87R16903 EAS-F

By:  Minjarez, Murr H.B. No. 544

Substitute the following for H.B. No. 544:

By:  Klick C.S.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 certification as a recovery house that are consistent with the quality standards from the National Alliance for Recovery Residences. The commission shall authorize one or more credentialing organizations each to develop and administer a voluntary certification program for recovery housing. A credentialing organization shall:

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

(2)  establish procedures to:

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

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

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

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

(4)  develop a code of ethics; and

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

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

(1)  a chemical dependency treatment facility licensed under Subchapter A, Chapter 464;

(2)  a boarding home facility as defined by Section 260.001;

(3)  a convalescent or nursing facility licensed under Chapter 242;

(4)  a continuing care facility regulated under Chapter 246;

(5)  an assisted living facility as defined by Section 247.002;

(6)  a home and community support services agency licensed under Chapter 142;

(7)  an intermediate care facility for individuals with an intellectual disability licensed under Chapter 252;

(8)  an entity qualified as a community home under Chapter 123, Human Resources Code;

(9)  a family violence shelter center as defined by Section 51.002, Human Resources Code;

(10)  a child-care facility as defined by Section 42.002, Human Resources Code; and

(11)  a hotel as defined by Section 156.001, Tax Code.

(c)  The commission's standards must prohibit a certified recovery house from providing personal care services as defined by Section 247.002.

Sec. 469.0103.  RECOVERY HOUSE ADMINISTRATOR. (a) The standards adopted by the commission must require that a certified recovery house be managed by a recovery house administrator who has satisfactorily completed training provided by the credentialing organization concerning the commission's certification standards and the organization's certification requirements.

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

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

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

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

(1)  the total number of certified recovery houses;

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

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

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

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

Sec. 469.0106.  SOLICITING. A recovery house administrator or a recovery house's employee or agent may not offer to pay or agree to accept, directly or indirectly, overtly or covertly, remuneration in cash or in kind to or from another for securing or soliciting a patient or patronage for or from a person licensed, certified, or registered by a state health care regulatory agency.

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

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

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

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

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

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

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

(2)  an organization receiving money from this state;

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

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

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

SECTION 2.  (a) Except as otherwise provided by this section, this Act takes effect September 1, 2021.

(b)  Sections 469.0110 and 469.0111, Health and Safety Code, as added by this Act, take effect September 1, 2023.