

AMENDED IN ASSEMBLY MARCH 12, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2214

Introduced by Assembly Members Rodriguez and Melendez
(Coauthors: Assembly Members ~~Gallagher and Gray~~ Acosta,
***Gallagher, Gray, Lackey, and Nazarian*)**
(Coauthor: Senator Bates)

February 12, 2018

An act to add Section 11834.19 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2214, as amended, Rodriguez. ~~Drug and alcohol free~~ *Recovery* residences.

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services. Existing law also 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.

This bill would, among other things, define a ~~“drug and alcohol free~~ *“recovery residence”* as 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, or both, who seek a living environment that supports personal recovery. The bill would authorize a ~~drug and alcohol free~~ *recovery* residence to demonstrate its commitment to providing a supportive recovery environment by applying and becoming certified by a certifying organization that is approved by the State Department of Health Care Services. The bill would require an approved certifying organization

to, among other things, maintain an affiliation with a national organization recognized by the department, establish and use procedures to administer the application, certification, renewal, and disciplinary processes for a ~~drug and alcohol free~~ *recovery* residence, and investigate and enforce violations by a residence of the organization's code of conduct, as provided. The bill would specify the information and documentation that an operator who seeks to have a residence certified is required to submit to an approved certifying organization.

This bill would require an approved certifying organization to maintain and post on its Internet Web site a registry containing specified information of a residence that has been certified pursuant to these provisions, and would require the department to maintain and post on its Internet Web site a registry that contains specified information regarding each residence and operator that has had its certification revoked.

This bill would require, on and after January 1, 2020, specified entities, including 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 first refer that person to a residence listed as a certified ~~drug and alcohol free~~ *recovery* residence on a registry posted by an approved certifying organization, if available. The bill would authorize those entities to refer persons to noncertified recovery residences, if they determine it is in the best interests of those persons, and, in that case, to notify available certifying organizations of their decision. By imposing additional duties on local governments, this bill would create a state-mandated local program.

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:

SECTION 1. The Legislature finds and declares all of the following:

(a) (1) Substance use disorder is ranked in the top five clinically preventable burdens on health care spending.

(2) The level of health care services used by ~~addicts~~ *substance use disorder patients* before receiving treatment is more than double that of nonaddicts. It has been shown that after 12 months of treatment of substance use disorders, the levels of health care services used return to almost average.

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

~~(3)~~
(4) There are an estimated 3.5 million persons with diagnosable substance use disorders in California and a limited number of available ~~drug and alcohol free~~ *recovery* residences to effectively ~~treat addiction in California.~~ *provide healthy living environments for long term recovery.*

~~(4) Substance use disorder can be treated in a cost-effective manner in its earliest stages in a private practice environment.~~

~~(5) The federal Patient Protection and Affordable Care Act (Public Law 111-148) mandates substance disorder treatment as an essential benefit.~~

~~(6)~~
(5) The need for ~~competent substance disorder treatment~~ *quality recovery residence housing* will continue to rise throughout the next decade.

(b) Therefore, it is the intent of the Legislature, in enacting this act, to establish ~~specialty certifications for proper substance use treatment~~ *a voluntary recovery residence certification program* so that all of the following may occur:

(1) Access to ~~substance use treatment services~~ *recovery residence housing* can be expanded.

(2) Those seeking ~~treatment~~ *recovery housing* for substance use disorders in California will find a coordinated system of care in

1 which “no wrong door” is found in response to accessing ~~this care.~~
2 *healthy environments to reside in where long term recovery can*
3 *be supported.*

4 (3) ~~Professional services~~ *Quality recovery residences* can be
5 recognized for their valuable contributions to the continuum of
6 care in addiction treatment and recovery.

7 SEC. 2. Section 11834.19 is added to the Health and Safety
8 Code, to read:

9 11834.19. (a) (1) For purposes of this section, ~~“drug and~~
10 ~~alcohol free~~ *“recovery residence”* means a residential property
11 that is operated as a cooperative living arrangement to provide an
12 alcohol and drug free environment for persons recovering from
13 alcoholism or drug abuse, or both, who seek a living environment
14 that supports personal recovery.

