

AMENDED IN SENATE JUNE 24, 2019

AMENDED IN ASSEMBLY MAY 16, 2019

AMENDED IN ASSEMBLY APRIL 22, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1779**

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**Introduced by Assembly Member Daly  
(Coauthor: Assembly Member Rodriguez)**

February 22, 2019

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An act to add Chapter 14 (commencing with Section 11857) to Part 2 of Division 10.5 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1779, as amended, Daly. Recovery residences.

Existing law provides for the licensure and regulation by the State Department of Health Care Services of adult alcoholism and drug abuse recovery and treatment facilities for adults. Existing law defines a facility for those purposes to mean a premise, place, or building that provides residential nonmedical services to adults who are recovering from drug or alcohol abuse or who need drug or alcohol recovery treatment or detoxification services.

This bill would establish, and require the department to adopt and implement, minimum standards for counties seeking to use state funding to offer recovery residences, as defined. The bill would also require the National Alliance for Recovery Residences to deny an application for, or deny or revoke the recognition, registration, or certification of, a recovery residence under certain circumstances, including if the recovery residence fails to meet the minimum standards.

The bill would require the department to report to the Legislature, on or before January 1, 2025, the number and types of complaints received by certifying entities and the department, the status of complaints received, and the geographic concentration of reported complaints, and to maintain on its internet website information regarding residences for which the certification was revoked. *complaints*. The bill would also include legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3 (a) (1) Substance use disorder is ranked in the top five clinically  
4 preventable burdens on health care spending.
- 5 (2) The level of health care services used by substance use  
6 disorder patients before receiving treatment is more than double  
7 that of the general population. It has been shown that after 12  
8 months of treatment of substance use disorders, the levels of health  
9 care services received return to almost average.
- 10 (3) An estimated 4 to 5 years is necessary for persons  
11 experiencing the chronic disease of addiction to reach a full,  
12 sustained recovery, and the first 30 to 90 days after initial treatment  
13 are the most critical for preventing relapse, making it imperative  
14 that recovery residences be expanded as a means of reducing costs  
15 associated with multiple treatment episodes.
- 16 (4) There are an estimated 3.5 million persons with diagnosable  
17 substance use disorders in California and a limited number of  
18 available recovery residences to effectively provide healthy living  
19 environments for long-term recovery.
- 20 (5) The need for quality recovery residence housing will  
21 continue to rise throughout the next decade.
- 22 (b) Therefore, it is the intent of the Legislature, in enacting this  
23 act, to identify best practices for recovery residences so that all of  
24 the following may occur:
- 25 (1) Access to legitimate recovery residence housing can be  
26 expanded.

(2) Those currently living in recovery residences may see an improved level of safety and a reduction in deaths due to opioid abuse and overdose.

(3) Local governments can recognize quality recovery residences for their valuable contributions to the continuum of care in addiction treatment and recovery.

SEC. 2. Chapter 14 (commencing with Section 11857) is added to Part 2 of Division 10.5 of the Health and Safety Code, to read:

CHAPTER 14. RECOVERY RESIDENCES

11857. (a) For purposes of this chapter, “recovery residence” refers to a residential property as defined in subdivision (c) of Section 11833.05.

(b) ~~The department shall adopt the Best Practices for Operating Recovery Housing (BPORH) that includes suggested minimum standards for operating recovery housing, upon its distribution by the United States Department of Health and Human Services as the minimum requirements for counties seeking to offer recovery housing using state funding. Until the BPORH is distributed, the department shall adopt the most recent standards approved by the~~ National Alliance for Recovery Residences (NARR) as the minimum standard for receiving state funding for recovery residence housing. *Upon distribution of the Best Practices for Operating Recovery Housing (BPORH) by the United States Department of Health and Human Services pursuant to Section 290ee–5(a) of Title 42 of the United States Code, each specific residence performance requirement that exceeds the NARR standards for recovery residences shall be added to the minimum standard for receiving state funding for recovery residence housing.* A residence that is certified by an organization that is currently a recognized affiliate of NARR and has adopted the standards approved by NARR, ~~and subsequently the including a requirement that opioid overdose reversal medication be readily available in case of an onsite opioid overdose emergency, and any additional standards identified by the BPORH, shall be presumed to have met the minimum requirement for best practices: best practices operating requirement.~~

