery residence, including, but not limited  
8 to, the supervision of residents and staff<sup>1</sup>; **1.**<sup>1</sup> and who does not  
9 reside in the recovery residence. “Recovery residence  
10 administrator” does not include the owner or operator of a recovery  
11 residence who manages the recovery residence while residing  
12 therein.

13 “Recovery residence certification program” means the program  
14 established by the credentialing entity, pursuant to section 2 of this  
15 act, which provides for the voluntary certification of recovery  
16 residences and the professional certification of recovery residence  
17 administrators.

18 “Refer” means to inform a current or discharged patient, by any  
19 means or method, about the name, address, or other details of a  
20 recovery residence.

21 “Substance use disorder” means a maladaptive pattern of alcohol  
22 or drug use that leads to clinically significant impairment or  
23 distress. “Substance use disorder” includes drug or alcohol abuse  
24 or drug or alcohol dependency, as confirmed by a clinical screening  
25 and assessment instrument.

26  
27 2. a. (1) Within 120 days after the enactment of this act, the  
28 department shall approve a credentialing entity to develop and  
29 administer a recovery residence certification program in the State.  
30 The recovery residence certification program shall be developed in  
31 accordance with the provisions of this section; shall be consistent  
32 with applicable standards adopted by the National Alliance for  
33 Recovery Residences (NARR); and shall become operational within  
34 180 days after the credentialing entity is approved by the  
35 department pursuant to this subsection.

36 (2) Using a portion of the moneys annually appropriated to the  
37 department for its purposes, the department shall provide  
38 appropriate funds to the credentialing entity, on an annual basis, to  
39 enable the credentialing entity to fulfill its duties and  
40 responsibilities under this section.

41 b. In developing and implementing a recovery residence  
42 certification program, the credentialing entity shall:

43 (1) establish requirements for the voluntary certification of  
44 recovery residences and the annual recertification of certified  
45 recovery residences;

46 (2) establish requirements for the voluntary professional  
47 certification of recovery residence administrators and the annual  
48 recertification of certified recovery residence administrators;

- 1 (3) establish criminal background check requirements for the  
2 administrators and employees of professionally-managed facilities,  
3 as deemed by the credentialing entity to be necessary;
- 4 (4) administer all aspects of the recovery residence certification  
5 program, and establish procedures as necessary to facilitate the  
6 application, certification, and annual recertification processes used  
7 in the program;
- 8 (5) engage in the on-site pre-certification inspection of recovery  
9 residences that apply for a certificate of compliance;
- 10 (6) issue a certificate of compliance to any recovery residence,  
11 upon application therefor; provided that the recovery residence is in  
12 compliance with the provisions of subsection d. of this section, has  
13 satisfactorily passed an on-site pre-certification inspection  
14 conducted pursuant to paragraph (5) of this subsection, and satisfies  
15 all additional requirements, established by the credentialing entity  
16 under paragraph (1) of this subsection, which are necessary for  
17 certification;
- 18 (7) issue a professional certification to any recovery residence  
19 administrator, upon application therefor; provided that the  
20 administrator satisfies all requirements, established by the  
21 credentialing entity under paragraph (2) of this subsection, which  
22 are necessary for professional certification;
- 23 (8) establish procedures and protocols for the regular monitoring  
24 and inspection of certified recovery residences, which procedures  
25 and protocols shall, at a minimum, require the credentialing entity  
26 to conduct at least one unannounced on-site inspection of each  
27 certified recovery residence<sup>1</sup> as a condition of annual  
28 recertification; and
- 29 (9) establish an Internet website to provide information to the  
30 public about the recovery residence certification program.
- 31 c. (1) Within 180 days after the recovery residence  
32 certification program becomes operational, the credentialing entity  
33 shall publish, on the website established pursuant to paragraph (9)  
34 of subsection b. of this section, a list that provides contact  
35 information for all of the recovery residences that have been issued  
36 a certificate of compliance in accordance with program  
37 requirements. Immediately after the publication of the list, the  
38 credentialing entity shall notify the department that the list is  
39 publicly available.
- 40 (2) The list of certified recovery residences that is published  
41 pursuant to this subsection shall not include the <sup>1</sup>names name<sup>1</sup> or  
42 contact information of any individual <sup>1</sup>residents resident<sup>1</sup> of a  
43 recovery residence, but shall, instead, provide contact information  
44 only for the residence<sup>1</sup>, itself, <sup>1</sup>or for the owner of the residence,  
45 as deemed appropriate by the credentialing entity. At no point shall  
46 the credentialing entity disclose any personally identifying  
47 information about the residents of a recovery residence.

1 (3) The credentialing entity shall regularly update the list of  
2 certified recovery residences that is published pursuant to this  
3 subsection in order to ensure that the list reflects the most up-to-  
4 date certification information and omits reference to recovery  
5 residences that have lost their certification.

6 d. A recovery residence shall not be eligible to obtain a  
7 certificate of compliance under this section unless it is managed by  
8 a certified recovery residence administrator or is a peer-managed  
9 facility. A recovery residence that is professionally managed by an  
10 uncertified recovery residence administrator shall remain ineligible  
11 to obtain a certificate of compliance until such time as the recovery  
12 residence administrator obtains professional certification pursuant  
13 to this act. For the purposes of expediency, the credentialing entity  
14 may consider an application for the professional certification of a  
15 recovery residence administrator at the same time as it is  
16 considering an application for certification of the recovery  
17 residence.