15 (2) A ~~drug and alcohol free~~ *recovery residence* may demonstrate
16 its commitment to providing a supportive recovery environment
17 by applying and becoming certified by an approved certifying
18 organization pursuant to subdivision (c).

19 (3) To use the designation “certified ~~drug and alcohol free~~
20 *recovery residence*” the cooperative living arrangement shall satisfy
21 all of the following requirements:

22 (A) Owners, managers, operators, and residents observe and
23 promote a zero tolerance policy regarding the consumption or
24 possession of alcohol or controlled substances or marijuana being
25 used in any manner not consistent with a documented prescription.

26 (B) Residents actively participate in community or individual
27 programs of recovery from substance use disorder, including, but
28 not limited to, Alcoholics Anonymous or Narcotics Anonymous
29 programs.

30 (C) Within the ~~drug and alcohol free~~ *recovery residence*, a
31 resident who has been referred to, and has access to, ongoing
32 outpatient treatment, aftercare, or other recovery maintenance
33 services commits to continue to use these services in accordance
34 with a clinically managed system of care, if one exists for the
35 resident.

36 (4) A residence that houses persons who are committed to
37 recovering from drug and alcohol addiction shall be presumed to
38 be a ~~drug and alcohol free~~ *recovery residence* if the residence has
39 been certified by an approved certifying organization.

1 (5) If a residence is certified pursuant to this section, the
2 activities at that residence shall be deemed a residential use of
3 property and a use of property by a single family, pursuant to
4 Article 2 (commencing with Section 11834.20).

5 (b) For purposes of this section, the following definitions apply:

6 (1) “Approved certifying organization” means an organization
7 approved by the department to certify a residence as a ~~drug and~~
8 ~~alcohol free~~ *recovery* residence pursuant to this section.

9 (2) “Approved national organization” means a national
10 organization, recognized by the department, the primary function
11 of which is to improve access to, and the quality of, ~~drug and~~
12 ~~alcohol~~ *recovery* residences through standards, education, research,
13 and advocacy.

14 (3) “Recovery specialist training” means training in recognizing
15 addiction, dependence, abuse of alcohol or other drugs, and other
16 symptoms that relate to substance use, and supporting recovery to
17 address that addiction, dependence, or use.

18 (c) An approved certifying organization shall do all of the
19 following:

20 (1) Maintain an office in the state.

21 (2) Maintain nonprofit status in the state.

22 (3) Be an affiliate of, and continuously maintain affiliation with,
23 the approved national organization recognized by the department.

24 (4) Maintain the most current standards published by the
25 approved national organization.

26 (5) Document that the organization actively develops and confers
27 professional, residential, or organizational quality designations
28 according to applicable nationally recognized standards.

29 (6) Demonstrate that it has and uses established ~~drug and alcohol~~
30 ~~free~~ *recovery* residence certification requirements.

31 (7) Demonstrate that it has and uses procedures to administer
32 the application, certification, renewal, and disciplinary processes
33 for a ~~drug and alcohol free~~ *recovery* residence.

34 (8) (A) Inspect, at least annually, a ~~drug and alcohol free~~
35 *recovery* residence to ensure compliance with certification
36 requirements.

37 (B) Conduct, at the discretion of the approved certifying
38 organization, periodic reviews of a residence to determine whether
39 the residence is in compliance with all applicable laws.

1 (C) Revoke the certification of a residence if the residence is
2 not operating in compliance with certification requirements or
3 applicable laws, and notify the department of the revocation.

4 (9) Submit to the department and the operator of a residence
5 that the organization certifies a written code of conduct for a ~~drug~~
6 ~~and alcohol free~~ *recovery* residence that incorporates national
7 standards for legal and ethical conduct for recovery residences.

8 (10) Submit to the department and the operator of a ~~drug and~~
9 ~~alcohol free~~ *recovery* residence disciplinary guidelines that include
10 sanctions for first and subsequent violations of the organization's
11 code of conduct, that allow the ~~drug and alcohol free~~ *recovery*
12 residence notice and opportunity to correct a violation, and that
13 require the approved certifying organization to revoke the
14 certification of the residence if the required corrective action is
15 not completed within the specified time period and to notify the
16 department of the revocation.

17 (11) Respond to and investigate suspected violations of the
18 organization's code of conduct.

