

Unofficial Draft Copy - CJOC 2

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67th Legislature

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CJOC 2

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS AND PROHIBITED
6 PRACTICES FOR RECOVERY RESIDENCES; CREATING A REGISTRY OF RECOVERY RESIDENCES IN
7 MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECIEVE RENTAL
8 VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS;
9 PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; PROVIDING A DELAYED EFFECTIVE
10 DATE."

11
12 WHEREAS, Montanans facing addiction deserve the highest quality of care and support;
13 WHEREAS, recovery residences can provide a healthy, sober living environment that helps individuals
14 with substance use disorder achieve and maintain sobriety;
15 WHEREAS, it is crucial that recovery residences implement best practices and sound operating
16 procedures that enable and empower residents to gain access to community supports, public services, and
17 therapeutic treatments to advance their recovery and develop independence.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20
21 NEW SECTION. **Section 1. Definitions.** As used in this part, unless the context clearly indicates
22 otherwise, the following definitions apply:

23 (1) "Alcohol and drug prevention or treatment facility" means a recovery residence, hospital, health or
24 counseling center, or other entity providing alcohol and drug services.

25 (2) "Alcohol and drug services" includes evaluation, treatment, residential personal care, habilitation,
26 rehabilitation, counseling, or supervision of persons with substance use disorder, or services to persons
27 designed to prevent substance use disorder that either receive funds from the department of health or assess
28 fees for services provided.

1 (3) "Certified recovery residence" means a recovery residence, as defined in subsection (7), that has
2 received certification or another form of approval from a certifying organization, as defined in subsection (4).

3 (4) "Certifying organization" means any nationally recognized recovery residence standards
4 organization or any affiliate of a nationally recognized recovery residence standards organization.

5 (5) "Levels of care" means the continuum of support ranging from nonclinical recovery residences to
6 licensed clinical treatment.

7 (6) "Qualified health care provider" means a person licensed as a physician, psychologist, social
8 worker, clinical professional counselor, marriage and family therapist, addiction counselor, or another
9 appropriate licensed health care practitioner.

10 (7) "Recovery residence" means a sober living home with a safe, family-like environment that
11 promotes recovery from chemical dependency through services including, but not limited to, peer support,
12 mutual support groups, and recovery services.

13 (8) "Sober" means free of alcohol and drugs, except for prescription medications taken as directed by
14 a licensed prescriber, including medications approved by the federal food and drug administration for the
15 treatment of opioid use disorder.

16 (9) "Minor" means an individual under 18 years of age without regard to sex.

17
18 **NEW SECTION. Section 2. Recovery residence requirements.** (1) Recovery residences must
19 register with the department of health and human services.

20 (2) Recovery residences may seek certification from a certifying organization.

21 (3) Recovery residences must have policies and protocols for the following:

22 (a) administrative oversight;

23 (b) quality standards;

24 (c) its residents;

25 (d) emergencies, including fire, natural disasters, and health emergencies including overdose;

26 (e) eviction of a resident, including the return of the resident's personal effects and property;

27 (f) [Reserved for direction regarding additional policies.]

28 (4) Recovery residences must meet state and municipal requirements, including but not limited to

1 safety requirements, building codes, zoning regulations, and local ordinance requirements, that apply to a
2 residence's dwelling size and occupancy.

3 (5) Recovery residences must keep opioid-overdose drugs on site in an easily accessible place, and
4 train staff and residents on the use of opioid-overdose drugs.

5 (6) Minor children of residents may reside with their parent in a certified recovery residence, if allowed
6 in the residence's policies and procedures and if the residence maintains an environment consistent with the
7 welfare of minors AND/OR the residence has family recovery residence approval from the department of
8 health and human services, pursuant to [section 4].

9 (a) The owner, operator, and staff of a recovery residence seeking family recovery residence approval
10 or certification shall give the department of health and human services any information that may be required
11 and afford the department every reasonable opportunity for observing the operation of recovery residence.

12 (7) The recovery residence may not limit a resident's duration of stay to an arbitrary or fixed amount
13 of time. Each resident's duration of stay is determined by the resident's needs, progress, and willingness to
14 abide by the recovery residence's protocols, in collaboration with the recovery housing's owner and operator,
15 and, if appropriate, in consultation with a qualified health provider.

16 (8) The recovery residence may permit residents to receive medication-assisted treatment.

17 (9) [Reserved for directions regarding enforcement, including penalties and enforcing agency or
18 department.]

19

20 **NEW SECTION. Section 3. Recovery residence prohibitions.** (1) The operator of a recovery
21 residence may not:

22 (a) make a materially false or misleading statement or provide materially false or misleading
23 information about the residence's identity, products, goods, services, or geographical locations in its marketing
24 and advertising materials, media, and website;

25 (b) include on a website false information or electronic links, coding, or activation that provides false
26 information or that surreptitiously directs the reader to another website;

27 (c) solicit, receive, or make an attempt to solicit or receive a commission, benefit, rebate, kickback, or
28 bribe, directly or indirectly, in cash or in kind, in return for a referral or an acceptance or acknowledgement of

1 treatment from a qualified healthcare provider, provider of alcohol and drug services, or alcohol and drug
2 prevention and/or treatment facility;

3 (d) engage or make an attempt to engage in a split-fee arrangement in return for a referral or an
4 acceptance or acknowledgement of treatment from a qualified healthcare provider, provider of alcohol and drug
5 services, or alcohol and drug prevention and/or treatment facility;

6 (e) enter into a contract with a marketing provider who agrees to generate referrals or leads for the
7 placement of patients with a qualified healthcare provider, provider of alcohol and drug services, or alcohol and
8 drug prevention and/or treatment facility through a call center or a web-based presence, unless this contract is
9 disclosed to the prospective patient or resident.

