

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

ASSEMBLY BILL**No. 1779****Introduced by Assembly Member Daly**

February 22, 2019

An act to add Chapter 14 (commencing with Section 11857) to Part 2 of Division 10.5 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1779, as introduced, Daly. Recovery residences.

Existing law provides for the licensure and regulation by the State Department of Health Care Services of adult alcoholism and drug abuse recovery and treatment facilities for adults. Existing law defines a facility for those purposes to mean a premise, place, or building that provides residential nonmedical services to adults who are recovering from drug or alcohol abuse or who need drug or alcohol recovery treatment or detoxification services.

This bill would establish, and require the department to adopt and implement, minimum standards for counties seeking to use state funding to offer recovery residences, as defined to refer to a residential property that is operated as a cooperative living arrangement to provide an alcohol- and drug-free environment for persons recovering from alcoholism or drug abuse. The bill would require a recovery residence to meet certain requirements in order to be recognized, registered, or certified as a recovery residence by an entity in this state, including a requirement that an applicant submit evidence demonstrating that opioid overdose reversal medication is readily available in case of an onsite opioid overdose emergency. The bill would also require those entities to deny an application for, or the recognition, registration, or certification

of, a recovery residence that fails to meet the minimum standards. The bill would generally prohibit state or county funding from being allocated to a recovery home that has not submitted evidence demonstrating that opioid overdose reversal medication is readily available in case of an onsite opioid overdose emergency.

The bill would require, on and after January 1, 2021, a state agency, state-contracted vendor, county agency, or county-contracted vendor, certified alcohol drug counselor, and person or entity licensed in the healing arts that directs substance use treatment, or a judge or parole board that sets terms and conditions for the release, parole, or discharge of a person from custody, if it requires that person to reside in a sober living environment, to refer a person to a certified recovery residence, if available, before referring that person to a recovery residence that is not certified. By imposing additional duties on local entities, the bill would impose a state-mandated local program.

The bill would require the department to report to the Legislature, on or before January 1, 2025, the number and types of complaints received by certifying entities and the department, the status of complaints received, and the geographic concentration of reported complaints, and to maintain on its internet website information regarding residences for which the certification was revoked. The bill would also include legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) (1) Substance use disorder is ranked in the top five clinically
- 4 preventable burdens on health care spending.
- 5 (2) The level of health care services used by substance use
- 6 disorder patients before receiving treatment is more than double

1 that of the general population. It has been shown that after 12
2 months of treatment of substance use disorders, the levels of health
3 care services received return to almost average.

4 (3) An estimated 4 to 5 years is necessary for persons
5 experiencing the chronic disease of addiction to reach a full,
6 sustained recovery, and the first 30 to 90 days after initial treatment
7 are the most critical for preventing relapse, making it imperative
8 that recovery residences be expanded as a means of reducing costs
9 associated with multiple treatment episodes.

10 (4) There are an estimated 3.5 million persons with diagnosable
11 substance use disorders in California and a limited number of
12 available recovery residences to effectively provide healthy living
13 environments for long-term recovery.

14 (5) The need for quality recovery residence housing will
15 continue to rise throughout the next decade.

16 (b) Therefore, it is the intent of the Legislature, in enacting this
17 act, to identify best practices for recovery residences so that all of
18 the following may occur:

19 (1) Access to legitimate recovery residence housing can be
20 expanded.

21 (2) Those currently living in recovery residences may see an
22 improved level of safety and a reduction in deaths due to opioid
23 abuse and overdose.

24 (3) Local governments can recognize quality recovery residences
25 for their valuable contributions to the continuum of care in
26 addiction treatment and recovery.

27 SEC. 2. Chapter 14 (commencing with Section 11857) is added
28 to Part 2 of Division 10.5 of the Health and Safety Code, to read:

29
30 CHAPTER 14. RECOVERY RESIDENCES

31
32 11857. (a) For purposes of this chapter, “recovery residence”
33 refers to a residential property that is operated as a cooperative
34 living arrangement to provide an alcohol- and drug-free
35 environment for persons recovering from alcoholism or drug abuse,
36 or both, who seek a living environment that supports personal
37 recovery.

38 (b) The department shall adopt the Best Practices for Operating
39 Recovery Housing (BPORH) that includes suggested minimum
40 standards for operating recovery housing, upon its distribution by

1 the United States Department of Health and Human Services as
2 the minimum requirements for counties seeking to offer recovery
3 housing using state funding. Until the BPORH is distributed, the
4 department shall adopt the most recent standards approved by the
5 National Alliance for Recovery Residences (NARR) as the
6 minimum standard for receiving state funding for recovery
7 residence housing. A residence that is certified by an organization
8 that is currently a recognized affiliate of NARR and has adopted
9 the standards approved by NARR, and subsequently the standards
10 identified by the BPORH, shall be presumed to have met the
11 minimum requirement for best practices.

12 11857.01. An entity in this state that recognizes, registers, or
13 certifies a recovery residence shall do all of the following:

14 (a) Require an applicant for registration or certification of a
15 recovery residence to submit evidence demonstrating that opioid
16 overdose reversal medication is readily available in case of an
17 onsite opioid overdose emergency.

18 (b) Require that the owner, operator, or responsible resident
19 complete a minimum of 10 hours per year of recovery residence
20 training, which shall include, at a minimum, the subjects of ethics,
21 health and safety topics related to addiction recovery and
22 maintenance, and emergency planning procedures.