19 (12) Require an operator who seeks to have a residence certified
20 to submit all of the following documents with the operator's
21 completed application and fee:

22 (A) Procedures and requirements for verifying that a resident
23 is not using alcohol or drugs in a manner not consistent with a
24 prescription or product labeling.

25 (B) A prohibition on the premises against alcohol, illegal drugs,
26 or the use of prescribed medications by an individual except as
27 prescribed by a physician and used in accordance with the
28 prescription.

29 (C) Policies to support a resident's recovery efforts.

30 (D) A good neighbor policy to address neighborhood concerns
31 and complaints.

32 (E) A policy for informing local government officials and
33 neighbors about the approved certification organization's complaint
34 procedures, the contact number of the operator of the residence,
35 and a contact number of at least one resident assigned with the
36 responsibility of mitigating a complaint.

37 (F) Rules for residents, copies of forms provided to residents,
38 relapse policy, fee and refund policies, and eviction procedures
39 and policies.

1 (G) Proof that the owner or operator of the residence has
2 completed a minimum of 10 hours of alcohol and drug free
3 program management education accepted by the approved
4 certifying organization.

5 (H) Proof that at least one resident or an onsite staff member
6 has completed or will complete a minimum of 10 hours of recovery
7 specialist training accepted by the approved certifying organization.
8 At least one resident or onsite staff member shall complete a
9 minimum of 10 hours of this training each year. Training shall
10 include, at a minimum, the subjects of ethics, health and safety
11 topics related to addiction recovery and maintenance, and
12 emergency planning procedures.

13 (13) Maintain and post on its Internet Web site a registry
14 containing the street address and the name and contact telephone
15 number of the operator of each residence that chooses to be listed
16 as a certified ~~drug and alcohol free~~ *recovery* residence pursuant to
17 this section.

18 (14) Make available to the department a nonpublic, confidential
19 Internet Web site registry containing the street address and the
20 name and contact telephone number of the operator of each
21 residence it has certified as a ~~drug and alcohol free~~ *recovery*
22 residence pursuant to this section.

23 (15) (A) Review the registry posted on the department's Internet
24 Web site pursuant to subdivision (i) to determine whether the
25 residence that the operator has applied to have certified has had a
26 previous certification revoked or the operator submitting the
27 application for certification has operated a residence for which a
28 previous certification has been revoked.

29 (B) Deny an application for certification if the residence address
30 or operator name in the application is listed on the registry and
31 satisfies the conditions described in subparagraph (A), and send
32 the applicant a written notice of denial of certification.

33 (C) Deny an application for certification if the residence owner
34 or operator name in the application is listed on the Office of the
35 Inspector General exclusions list under the authority of Sections
36 1128 and 1156 of the Social Security Act.

37 (16) Provide a public telephone number and email contact
38 specifically dedicated to certified recovery residence complaint
39 resolution whereby complaints shall be responded to within 24
40 hours, or the next business day for weekend complaints. Certifying

1 organization complaint telephone and email contact information
2 shall be provided to all cities, counties, or cities and counties ~~within~~
3 ~~five miles of in which~~ a certified ~~drug and alcohol free recovery~~
4 residence *is located* within 30 days of approval of that residence.

5 (d) The department shall adopt application procedures and
6 standards of approval for an organization that seeks to become an
7 approved certifying organization.

8 (e) The department shall adopt application procedures and
9 standards of approval for an organization that seeks to become an
10 approved national organization.

11 (f) (1) The department may conduct periodic reviews and
12 inspect the records of an approved certifying organization, as
13 necessary, to determine whether the organization is in compliance
14 with all applicable laws.

15 (2) The department may revoke approval of an approved
16 certifying organization if the organization does any of the
17 following:

18 (A) Ceases to be affiliated with the approved national
19 organization.

20 (B) Fails to perform any of the duties imposed by subdivision
21 (c).

22 (C) Refuses to comply with sanctions imposed by the
23 department.

24 (D) Discontinues certifying ~~drug and alcohol free recovery~~
25 residences.

26 (g) (1) The department may investigate complaints it receives
27 regarding a ~~drug and alcohol free recovery~~ residence independently
28 or in conjunction with the approved certifying organization.

