

ASSEMBLY, No. 2270

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

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 introduced.



(Sponsorship Updated As Of: 2/3/2020)

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 Community Affairs.

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”
45 includes, but is not limited to, a facility that is commonly referred
46 to as a sober living home.

47 “Recovery residence administrator” means the owner or operator
48 of a recovery residence, who is responsible for the overall

1 management of the recovery residence, including, but not limited
2 to, the supervision of residents and staff; and who does not reside in
3 the recovery residence. “Recovery residence administrator” does
4 not include the owner or operator of a recovery residence who
5 manages the recovery residence while residing therein.

6 “Recovery residence certification program” means the program
7 established by the credentialing entity, pursuant to section 2 of this
8 act, which provides for the voluntary certification of recovery
9 residences and the professional certification of recovery residence
10 administrators.

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

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

19

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

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

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

36 (1) establish requirements for the voluntary certification of
37 recovery residences and the annual recertification of certified
38 recovery residences;

39 (2) establish requirements for the voluntary professional
40 certification of recovery residence administrators and the annual
41 recertification of certified recovery residence administrators;

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

45 (4) administer all aspects of the recovery residence certification
46 program, and establish procedures as necessary to facilitate the
47 application, certification, and annual recertification processes used
48 in the program;

1 (5) engage in the on-site pre-certification inspection of recovery
2 residences that apply for a certificate of compliance;

3 (6) issue a certificate of compliance to any recovery residence,
4 upon application therefor; provided that the recovery residence is in
5 compliance with the provisions of subsection d. of this section, has
6 satisfactorily passed an on-site pre-certification inspection
7 conducted pursuant to paragraph (5) of this subsection, and satisfies
8 all additional requirements, established by the credentialing entity
9 under paragraph (1) of this subsection, which are necessary for
10 certification;

11 (7) issue a professional certification to any recovery residence
12 administrator, upon application therefor; provided that the
13 administrator satisfies all requirements, established by the
14 credentialing entity under paragraph (2) of this subsection, which
15 are necessary for professional certification;

16 (8) establish procedures and protocols for the regular monitoring
17 and inspection of certified recovery residences, which procedures
18 and protocols shall, at a minimum, require the credentialing entity
19 to conduct at least one unannounced on-site inspection of each
20 certified recovery residence, as a condition of annual recertification;
21 and

22 (9) establish an Internet website to provide information to the
23 public about the recovery residence certification program.

24 c. (1) Within 180 days after the recovery residence
25 certification program becomes operational, the credentialing entity
26 shall publish, on the website established pursuant to paragraph (9)
27 of subsection b. of this section, a list that provides contact
28 information for all of the recovery residences that have been issued
29 a certificate of compliance in accordance with program
30 requirements. Immediately after the publication of the list, the
31 credentialing entity shall notify the department that the list is
32 publicly available.

33 (2) The list of certified recovery residences that is published
34 pursuant to this subsection shall not include the names or contact
35 information of any individual residents of a recovery residence, but
36 shall, instead, provide contact information only for the residence,
37 itself, or for the owner of the residence, as deemed appropriate by
38 the credentialing entity. At no point shall the credentialing entity
39 disclose any personally identifying information about the residents
40 of a recovery residence.

41 (3) The credentialing entity shall regularly update the list of
42 certified recovery residences that is published pursuant to this
43 subsection in order to ensure that the list reflects the most up-to-
44 date certification information and omits reference to recovery
45 residences that have lost their certification.

46 d. A recovery residence shall not be eligible to obtain a
47 certificate of compliance under this section unless it is managed by
48 a certified recovery residence administrator or is a peer-managed

1 facility. A recovery residence that is professionally managed by an
2 uncertified recovery residence administrator shall remain ineligible
3 to obtain a certificate of compliance until such time as the recovery
4 residence administrator obtains professional certification pursuant
5 to this act. For the purposes of expediency, the credentialing entity
6 may consider an application for the professional certification of a
7 recovery residence administrator at the same time as it is
8 considering an application for certification of the recovery
9 residence.

10 e. A certificate of compliance issued to a recovery residence,
11 and a professional certification issued to a recovery residence
12 administrator, shall each be valid for one year from the date of
13 issuance.

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

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

28
29 3. a. The department shall update its Internet website to reflect
30 the department's approval of a credentialing entity pursuant to this
31 act. The department's website shall identify the name and contact
32 information of the credentialing entity, and shall include a hyperlink
33 to the credentialing entity's Internet website, established in
34 accordance with paragraph (9) of subsection b. of section 2 of this
35 act.