23 (c) Require the recovery residence to maintain the most current
24 standards published by NARR, until the BPORH is distributed.

25 (d) Require the recovery residence to maintain the standards of
26 the BPORH within six months of its initial distribution.

27 11857.02. An application for, or the recognition, registration,
28 or certification of, a recovery residence shall be denied or revoked
29 by the entity described in Section 11857.01 under any of the
30 following circumstances:

31 (a) If the residence owner or operator name in the application
32 is listed on the Department of Health and Human Services'
33 exclusions list pursuant to Sections 1128 and 1156 of the Social
34 Security Act (42 U.S.C. Section 1320a-7 and 42 U.S.C. Section
35 1320c-5).

36 (b) If an applicant has previously applied for a license to operate
37 a residential alcoholism or drug abuse recovery or treatment
38 facility, or certified alcoholism or drug abuse recovery or treatment
39 program, or previously held a license to operate a residential
40 alcoholism or drug abuse recovery or treatment facility, and that

1 application was denied or the previous license was revoked,
2 suspended, terminated, surrendered, forfeited, or otherwise subject
3 to disciplinary or administrative action by the department, including
4 the imposition of civil penalties, when the department determines
5 recognition, registration, or certification would be inconsistent
6 with the ethical and safety standards required for that status.

7 (c) If the residence is not operating in compliance with NARR
8 or BPORH requirements or applicable state or federal laws. If this
9 subdivision applies, the entity shall notify the department.

10 11857.03. A city, county, city and county, or local law
11 enforcement entity that has documented evidence that a recovery
12 residence is not operating in compliance with NARR or BPORH
13 standards to an extent that resident or community safety is being
14 impacted, in a manner that suggests fraudulent activity is occurring,
15 or in a manner that would require licensure as a residential
16 treatment facility, may report these findings to the department and
17 to an entity described in Section 11857.01. The department or a
18 city, county, or city and county, or local law enforcement, may
19 require that the residence obtain recognition, registration,
20 certification, or licensure, as applicable, as a recovery residence
21 or treatment facility within 90 days of being notified of that
22 deficiency by the department or an entity described in Section
23 11857.01 in order to ensure that residents of the facility retain any
24 protections afforded to them pursuant to state or federal laws or
25 regulations relating to disability or housing designed to protect
26 persons recovering from addiction. If the recovery residence is
27 providing treatment for addiction, the recovery residence shall
28 cease providing services that may be provided only pursuant to a
29 valid license until the appropriate license has been issued.

30 11857.04. The department shall maintain and post on its
31 internet website a registry containing the following information:

32 (a) The street address of each recovery residence that has had
33 its recognition, registration, or certification revoked, or whose
34 application was denied, by an entity described in Section 11857.01
35 in California.

36 (b) The name of each operator of a recovery residence that has
37 had its recognition, registration, or certification revoked, or whose
38 application has been denied, by an entity described in Section
39 11857.01 in California.

1 (c) A city, county, or city and county may reject a claim by a
2 recovery residence for protection under state and federal disability
3 and housing laws and regulations meant for persons recovering
4 from addiction if the residence is on the department's revocation
5 registry.

6 11857.05. (a) Notwithstanding any other law, on and after
7 January 1, 2021, a state agency, state contracted vendor, county
8 agency, county contracted vendor, licensed or certified alcohol
9 drug treatment program, certified alcohol drug counselor, or a
10 person or entity licensed in the healing arts pursuant to Division
11 2 (commencing with Section 500) of the Business and Professions
12 Code that directs substance use treatment, shall refer a person to
13 a certified recovery residence, if available, before referring that
14 person to a recovery residence that is not certified.

15 (b) A judge or parole board that sets terms and conditions for
16 the release, parole, or discharge of a person from custody, if it
17 requires a person to reside in a sober living environment, shall
18 refer a person to a certified recovery residence, if available, before
19 referring that person to a recovery residence that is not certified,
20 so that proper rehabilitation in accordance with the terms and
21 conditions of the court's orders or terms of release as applicable,
22 pursuant to subdivision (a) of Section 1170 of the Penal Code,
23 may be accomplished.

24 11857.06. State or county funding shall not be allocated to a
25 recovery home that has not submitted evidence demonstrating that
26 opioid overdose reversal medication is readily available in case of
27 an onsite opioid overdose emergency, except as otherwise provided
28 by federal law.

29 11857.07. (a) This chapter does not prohibit a county
30 contracting authority from requiring quality and performance
31 standards that are similar to, or that exceed, the standards described
32 in this chapter, when contracting for recovery residence or sober
33 living services.

34 (b) An entity may enter into a memorandum of understanding
35 with a county for the purposes of determining if the county's
36 requirements meet or exceed the minimum requirements of the
37 entity. A memorandum of understanding may include the granting
38 of reciprocity based upon the requirements of the county contract.

39 11857.08 (a) The department shall report to the Legislature
40 on or before January 1, 2025, the number and types of complaints

1 received by entities and the department pursuant to Section
2 11857.03, the status of complaints received, and the geographic
3 concentration of reported complaints.
4 (b) The report submitted pursuant to subdivision (a) shall be
5 submitted in compliance with Section 9795 of the Government
6 Code.
7 SEC. 3. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

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