11857.02. An application for, or the recognition, registration, or certification of, a recovery residence shall be denied or revoked

1 by a state affiliate of NARR under any of the following  
2 circumstances:

3 (a) If the residence owner or operator name in the application  
4 is listed on the Department of Health and Human Services'  
5 exclusions list pursuant to Sections 1128 and 1156 of the Social  
6 Security Act (42 U.S.C. Section 1320a-7 and 42 U.S.C. Section  
7 1320c-5).

8 (b) If an applicant has previously applied for a license to operate  
9 a residential alcoholism or drug abuse recovery or treatment  
10 facility, or certified alcoholism or drug abuse recovery or treatment  
11 program, or previously held a license to operate a residential  
12 alcoholism or drug abuse recovery or treatment facility, and that  
13 application was denied or the previous license was revoked,  
14 suspended, terminated, surrendered, forfeited, or otherwise subject  
15 to disciplinary or administrative action by the department, including  
16 the imposition of civil penalties, when the department determines  
17 recognition, registration, or certification would be inconsistent  
18 with the ethical and safety standards required for that status.

19 (c) If the residence is not operating in compliance with NARR  
20 or BPORH requirements or applicable state or federal laws. If this  
21 subdivision applies, the entity shall notify the department.

22 11857.03. ~~A city, City, county, city and county, or local law~~  
23 ~~enforcement entity~~ that has documented evidence that a recovery  
24 residence is not operating in compliance with NARR or BPORH  
25 standards to an extent that resident or community safety is being  
26 impacted, in a manner that suggests fraudulent activity is occurring,  
27 or in a manner that would require licensure as a residential  
28 treatment facility, may report these findings to the department and  
29 to an entity described in Section 11857.01. The department or a  
30 city, county, or city and county, or local law enforcement, may  
31 request that the residence obtain recognition, registration,  
32 certification, or licensure, as applicable, as a recovery residence  
33 or treatment facility within 90 days of being notified of that  
34 deficiency by the department or an entity described in Section  
35 11857.01 in order to improve the conditions at the residence and  
36 support positive relationships with the community. If the recovery  
37 residence is providing treatment for addiction, the recovery  
38 residence shall cease providing services that may be provided only  
39 pursuant to a valid license until the appropriate license has been  
40 issued.

1     ~~11857.04. The department shall maintain and post on its~~  
2 ~~internet website a registry containing the following information:~~

3     ~~(a) The street address of each recovery residence that has had~~  
4 ~~its recognition, registration, or certification revoked, or whose~~  
5 ~~application was denied, by an entity described in Section 11857.01~~  
6 ~~in California.~~

7     ~~(b) The name of each operator of a recovery residence that has~~  
8 ~~had its recognition, registration, or certification revoked, or whose~~  
9 ~~application has been denied, by an entity described in Section~~  
10 ~~11857.01 in California.~~

11     11857.07. (a) This chapter does not prohibit a county  
12 contracting authority from requiring quality and performance  
13 standards that are similar to, or that exceed, the standards described  
14 in this chapter, when contracting for recovery residence services.

15     (b) An entity may enter into a memorandum of understanding  
16 with a county for the purposes of determining if the county's  
17 requirements meet or exceed the minimum requirements of the  
18 entity. A memorandum of understanding may include the granting  
19 of reciprocity based upon the requirements of the county contract.

20     11857.08. (a) The department shall report to the Legislature  
21 on or before January 1, 2025, the number and types of complaints  
22 received by entities and the department pursuant to Section  
23 11857.03, the status of complaints received, and the geographic  
24 concentration of reported complaints.

25     (b) The report submitted pursuant to subdivision (a) shall be  
26 submitted in compliance with Section 9795 of the Government  
27 Code.