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

44 c. (1) After receiving notice, pursuant to subsection b. of this
45 section, regarding the credentialing entity's publication of a list of
46 certified recovery residences, a health care practitioner or substance
47 use disorder treatment provider in this State shall be prohibited
48 from referring a current or discharged patient to a recovery

1 residence, unless: (a) the recovery residence is included in the list
2 of certified recovery residences that appears on the credentialing
3 entity's website; or (b) the recovery residence is owned or operated
4 by a licensed or certified substance use disorder treatment provider,
5 or by a wholly owned subsidiary thereof, regardless of whether the
6 recovery residence is listed as a certified recovery residence on the
7 credentialing entity's website.

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

11

12 4. a. A recovery residence administrator or other recovery
13 residence employee or volunteer shall not advertise, represent, or
14 imply to the public that the recovery residence is a certified
15 recovery residence, unless the recovery residence has obtained a
16 certificate of compliance pursuant to this act.

17 b. A recovery residence administrator or other recovery
18 residence employee or volunteer shall not advertise, represent, or
19 imply to the public that the administrator is a certified recovery
20 residence administrator, unless the administrator has obtained
21 professional certification pursuant to this act.

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

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

35

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

42 b. A recovery residence, whether or not it holds a certificate of
43 compliance issued pursuant to this act, shall not be considered to be
44 a substance use disorder treatment facility, and shall be exempt
45 from the provisions of P.L.1970, c.334 (C.26:2G-21 et seq.),
46 P.L.1975, c.305 (C.26:2B-7 et seq.), and the rules and regulations
47 adopted pursuant thereto.

1 c. A recovery residence that holds a valid certificate of
2 compliance, issued pursuant to this act, shall not be considered to
3 be a rooming or boarding house, and shall be exempt from the
4 provisions of the “Rooming and Boarding House Act of 1979,”
5 P.L.1979, c.496 (C.55:13B-1 et seq.) and any rules and regulations
6 adopted pursuant thereto. In addition, a certified recovery residence
7 shall be exempt from any rules and regulations governing the
8 operation or certification of recovery residences or sober living
9 homes, which rules and regulations were adopted by the
10 Department of Community Affairs, the Department of Health, or the
11 Department of Human Services prior to the effective date of this
12 act. This act shall supersede all other pre-existing rules and
13 regulations on this issue.

14

15 6. This act shall take effect immediately.

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17

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STATEMENT

19

20 This bill requires the Department of Community Affairs (DCA),
21 within 120 days after the bill’s enactment, to approve a credentialing
22 entity to develop and administer a voluntary certification program for
23 recovery residences and recovery residence administrators in the State.
24 “Recovery residence” is defined by the bill to mean housing with a
25 home-like atmosphere, which is available in a professionally-managed
26 facility, such as a facility that is directly managed by a recovery
27 residence administrator, or in a peer-managed facility, such as a
28 facility that is cooperatively self-managed by residents in recovery
29 who are renting rooms at the facility, and which provides a sober
30 living environment and alcohol and drug free living accommodations
31 to individuals with substance use disorders, or to individuals with co-
32 occurring mental health and substance use disorders, but which does
33 not provide clinical treatment services for mental health or substance
34 use disorders. The term includes, but is not limited to, facilities that
35 are commonly referred to as sober living homes. “Recovery residence
36 administrator” is defined as the owner or operator of a recovery
37 residence who is responsible for the overall management of the
38 recovery residence, including, but not limited to, the supervision of
39 residents and staff; and who does not reside in the recovery residence.

40 The bill requires the DCA to use a portion of the monies annually
41 appropriated thereto to provide appropriate funds to the credentialing
42 entity, on an annual basis, to enable the credentialing entity to fulfill its
43 duties and responsibilities under the bill.

44 In developing the recovery residence certification program (which
45 is to become operational within 180 days after the credentialing entity
46 is approved by the DCA), the credentialing entity will be required to:
47 1) establish requirements for the voluntary certification of recovery
48 residences and recovery residence administrators, and requirements for

1 the annual recertification of certified recovery residences and certified
2 recovery residence administrators; 2) establish criminal background
3 check requirements for the administrators and employees of
4 professionally-managed facilities, as deemed by the credentialing
5 entity to be necessary; 3) administer all aspects of the certification
6 program and establish procedures to facilitate the application,
7 certification, and annual recertification processes; 4) engage in the on-
8 site pre-certification inspection of recovery residences applying for
9 certification; 5) establish procedures and protocols for the regular
10 monitoring and inspection of certified recovery residences, which
11 procedures and protocols must, at a minimum, require at least one
12 unannounced on-site inspection of each certified recovery residence as
13 a condition of annual recertification; and 6) establish an Internet
14 website to provide information to the public about the recovery
15 residence certification program. The requirements adopted under the
16 recovery residence certification program are to be consistent with
17 applicable standards adopted by the National Alliance for Recovery
18 Residences (NARR).