10 (2) In addition to any other punishment authorized by law, a recovery residence that knowingly
11 violates this section is subject to prosecution and penalties pursuant to the Montana Consumer Protection Act,
12 Title 30, Chapter 14, Part 1.

13

14 **NEW SECTION. Section 4. Powers and duties of the department of health and human services.**

15 (1) The department of health and human services must:

16 (a) maintain a registry of recovery residences in Montana;

17 (b) include on its website a public-facing list of certifying organizations;

18 (c) include on its website a public-facing list of recovery residences in Montana, indicating which are
19 certified recovery residences.

20 (2) The department of health and human services may:

21 (a) issue family recovery residence approval to recovery residences that permit minors to live with
22 parents per [section 2(5)];

23 (b) prescribe the conditions upon which family recovery residence approval may be issued;

24 (c) make rules necessary for the approval, operation, and regulation of these residences that are
25 consistent with the welfare of minor residents;

26 (d) inspect recovery residences seeking family residential approval and, as appropriate, undertake
27 action, including but not limited to the revocation of approval.

28

1 NEW SECTION. **Section 5. Preferential placement at and referral to certified recovery**

2 **residences.**

3 (1) The department of corrections shall establish a preference for certified recovery residences by
4 encouraging and assisting appropriate individuals seek placements in the residences.

5 (2) (a) A qualified health care provider, judge, justice of the peace, or magistrate may not refer an
6 individual to an uncertified recovery residence.

7 (b) When referring an individual to a recovery residence, a qualified health care provider, judge,
8 justice of the peace, or magistrate shall consider the:

9 (i) culture of the recovery residence, including, but not limited to, the permissiveness of unhealthy
10 behaviors, current residents' commitment to recovery and support of other residents, requirements and support
11 to attend and seek clinical treatment and outside non-clinical sobriety support, and the general living
12 environment;

13 (ii) levels of care the recovery residence provides, including the type, nature, and intensity of the
14 therapeutic services and recovery supports provided, and the ability to meet the referee's specific needs;

15 (iii) utilization of certified or appropriately trained peers with relevant lived experience;

16 (iv) geographic area, neighborhood, or external surrounding environment of the recovery residence;

17 (v) physical living environment of the recovery residence;

18 (vi) use of medicated assisted treatment in the recovery residence, including the:

19 (A) operator and other staff support for medicated assisted treatment;

20 (B) proper monitoring of the use of medicated assisted treatment;

21 (C) other residents' support of medicated assisted treatment; and

22 (D) availability of peers with medicated assisted treatment experience for residents with severe opioid
23 use disorder.

24 (vii) level of training and professionalism of residence staff;

25 (viii) recovery residence's reputation regarding ethical business practices, which may include, but is not
26 limited to, fraud and abuse of residents;

27 (ix) recovery residence's relapse policy; and

28 (x) availability of opioid-overdose reversal drugs.

1 (4) Any qualified health provider that violates subsection (3)(a) is subject to the suspension or
2 revocation of the provider's license or certificate by the appropriate licensing or certification board and the
3 imposition of civil penalties pursuant to the relevant chapter of Title 37.

4 (5) Any judge, magistrate, or justice of the peace who violates subsection (3)(a) is subject to
5 disciplinary action by the judicial standards commission pursuant to Title 3, Chapter 1, Part 11.

6 (6) Subsection (3)(a) does not otherwise limit the referral options available for a person in recovery
7 from a substance use disorder to any other appropriate placements or services.

8

9 **Section 6.** Section 46-23-1041, MCA, is amended to read:

10 **"46-23-1041. Rental vouchers.** (1) If the department does not approve an offender's parole plan
11 because the offender is unable to secure suitable living arrangements, the department may provide rental
12 vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an approved
13 parole plan.

14 [(2) The department shall provide a rental voucher to a claimant if required by 46-32-106(7).]

15 (3) The voucher [provided pursuant to subsection (1)] must be provided in conjunction with additional
16 transition support that enables the offender to participate in programs and services, including but not limited to
17 substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or
18 employment programming." (Bracketed language terminates June 30, 2023--sec. 15, Ch. 574, L. 2021.)"

19 (4) To receive rental vouchers and transitional assistance funds from the department of corrections, a
20 recovery residence must:

21 (a) have certification or approval from a certifying organization, as defined in [section 1 (4)]; and

22 (b) notify a resident's probation or parole officer within 24 hours of a resident moving out, if the
23 resident is on probation or parole when the resident vacates.

24

25 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 6] are intended to be
26 codified as an integral part of Title 53, chapter 24, part 3, and the provisions of Title 53, chapter 24, part 3,
27 apply to [sections 1 through 6].

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