18 e. A certificate of compliance issued to a recovery residence,  
19 and a professional certification issued to a recovery residence  
20 administrator, shall each be valid for one year from the date of  
21 issuance.

22 f. (1) The credentialing entity may suspend, revoke, or refuse  
23 to renew the certificate of compliance issued to a certified recovery  
24 residence if the credentialing entity finds that the certified recovery  
25 residence is not in compliance with the requirements established by  
26 the credentialing entity under paragraph (1) of subsection b. of this  
27 section<sup>1</sup> or <sup>1</sup>if the credentialing entity determines that the  
28 certified recovery residence<sup>1</sup> is no longer in compliance with the  
29 requirements of subsection d. of this section.

30 (2) The credentialing entity may suspend, revoke, or refuse to  
31 renew the professional certification issued to a certified recovery  
32 residence administrator if the credentialing entity finds that the  
33 certified recovery residence administrator is not in compliance with  
34 the requirements established by the credentialing entity under  
35 paragraph (2) of subsection b. of this section.

36  
37 3. a. The department shall update its Internet website to reflect  
38 the department's approval of a credentialing entity pursuant to this  
39 act. The department's website shall identify the name and contact  
40 information of the credentialing entity, and shall include a hyperlink  
41 to the credentialing entity's Internet website, established in  
42 accordance with paragraph (9) of subsection b. of section 2 of this  
43 act.

44 b. Within 10 days after the department receives notice from the  
45 credentialing entity, pursuant to subsection c. of section 2 of this  
46 act, indicating that a list of certified recovery residences is available  
47 on the credentialing entity's website, the department shall take  
48 appropriate action to notify all health care practitioners and

1 substance use disorder treatment providers in the State about the  
2 availability of the list<sup>1[L,]1</sup> and the provisions of subsection c. of  
3 this section.

4 c. (1) After receiving notice, pursuant to subsection b. of this  
5 section, regarding the credentialing entity's publication of a list of  
6 certified recovery residences, a health care practitioner or substance  
7 use disorder treatment provider in this State shall be prohibited  
8 from referring a current or discharged patient to a recovery  
9 residence<sup>1[L,]1</sup> unless: (a) the recovery residence is included in the  
10 list of certified recovery residences that appears on the credentialing  
11 entity's website; or (b) the recovery residence is owned or operated  
12 by a licensed or certified substance use disorder treatment provider,  
13 or by a wholly owned subsidiary thereof, regardless of whether the  
14 recovery residence is listed as a certified recovery residence on the  
15 credentialing entity's website.

16 (2) Nothing in this subsection shall be deemed to require a  
17 health care practitioner or substance use disorder treatment provider  
18 to refer any patient to a recovery residence.

19  
20 4. a. A recovery residence administrator or other recovery  
21 residence employee or volunteer shall not advertise, represent, or  
22 imply to the public that the recovery residence is a certified  
23 recovery residence<sup>1[L,]1</sup> unless the recovery residence has obtained  
24 a certificate of compliance pursuant to this act.

25 b. A recovery residence administrator or other recovery  
26 residence employee or volunteer shall not advertise, represent, or  
27 imply to the public that the administrator is a certified recovery  
28 residence administrator<sup>1[L,]1</sup> unless the administrator has obtained  
29 professional certification pursuant to this act.

30 c. A person who violates the provisions of this section shall be  
31 subject to a civil penalty of up to \$1,000 for each offense. In  
32 determining the amount of the civil penalty to be imposed pursuant  
33 to this subsection, the department shall consider the nature, number,  
34 and seriousness of the violations, as well as the ability of the  
35 violator to pay the penalty, and any other factors determined to be  
36 relevant.

37 d. A civil penalty imposed pursuant to this section may be  
38 collected, with costs, in a summary proceeding initiated by the  
39 department pursuant to the "Penalty Enforcement Act of 1999,"  
40 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the  
41 municipal court shall have jurisdiction to enforce the "Penalty  
42 Enforcement Act of 1999" in connection with this act.

43  
44 5. a. A recovery residence, whether or not it holds a certificate  
45 of compliance issued pursuant to this act, shall not be considered to  
46 be a health care facility within the meaning of the "Health Care  
47 Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.), and

1 shall be exempt from the provisions of P.L.1971, c.136 (C.26:2H-1  
2 et seq.) and the rules and regulations adopted pursuant thereto.

3 b. A recovery residence, whether or not it holds a certificate of  
4 compliance issued pursuant to this act, shall not be considered to be  
5 a substance use disorder treatment facility, and shall be exempt  
6 from the provisions of P.L.1970, c.334 (C.26:2G-21 et seq.),  
7 P.L.1975, c.305 (C.26:2B-7 et seq.), and the rules and regulations  
8 adopted pursuant thereto.

9 c. A recovery residence that holds a valid certificate of  
10 compliance, issued pursuant to this act, shall not be considered to  
11 be a rooming or boarding house, and shall be exempt from the  
12 provisions of the "Rooming and Boarding House Act of 1979,"  
13 P.L.1979, c.496 (C.55:13B-1 et seq.) and any rules and regulations  
14 adopted pursuant thereto. In addition, a certified recovery residence  
15 shall be exempt from any rules and regulations governing the  
16 operation or certification of recovery residences or sober living  
17 homes, which rules and regulations were adopted by the  
18 Department of Community Affairs, the Department of Health, or the  
19 Department of Human Services prior to the effective date of this  
20 act. This act shall supersede all other pre-existing rules and  
21 regulations on this issue.

22

23 6. This act shall take effect immediately.