

[Second Reprint]

ASSEMBLY, No. 3607

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 12, 2018

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Co-Sponsored by:

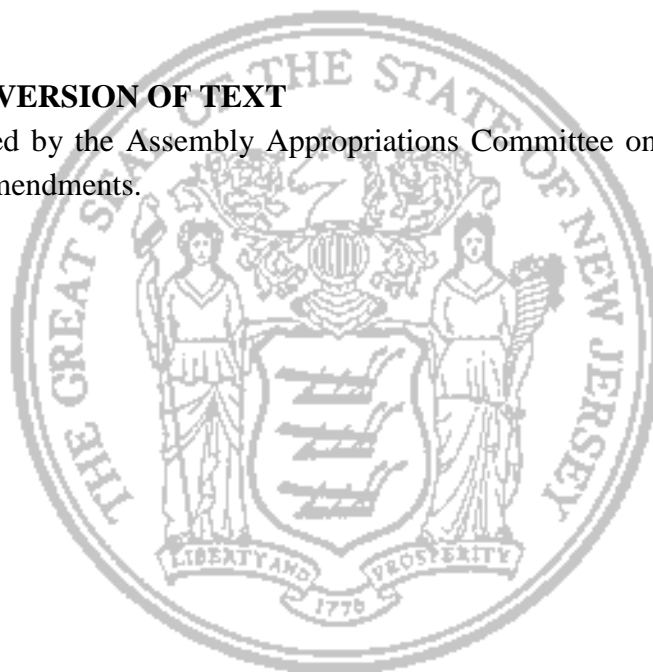
Assemblywomen Pinkin and DiMaso

SYNOPSIS

Requires Department of Community Affairs to approve credentialing entity to develop and administer a voluntary recovery residence certification program.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 10, 2018, with amendments.



(Sponsorship Updated As Of: 12/18/2018)

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 ²**[Health]** Community
24 Affairs².

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, and has been
34 deemed to be capable of managing a certified recovery residence.

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

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

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.

²Assembly AAP committee amendments adopted December 10, 2018.

1 mental health or substance use disorders. “Recovery residence”
2 includes, but is not limited to, a facility that is commonly referred
3 to as a sober living home.

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

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

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

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

24

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

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

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

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

44 (2) establish requirements for the voluntary professional
45 certification of recovery residence administrators, and the annual
46 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, as a condition of annual recertification;
28 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 names or contact
42 information of any individual residents of a recovery residence, but
43 shall, instead, provide contact information only for the residence,
44 itself, or for the owner of the residence, as deemed appropriate by
45 the credentialing entity. At no point shall the credentialing entity
46 disclose any personally identifying information about the residents
47 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, or, if the credentialing entity determines that the certified
28 recovery residence is no longer in compliance with the requirements
29 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, 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 residence, unless: (a) the recovery residence is included in the list
10 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 ¹person recovery residence administrator or other
21 recovery residence employee or volunteer¹ shall not advertise,
22 represent, or imply to the public that ¹a the¹ recovery residence is
23 a certified recovery residence, unless the recovery residence has
24 obtained a certificate of compliance pursuant to this act.

25 b. A recovery residence administrator ¹or other recovery
26 residence employee or volunteer¹ shall not advertise, represent, or
27 imply to the public that the administrator is a certified recovery
28 residence administrator, 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.