

BILL ANALYSIS

C.S.H.B. 544
By: Minjarez
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Well-operated recovery housing is a proven and cost-effective means of promoting recovery from substance use issues. However, there has been a rise in bad actors given the current marketplace. The lack of knowledge regarding the scope of service, codes of ethics, and best practices with which these actors operate can result in negligence, relapse, or even injury or death of residents. Unfortunately, individuals have a difficult time distinguishing between fraudulent businesses claiming to be recovery housing and legitimate housing options. C.S.H.B. 544 seeks to address this issue by establishing a voluntary certification process for recovery housing with the goal of protecting a vulnerable population and empowering consumer choice.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 544 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to adopt minimum standards for certification as a recovery house that are consistent with the quality standards from the National Alliance for Recovery Residences. The bill defines "recovery house" as 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.

C.S.H.B. 544 requires HHSC to authorize one or more credentialing organizations that affirm the certification of a recovery house each to develop and administer a voluntary certification program for recovery housing. The bill provides specific requirements for a credentialing organization with regard to recovery house certification and sets out the types of facilities ineligible for certification as a recovery house. The bill requires the standards adopted by HHSC for recovery house certification to prohibit a certified recovery house from providing personal care services as defined by the Assisted Living Facility Licensing Act.

C.S.H.B. 544 provides for the following:

- management requirements under the minimum standards adopted by HHSC for a certified recovery house by a recovery house administrator, including disclosure of a

recovery house administrator's name on an application for certification and notification requirements for a recovery house on the absence of the administrator;

- revocation of recovery house certification for a recovery house that is not managed by a trained recovery house administrator for a period that exceeds 30 days;
- an annual HHSC report on certified recovery houses in Texas;
- a prohibition against a recovery house soliciting a patient or patronage for or from a person licensed, certified, or registered by a state health care regulatory agency;
- a prohibition against a recovery house advertising any false, misleading, or deceptive information about the recovery house, including certification status;
- enforcement of violations of the bill's provisions through suspension or revocation of a recovery house's certification and an audit of the recovery house;
- a prohibition against a municipality or county adopting or enforcing regulations preventing the operation of a recovery house in a residential community;
- effective September 1, 2023, a prohibition against a recovery house that is not certified under the bill's provisions receiving state money; and
- effective September 1, 2023, a prohibition against specified entities referring an individual to a non-certified recovery house.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 544 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the effective date of the prohibitions against a non-certified recovery house receiving state money and against specified entities referring an individual to a non-certified recovery house from September 1, 2021, to September 1, 2023.