

1 SENATE BILL NO. 94
2 INTRODUCED BY B. USHER
3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS AND PROHIBITING CERTAIN
6 PRACTICES FOR RECOVERY RESIDENCES; CREATING A REGISTRY OF RECOVERY RESIDENCES IN
7 MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECEIVE RENTAL
8 VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS;
9 PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE
10 DATE."
11

12 WHEREAS, Montanans facing addiction deserve the highest quality of care and support; and
13 WHEREAS, recovery residences can provide a healthy, sober living environment that helps individuals
14 with substance use disorders achieve and maintain sobriety; and

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 support, 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
24 or counseling center, or other entity providing alcohol and drug services.

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

1 false information or that surreptitiously directs the reader to another website;

2 (c) solicit, receive, or make an attempt to solicit or receive a commission, benefit, rebate, kickback,
3 or bribe, directly or indirectly, in cash or in kind, in return for a referral or an acceptance or acknowledgement of
4 treatment from a qualified health care provider, provider of alcohol and drug services, or alcohol and drug
5 prevention or treatment facility;

6 (d) engage or make an attempt to engage in a split-fee arrangement in return for a referral or an
7 acceptance or acknowledgement of treatment from a qualified health care provider, provider of alcohol and
8 drug services, or alcohol and drug prevention or treatment facility; or

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

13 (2) In addition to any other penalty authorized by law, a recovery residence that knowingly violates
14 this section is subject to prosecution and penalties pursuant to the Montana Consumer Protection Act, Title 30,
15 chapter 14, part 1.

16

17 **NEW SECTION. Section 4. Powers and duties of department of public health and human**

18 **services -- annual county report.** (1) The department of public health and human services shall:

19 (1)(a) maintain a registry of recovery residences in the state;

20 (2)(b) include on its website a public-facing list of certifying organizations that operate in the state and
21 are recognized by the department;

22 (3)(c) include on its website a public-facing list of recovery residences in the state that indicates
23 which recovery residences are certified recovery residences.

24 (2) (a) By the date and on a form prescribed by the department, each county shall submit to the
25 department an annual report of known recovery residences in the county.

26 (b) A report must contain the following information for each known recovery residence:

27 (i) the name of the recovery residence;

28 (ii) the physical and mailing addresses of the recovery residence;

- 1 (iii) the name and contact information of the owner of the recovery residence; and
- 2 (iv) additional information when available, including:
- 3 (A) the name and contact information of the recovery residence manager or other leadership staff;
- 4 (B) the population served by the recovery residence; and
- 5 (C) other information the county considers pertinent.

6

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

8 **residences.** (1) The department of corrections shall establish a preference for certified recovery residences by

9 encouraging and assisting appropriate individuals seeking placements in recovery residences.

10 (2) (a) ~~A qualified health care provider, judge, justice of the peace, or magistrate may not refer an~~

11 ~~individual to an uncertified recovery residence.~~

12 (B) A JUDGE, JUSTICE OF THE PEACE, OR MAGISTRATE MAY NOT REFER AN INDIVIDUAL TO A CERTIFIED

13 RECOVERY RESIDENCE THAT DOES NOT PERMIT THE INDIVIDUAL TO RECEIVE TREATMENT OR TAKE MEDICATION

14 PRESCRIBED BY A QUALIFIED HEALTH CARE PROVIDER.

15 ~~(b)~~(C) When referring an individual to a recovery residence, a qualified health care provider, judge,

16 justice of the peace, or magistrate shall consider the:

17 (i) culture of the recovery residence, including but not limited to the permissiveness of unhealthy

18 behaviors, current residents' commitment to recovery and support of other residents, requirements and support

19 to attend and seek clinical treatment and outside nonclinical sobriety support, and the general living

20 environment;

21 ~~(ii) levels of care the recovery residence provides, including the type, nature, and intensity of the~~

22 ~~therapeutic services and recovery supports provided, and the ability to meet the referee's specific needs;~~

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

24 ~~(iv)~~(II) geographic area, neighborhood, or external surrounding environment of the recovery

25 residence;

26 ~~(v)~~(III) physical living environment of the recovery residence;

27 ~~(vi) use of medication-assisted treatment in the recovery residence, including the:~~

28 ~~(A) operator and other staff support for medication-assisted treatment;~~