

[First Reprint]

ASSEMBLY, No. 3607

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 12, 2018

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on October 18, 2018, with amendments.



(Sponsorship Updated As Of: 10/23/2018)

1 AN ACT concerning the voluntary certification of recovery
2 residences, and supplementing Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

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

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

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

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

23 “Department” means the Department of Health.

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

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

34 “Professionally-managed facility” means a recovery residence
35 that is directly managed by a recovery residence administrator, and
36 is not a peer-managed facility.

37 “Recovery residence” means housing with a home-like
38 atmosphere, which is available in either a professionally-managed
39 facility or a peer-managed facility, and which provides a sober
40 living environment and alcohol and drug free living
41 accommodations to individuals with substance use disorders, or to
42 individuals with co-occurring mental health and substance use
43 disorders, but which does not provide clinical treatment services for
44 mental health or substance use disorders. “Recovery residence”

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:

¹Assembly AHU committee amendments adopted October 18, 2018.

1 includes, but is not limited to, a facility that is commonly referred
2 to as a sober living home.

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

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

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

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

23

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

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

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

40 (1) establish requirements for the voluntary certification of
41 recovery residences, and the annual recertification of certified
42 recovery residences;

43 (2) establish requirements for the voluntary professional
44 certification of recovery residence administrators, and the annual
45 recertification of certified recovery residence administrators;

46 (3) establish criminal background check requirements for the
47 administrators and employees of professionally-managed facilities,
48 as deemed by the credentialing entity to be necessary;

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

1 date certification information, and omits reference to recovery
2 residences that have lost their certification.

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

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

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

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

33
34 3. a. The department shall update its Internet website to reflect
35 the department's approval of a credentialing entity pursuant to this
36 act. The department's website shall identify the name and contact
37 information of the credentialing entity, and shall include a hyperlink
38 to the credentialing entity's Internet website, established in
39 accordance with paragraph (9) of subsection b. of section 2 of this
40 act.

41 b. Within 10 days after the department receives notice from the
42 credentialing entity, pursuant to subsection c. of section 2 of this
43 act, indicating that a list of certified recovery residences is available
44 on the credentialing entity's website, the department shall take
45 appropriate action to notify all health care practitioners and
46 substance use disorder treatment providers in the State about the
47 availability of the list, and the provisions of subsection c. of this
48 section.

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

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

17 4. a. A '[person] recovery residence administrator or other
18 recovery residence employee or volunteer'¹ shall not advertise,
19 represent, or imply to the public that '[a] the'¹ recovery residence is
20 a certified recovery residence, unless the recovery residence has
21 obtained a certificate of compliance pursuant to this act.

22 b. A recovery residence administrator 'or other recovery
23 residence employee or volunteer'¹ shall not advertise, represent, or
24 imply to the public that the administrator is a certified recovery
25 residence administrator, unless the administrator has obtained
26 professional certification pursuant to this act.

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

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

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

- 1 b. A recovery residence, whether or not it holds a certificate of
2 compliance issued pursuant to this act, shall not be considered to be
3 a substance use disorder treatment facility, and shall be exempt
4 from the provisions of P.L.1970, c.334 (C.26:2G-21 et seq.),
5 P.L.1975, c.305 (C.26:2B-7 et seq.), and the rules and regulations
6 adopted pursuant thereto.
- 7 c. A recovery residence that holds a valid certificate of
8 compliance, issued pursuant to this act, shall not be considered to
9 be a rooming or boarding house, and shall be exempt from the
10 provisions of the "Rooming and Boarding House Act of 1979,"
11 P.L.1979, c.496 (C.55:13B-1 et seq.) and any rules and regulations
12 adopted pursuant thereto. In addition, a certified recovery residence
13 shall be exempt from any rules and regulations governing the
14 operation or certification of recovery residences or sober living
15 homes, which rules and regulations were adopted by the
16 Department of Community Affairs, the Department of Health, or the
17 Department of Human Services prior to the effective date of this
18 act. This act shall supersede all other pre-existing rules and
19 regulations on this issue.
- 20
- 21 6. This act shall take effect immediately.