

[First Reprint]
SENATE, No. 962

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

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District 6 (Burlington and Camden)

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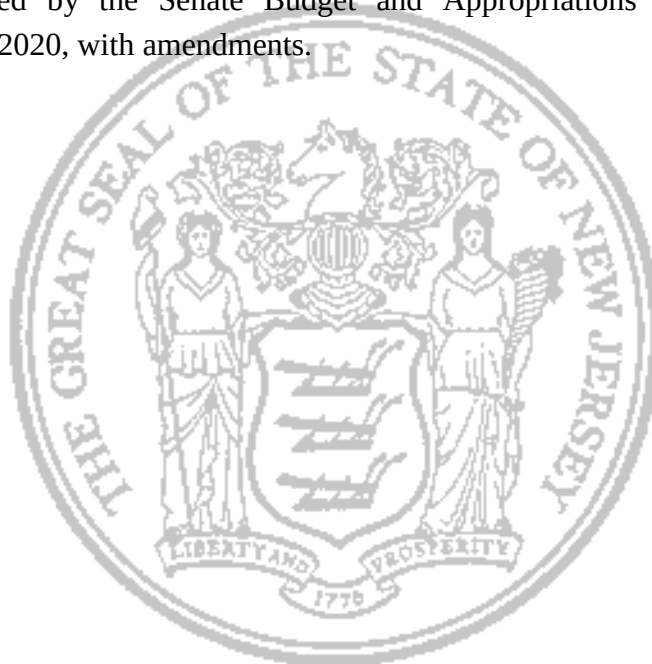
Senator O'Scanlon

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on February 13, 2020, with amendments.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning the voluntary certification of recovery
 2 residences, and supplementing Title ¹**[26]** 55¹ 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 certificate¹**[**, which is¹**]**
 10 issued by the credentialing entity to a recovery residence, ¹**[and]**¹
 11 which affirms that the recovery residence is in compliance with all
 12 requirements necessary for certification¹**[,]**¹ 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 requirements¹**[,]**¹ and has been
 34 deemed ¹**[to be]**¹ 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 administrator¹**[,]**¹
 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:

¹Senate SBA committee amendments adopted February 13, 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 staff¹; **1.1** 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 ¹ **[.]** ¹ 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 ¹ **[names]** name ¹ or
42 contact information of any individual ¹ **[residents]** resident ¹ of a
43 recovery residence, but shall, instead, provide contact information
44 only for the residence ¹ **[, itself,]** ¹ 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 section¹ or ¹, if the credentialing entity determines that the
28 certified recovery residence¹ 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
38 reflect the department's approval of a credentialing entity pursuant
39 to this act. The department's website shall identify the name and
40 contact information of the credentialing entity, and shall include a
41 hyperlink to the credentialing entity's Internet website, established
42 in accordance with paragraph (9) of subsection b. of section 2 of
43 this 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 and the provisions of subsection c. of this
3 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 residence¹ 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 residence¹ 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 administrator¹ 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.