19 The credentialing entity would be required to issue a certificate of
20 compliance to any recovery residence, upon application therefor,
21 provided that the residence satisfactorily passes a pre-certification
22 inspection, complies with all other certification requirements
23 established by the credentialing entity, and is either professionally
24 managed by a certified recovery residence administrator or is a peer-
25 managed facility. A recovery residence that is professionally managed
26 by an uncertified administrator will not be eligible to obtain a
27 certificate of compliance until such time as the recovery residence
28 administrator obtains professional certification. The bill would specify
29 that, for the purposes of expediency, the credentialing entity may
30 consider an application for the professional certification of an
31 administrator at the same time as it is considering an application for
32 certification of the recovery residence.

33 A recovery residence administrator or other recovery residence
34 employee or volunteer would be prohibited from advertising,
35 representing, or implying to the public that the recovery residence is a
36 “certified recovery residence” unless the residence has obtained a
37 certificate of compliance from the credentialing entity. Similarly, a
38 recovery residence administrator or other recovery residence employee
39 or volunteer would be prohibited from advertising, representing, or
40 implying to the public that the administrator is a “certified recovery
41 residence administrator” unless the administrator has obtained a
42 professional certification from the credentialing entity. Any person
43 who violates these provisions would be subject to a civil penalty of up
44 to \$1,000 for each offense.

45 A certificate of compliance issued to a recovery residence, and a
46 professional certification issued to a recovery residence administrator,
47 would each be valid for a period of one year from the date of issuance.
48 The credentialing entity would be authorized to suspend, revoke, or

1 refuse to renew a certificate of compliance issued to a recovery
2 residence if it finds that the residence has violated any certification
3 requirements or that the residence, if professionally managed, is no
4 longer being managed by a certified administrator. The credentialing
5 entity would be authorized to suspend, revoke, or refuse to renew the
6 professional certification issued to an administrator, if it finds that the
7 administrator is not in compliance with the requirements necessary to
8 maintain such certification.

9 Within 180 days after the recovery residence certification program
10 becomes operational, the credentialing entity will be required to
11 publish, on its website, a list that provides contact information for all
12 recovery residences that have obtained a certificate of compliance.
13 The credentialing entity is to notify the DCA, immediately upon
14 publication, that the list is publicly available. The bill specifies that
15 the published list of certified recovery residences may not include the
16 names or contact information of any individual residents of a recovery
17 residence, but, instead, is to include contact information only for the
18 residence itself or for the owner of the residence, as deemed
19 appropriate by the credentialing entity. At no point would the
20 credentialing entity be authorized to disclose any personally
21 identifying information about the residents of a recovery residence.
22 The credentialing entity would be required to regularly update the list
23 of certified recovery residences to ensure that the list reflects the most
24 up-to-date certification information.

25 The DCA will similarly be required to update its website to reflect
26 its approval of the credentialing entity and to provide the public with
27 the name and contact information of the credentialing entity, as well as
28 a link to the entity's website. Upon the DCA's receipt of notice that
29 the credentialing entity has published a list of certified recovery
30 residences, the DCA would be required to notify all health care
31 practitioners and substance use disorder treatment providers in the
32 State about the availability of the list, and about the bill's requirements
33 regarding professional referrals to recovery residences. In particular, a
34 health care practitioner or substance use disorder treatment provider
35 will be prohibited from referring a patient to a recovery residence
36 unless the recovery residence is listed as a certified recovery residence
37 on the credentialing entity's website, or the recovery residence,
38 whether certified or not, is owned or operated by a licensed or certified
39 substance use disorder treatment provider or by a wholly owned
40 subsidiary thereof. However, the bill would specify that nothing in its
41 provisions may be deemed to require a health care practitioner or
42 substance use disorder treatment provider to refer any patient to a
43 recovery residence.

44 The bill would specify that a recovery residence, whether certified
45 or not, may not be considered to be either a health care facility within
46 the meaning of the "Health Care Facilities Planning Act," P.L.1971,
47 c.136 (C.26:2H-1 et seq.), or a substance use disorder treatment
48 facility within the meaning of P.L.1970, c.334 (C.26:2G-21 et seq.),

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1 and P.L.1975, c.305 (C.26:2B-7 et seq.). The bill would further
2 specify that any recovery residence that holds a valid certificate of
3 compliance may not be considered to be a rooming or boarding house,
4 and is to be exempted from the provisions of the “Rooming and
5 Boarding House Act of 1979,” P.L.1979, c.496 (C.55:13B-1 et seq.).
6 Uncertified recovery residences will remain subject to applicable
7 rooming and boarding house requirements.

8 In addition, a certified recovery residence will be exempt from any
9 rules and regulations governing the operation or certification of
10 recovery residences or sober living homes, which were adopted prior
11 to the bill’s effective date. This bill will effectively supersede all other
12 pre-existing rules and regulations on this issue.