29 (2) The department may require certifying organizations to
30 impose sanctions and commence disciplinary actions, including
31 revoking the certification of a residence as a ~~drug and alcohol free~~
32 *recovery* residence.

33 (3) The department may require revocation of certification if
34 an applicant has previously applied for a license to operate a
35 residential alcoholism or drug abuse recovery or treatment facility,
36 or certified alcoholism or drug abuse recovery or treatment
37 program, or previously held a license to operate a residential
38 alcoholism or drug abuse recovery or treatment facility, and that
39 application was denied or the previous license was revoked,
40 suspended, terminated, surrendered, forfeited, or otherwise had

1 disciplinary or administrative action taken against it by the
2 department, including imposition of civil penalties, that the
3 department determines would make its certification inconsistent
4 with ethical and safety standards required for certification.

5 (h) A city, county, city and county, or local law enforcement
6 agency that suspects that a ~~drug and alcohol~~ *recovery* residence is
7 not operating in compliance with the residence's code of conduct
8 may request the department to revoke the certification of that
9 residence.

10 (i) The department shall maintain and post on its Internet Web
11 site a registry containing the following information:

12 (1) The street address of each residence that has had its
13 certification revoked.

14 (2) The name of each operator of a residence that has had its
15 certification revoked.

16 (j) (1) Notwithstanding any other law, on and after January 1,
17 2020, a state agency, state contracted vendor, county agency,
18 county contracted vendor, licensed or certified alcohol drug
19 treatment program, certified alcohol drug counselor, or a person
20 or entity licensed in the healing arts pursuant to Division 2
21 (commencing with Section 500) of the Business and Professions
22 Code that directs substance use treatment, shall first, when referring
23 a person to a ~~drug and alcohol free~~ *recovery* residence as part of
24 its duties with regard to substance use treatment, refer that person
25 to a residence listed as a certified ~~drug and alcohol free~~ *recovery*
26 residence on a registry posted by an approved certifying
27 organization, if available.

28 (2) A judge or parole board that sets terms and conditions for
29 the release, parole, or discharge of a person from custody, if it
30 requires a person to reside in a sober living environment, shall
31 first, when referring a person to a ~~drug and alcohol free~~ *recovery*
32 residence as part of its duties with regard to substance use
33 treatment, refer that person to a residence listed as a certified ~~drug~~
34 ~~and alcohol free~~ *recovery* residence on a registry posted by an
35 approved certifying organization, if available, to guarantee proper
36 rehabilitation in accordance with the terms and conditions of the
37 court's orders or terms of release as applicable, pursuant to
38 subdivision (a) of Section 1170 of the Penal Code.

39 (k) An entity or person specified in subdivision (j) may refer
40 an individual to a noncertified recovery residence, if the entity or

1 person determines it is in the individual's best interest, and, upon
2 making that referral, shall notify available certifying organizations
3 of that decision.

4 (l) This section does not prohibit any county contracting
5 authority from requiring similar or additional quality and
6 performance standards when contracting for recovery residence
7 or sober living ~~services~~. *services and does not require any county*
8 *to become a certifying organization in order to certify recovery*
9 *residences for the purpose of meeting contractual obligations*
10 *within a county.*

11 (m) A recognized certifying organization may enter into a
12 memorandum of understanding with a county for the purposes of
13 determining if the ~~county has fulfilled the minimum requirements~~
14 *county's requirements meet or exceed the minimum requirements*
15 of the certifying organization. A memorandum of understanding
16 may include the granting of ~~certification~~ *reciprocal certifications*
17 based upon the requirements of the county contract, listing county
18 certified recovery residences on the certifying organization's
19 Internet Web site, and coordination regarding complaint resolution.

20 (n) (1) The department shall report to the Legislature on or
21 before January 1, 2025, regarding the efficacy of its regulation of
22 certifying organizations' impact on complaint resolution. The
23 report shall include, but not be limited to, the number and types
24 of complaints received by certifying organizations and the
25 department, the status of complaints received, and the geographic
26 concentration of reported complaints.

27 (2) The report submitted pursuant to paragraph (1) shall be
28 submitted in compliance with Section 9795 of the Government
29 Code.

30 (o) This section shall remain in effect only until January 1, 2026,
31 and as of that date is repealed.

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.