

By: Minjarez

H.B. No. 544

A BILL TO BE ENTITLED

AN ACT

relating to creating a voluntary certification for recovery housing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 6, Health and Safety Code, is amended by adding Chapter 469 to read as follows:

CHAPTER 469. VOLUNTARY RECOVERY HOUSING

Sec. 469.0101. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Credentialing organization" means an organization approved by the commission that affirms that a recovery house satisfies the criteria to become a certified recovery house.

(3) "Recovery house" means a shared living environment that promotes sustained recovery from substance use disorders by integrating residents into the surrounding community and providing a setting that connects residents to supports and services promoting sustained recovery from substance use disorders, is centered on peer support, and is free from alcohol and drug use.

(4) "State health care regulatory agency" has the meaning assigned by Section 161.131.

Sec. 469.0102. VOLUNTARY CERTIFICATION OF RECOVERY HOUSING. (a) The commission shall adopt minimum standards for

1 certification as a recovery house that are consistent with the
2 quality standards from the National Alliance for Recovery
3 Residences. The commission shall authorize one or more
4 credentialing organizations each to develop and administer a
5 voluntary certification program for recovery housing. A
6 credentialing organization shall:

7 (1) establish recovery house certification
8 requirements that include, at minimum, the certification standards
9 adopted by the commission;

10 (2) establish procedures to:

11 (A) administer the issuance of recovery house
12 certification under this chapter, including application,
13 certification, recertification, and disciplinary procedures;

14 (B) assess application, inspection, and
15 recertification fees; and

16 (C) monitor and inspect a recovery house and
17 staff to ensure compliance with certification requirements
18 established by the organization;

19 (3) provide training to recovery house administrators
20 and staff concerning the certification standards adopted by the
21 commission;

22 (4) develop a code of ethics; and

23 (5) provide information to the commission for the
24 commission to compile the annual report required under Section
25 469.0105.

26 (b) The following places are not eligible for certification
27 as a recovery house:

- 1 (1) a chemical dependency treatment facility licensed
2 under Subchapter A, Chapter 464;
- 3 (2) a boarding home facility as defined by Section
4 260.001;
- 5 (3) a convalescent or nursing facility licensed under
6 Chapter 242;
- 7 (4) a continuing care facility regulated under Chapter
8 246;
- 9 (5) an assisted living facility as defined by Section
10 247.002;
- 11 (6) a home and community support services agency
12 licensed under Chapter 142;
- 13 (7) an intermediate care facility for individuals with
14 an intellectual disability licensed under Chapter 252;
- 15 (8) an entity qualified as a community home under
16 Chapter 123, Human Resources Code;
- 17 (9) a family violence shelter center as defined by
18 Section 51.002, Human Resources Code;
- 19 (10) a child-care facility as defined by Section
20 42.002, Human Resources Code; and
- 21 (11) a hotel as defined by Section 156.001, Tax Code.
- 22 (c) The commission's standards must prohibit a certified
23 recovery house from providing personal care services as defined by
24 Section 247.002.
- 25 Sec. 469.0103. RECOVERY HOUSE ADMINISTRATOR. (a) The
26 standards adopted by the commission must require that a certified
27 recovery house be managed by a recovery house administrator who has

1 satisfactorily completed training provided by the credentialing
2 organization concerning the commission's certification standards
3 and the organization's certification requirements.

4 (b) Each application for certification as a recovery house
5 under this chapter must include the recovery house administrator's
6 name.

7 Sec. 469.0104. ABSENCE OF HOUSE ADMINISTRATOR. (a) A
8 certified recovery house must notify the credentialing
9 organization that issued its certification before the fourth
10 business day after the recovery house administrator resigns, is
11 terminated, or leaves the position for any other reason.

12 (b) A credentialing organization may revoke the recovery
13 house certification of a recovery house that is not managed by a
14 trained recovery house administrator for a period that exceeds 30
15 days.

16 Sec. 469.0105. ANNUAL REPORT. The commission shall
17 prepare an annual report including information on:

18 (1) the total number of certified recovery houses;

19 (2) the number of recovery houses certified in the
20 last year;

21 (3) any issues concerning the certification or
22 recertification process;

23 (4) the number of certified recovery houses that had a
24 certification revoked within the last year; and

25 (5) the reasons for the revocation of a recovery
26 house's certification.

27 Sec. 469.0106. SOLICITING. A recovery house administrator

1 or a recovery house's employee or agent may not offer to pay or
2 agree to accept, directly or indirectly, overtly or covertly,
3 remuneration in cash or in kind to or from another for securing or
4 soliciting a patient or patronage for or from a person licensed,
5 certified, or registered by a state health care regulatory agency.

6 Sec. 469.0107. CERTAIN ADVERTISING PROHIBITED. (a) A
7 recovery house may not advertise or otherwise communicate that the
8 recovery house is certified by a credentialing organization unless
9 the recovery house is certified by a credentialing organization.

10 (b) A recovery house may not advertise or cause to be
11 advertised in any manner any false, misleading, or deceptive
12 information about the recovery house.

13 Sec. 469.0108. ENFORCEMENT. If a certified recovery house
14 violates this chapter, the credentialing organization that issued
15 the certification to the recovery house may suspend the
16 certification for a period of six months while the credentialing
17 organization conducts an audit of the recovery house. After the
18 audit is complete, the credentialing organization may implement a
19 corrective action plan or revoke the license.

20 Sec. 469.0109. DISCRIMINATION. A municipality or county
21 may not adopt or enforce an ordinance, order, or other regulation
22 that prevents a recovery house from operating in a residential
23 community.

24 Sec. 469.0110. FUNDING. A recovery house that is not
25 certified under this chapter may not receive state money.

26 Sec. 469.0111. REFERRAL LIMITATION. The following entities
27 may not refer an individual to a recovery house that is not

1 certified:

2 (1) a state agency, as defined by Section 2054.003,
3 Government Code;

4 (2) an organization receiving money from this state;

5 (3) a facility licensed under Subtitle B, Title 4;

6 (4) a chemical dependency treatment facility licensed
7 under Subchapter A, Chapter 464; and

8 (5) a health care professional licensed under Title 3,
9 Occupations Code.

10 SECTION 2. This Act takes effect September 1, 2021.