

SUBJECT: Creating a voluntary certification program for recovery housing

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Klick, Guerra, Allison, Campos, Coleman, Collier, Jetton, Oliverson, Price, Smith

0 nays

1 absent — Zwiener

WITNESSES: For — Lee Johnson, Texas Council of Community Centers; Elizabeth Henry; (*Registered, but did not testify:* Alison Mohr Boleware, National Association of Social Workers -Texas Chapter; Devin Driver, Texas Criminal Justice Coalition; Ashley Harris, United Ways of Texas; Marci Purcell)

Against — None

On — (*Registered, but did not testify:* Lisa Ramirez, Health and Human Services Commission)

DIGEST: CSHB 544 would establish minimum standards for a voluntary certification program for recovery houses through the Health and Human Services Commission. The bill would specify responsibilities of credentialing organizations, prohibit certain actions by certified recovery houses, and exempt several entities that could not seek certification as a recovery house.

The bill would define "recovery house" as a shared living environment that promoted sustained recovery from substance use disorders by integrating residents into the surrounding community and providing a setting that connected residents to supports and services that promoted sustained recovery from substance use disorders, was centered on peer support, and was free from alcohol and drug use.

"Credentialing organization" would mean an organization approved by HHSC that affirmed a recovery house satisfied certification criteria.

Voluntary certification standards. The bill would require HHSC to adopt minimum standards for certification as a recovery house that were consistent with quality standards from the National Alliance for Recovery Residences. The commission's standards would have to:

- require that a certified recovery house be managed by an administrator who satisfactorily completed the training specified in the bill; and
- prohibit a certified recovery house from providing personal care services defined under Health and Safety Code sec. 247.002.

Credentialing organizations. HHSC would have to authorize at least one credentialing organization to develop and administer a voluntary certification program for recovery housing.

A credentialing organization would have to:

- establish recovery house certification requirements that included, at minimum, certification standards adopted by HHSC;
- establish procedures to administer recovery house certification, including application, certification, recertification, and discipline, and to assess fees and monitor recovery houses and staff, among other provisions;
- provide training to recovery house administrators and staff regarding the adopted certification standards;
- develop a code of ethics; and
- provide information to HHSC for an annual report.

The bill would require a certified recovery house to notify the credentialing organization that issued its certification by the fourth business day after the recovery house administrator resigned, was terminated, or left the position for any other reason. The credentialing organization could revoke a recovery house's certification if the house had

not been managed by a trained administrator for longer than 30 days.

If a certified recovery house violated the bill's provisions, the credentialing organization could suspend the certification for six months while the organization conducted an audit of the recovery house. After the completed audit, the organization could implement a corrective action plan or revoke the license.

Exclusions. Under the bill, certain facilities would not be eligible for certification as a recovery house, including:

- a chemical dependency treatment facility licensed under Health and Safety Code ch. 464, subch. A;
- a boarding home facility as defined by Health and Safety Code sec. 260.001;
- an entity qualified as a community home under Human Resources Code ch. 123;
- a family violence shelter center as defined by Human Resources Code sec. 51.002; and
- a hotel as defined by Tax Code sec. 156.001, among other entities specified in the bill.

Prohibitions. The bill would prohibit a recovery house administrator, employee, or agent from offering to pay or agreeing to accept remuneration 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.

A recovery house could not advertise or cause to be advertised in any manner false, misleading, or deceptive information about the recovery house. A municipality or county could not adopt or enforce an ordinance, order, or other regulation that prevented a recovery house from operating in a residential community.

The following two provisions would take effect September 1, 2023. CSHB 544 would prohibit a non-certified recovery house from receiving

state money. The bill also would prohibit certain entities from referring an individual to a non-certified recovery house, including:

- a state agency as defined by Government Code sec. 2054.003;
- an organization receiving money from this state;
- a facility licensed under Health and Safety Code Title 4, subtitle B;
- a chemical dependency treatment facility licensed under Health and Safety Code ch. 464, subch. A; and
- a health care professional licensed under Occupations Code Title 3.

Report. The bill would require HHSC to prepare an annual report that included:

- the total number of certified recovery houses;
- the number of recovery houses certified in the last year;
- any issues regarding the certification or recertification process;
- the number of certified recovery houses that had a certification revoked within the last year; and
- the reasons for revoking a recovery house's certification.

Unless otherwise stated, the bill would take effect September 1, 2021.

SUPPORTERS
SAY:

CSHB 544 would better protect vulnerable individuals with substance use disorders by establishing a voluntary certification program for recovery houses. The bill would allow recovery homes to adopt nationally recognized standards and would empower consumer choice.

Currently, individuals in recovery often have difficulty distinguishing between fraudulent businesses claiming to be recovery housing and legitimate housing options. Requiring the inclusion of disciplinary procedures, a code of ethics, and training as part of the credentialing organization's procedures would improve oversight of recovery homes. The bill would help ensure individuals living in recovery homes were treated ethically and had access to evidence-based treatment, leading to better health outcomes.

By delaying the time frame in which funding and referrals could only be received by or occur for certified recovery homes, the bill would give recovery homes more time to meet new standards in the voluntary certification program and ensure that housing remained available. Limiting referrals only to certified recovery homes would help substance use treatment providers appropriately identify and refer individuals to quality recovery homes providing supportive living environments and promoting long-term recovery.

CRITICS
SAY:

No concerns identified.

NOTES:

The committee substitute differs from the bill as filed by specifying that Health and Safety Code sec. 469.0110 and sec. 469.0111 would take effect September 1, 2023. These provisions limit funding and referrals only to certified recovery homes.