

115TH CONGRESS
2D SESSION

H. R. 5100

To amend the Public Health Service Act to authorize grants to States to establish and operate recovery home certification programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. KNIGHT (for himself, Ms. ESHOO, Ms. ESTY of Connecticut, Mr. RYAN of Ohio, Ms. TENNEY, Mr. MACARTHUR, Mr. BILIRAKIS, and Ms. KUSTER of New Hampshire) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to authorize grants to States to establish and operate recovery home certification programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recovery Home Cer-
5 tification Act of 2018”.

1 **SEC. 2. REDESIGNATION OF THE CENTER FOR SUBSTANCE**
2 **ABUSE TREATMENT AS THE CENTER FOR**
3 **SUBSTANCE ABUSE TREATMENT AND RECOV-**
4 **ERY.**

5 (a) REDESIGNATION.—The Center for Substance
6 Abuse Treatment is hereby renamed the “Center for Sub-
7 stance Abuse Treatment and Recovery”.

8 (b) CONFORMING AMENDMENTS.—Title V of the
9 Public Health Service Act (42 U.S.C. 290aa et seq.) is
10 amended—

11 (1) in the heading of subpart 1 of part B, by
12 striking “Center for Substance Abuse Treatment”
13 and inserting “Center for Substance Abuse Treat-
14 ment and Recovery”;

15 (2) in the heading of section 507, by striking
16 “CENTER FOR SUBSTANCE ABUSE TREATMENT” and
17 inserting “CENTER FOR SUBSTANCE ABUSE TREAT-
18 MENT AND RECOVERY”;

19 (3) in the heading of subsection (a) of section
20 513, by striking “CENTER FOR SUBSTANCE ABUSE
21 TREATMENT” and inserting “CENTER FOR SUB-
22 STANCE ABUSE TREATMENT AND RECOVERY”; and

23 (4) by striking “Center for Substance Abuse
24 Treatment” each place it appears and inserting
25 “Center for Substance Abuse Treatment and Recov-
26 ery”.

9 Subpart I of part B of title V of the Public Health
10 Service Act (42 U.S.C. 290bb et seq.) is amended by add-
11 ing at the end the following:

14 “(a) IN GENERAL.—Subject to the requirements of
15 this section, the Director of the Center shall establish
16 model criteria for recovery homes and award grants to
17 States that establish and operate recovery homes based
18 on such model criteria.

“(1) not later than 6 months after the date of enactment of the Recovery Home Certification Act of 2018, shall establish model criteria for the certification of recovery homes by States, including criteria for—

1 “(A) minimum staffing of recovery support
2 specialists and other staff;

3 “(B) qualifications for employees;

4 “(C) the presence of policies to support—

5 “(i) a resident’s recovery efforts; and

6 “(ii) compliance with all applicable
7 laws; and

8 “(D) such other matters as the Director
9 determines to be necessary to ensure that recov-
10 ery homes are committed to effectively sup-
11 porting recovery from drug and alcohol addic-
12 tion;

13 “(2) shall award grants to States to establish
14 and operate recovery home certification programs
15 based on such model criteria and to provide tech-
16 nical assistance to recovery homes to help them meet
17 certification standards; and

18 “(3) not later than 6 months after the date of
19 enactment of the Recovery Home Certification Act
20 of 2018, shall issue or produce recommendations for
21 States to clarify and enforce relationships between
22 health care treatment providers, recovery homes, and
23 recovery support providers.

24 “(c) DEFINITIONS.—In this section:

1 “(1) The term ‘State’ means each of the several
2 States, the District of Columbia, the Commonwealth
3 of Puerto Rico, the United States Virgin Islands,
4 Guam, American Samoa, and the Commonwealth of
5 the Northern Mariana Islands.

6 “(2) The term ‘recovery home’ means a residen-
7 tial property that is operated as a nonclinical cooper-
8 ative living arrangement to provide an alcohol- and
9 drug-free environment for individuals recovering
10 from alcoholism or substance use disorders who seek
11 a living environment that supports personal recov-
12 ery.

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—Out of
14 funds otherwise authorized to be made available to the
15 Substance Abuse and Mental Health Services Administra-
16 tion, there are authorized to be appropriated to carry out
17 this section \$40,000,000 for each of fiscal years 2019
18 through 2023. No additional funds are authorized to be
19 appropriated to carry out this section.”.

20 **SEC. 4. CRIMINAL PENALTIES.**

21 (a) IN GENERAL.—Chapter 11 of title 18, United
22 States Code, is amended by inserting after section 219 the
23 following:

1 **“§ 220. Unlawful payments for referrals to recovery**
2 **homes and clinical treatment facilities**

3 “(a) IN GENERAL.—Whoever, in or affecting inter-
4 state or foreign commerce, knowingly—

5 “(1) refers an individual with a substance use
6 disorder to a recovery home or clinical treatment fa-
7 cility in exchange for any money or thing of value;

8 “(2) being a recovery home or clinical treat-
9 ment facility, or an officer or employee of a recovery
10 home or clinical treatment facility acting in the
11 course of their employment, pays any money or
12 thing of value to—

13 “(A) a person in exchange for the person
14 referring an individual with a substance use dis-
15 order to that recovery home or clinical treat-
16 ment facility; or

17 “(B) an individual with a substance use
18 disorder in exchange for that individual using
19 the services of that recovery home or clinical
20 treatment facility; or

21 “(3) being a clinical service provider, or an offi-
22 cer or employee of a clinical service provider acting
23 in the course of their employment, pays any money
24 or thing of value to a recovery home or clinical treat-
25 ment facility, or to an officer or employee of a recov-
26 ery home or clinical treatment facility, in exchange

1 for referring an individual with a substance use dis-
2 order to a clinical service provider for clinical serv-
3 ices,

4 shall be fined under this title, imprisoned not more than
5 5 years, or both.

6 “(b) RULE OF CONSTRUCTION.—The prohibition
7 under subsection (a)(2)(B) does not apply in the case of
8 a recovery home or clinical treatment facility that charges
9 different fees or rates for serving different categories of
10 individuals.

11 “(c) DEFINITIONS.—In this section:

12 “(1) The term ‘recovery home’ means a residen-
13 tial property that is operated as a nonclinical cooper-
14 ative living arrangement to provide an alcohol- and
15 drug-free environment for individuals recovering
16 from alcoholism or substance use disorders who seek
17 a living environment that supports personal recov-
18 ery.

19 “(2) The term ‘clinical treatment facility’
20 means the location of a medical practice that pro-
21 vides, manages, or coordinates health care and re-
22 lated services under the supervision of a licensed
23 medical professional for individuals recovering from
24 alcoholism or substance use disorders.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 11 of title 18, United States Code, is amended
 3 by inserting after the item related to section 219 the fol-
 4 lowing:

“220. Unlawful payments for referrals to recovery homes and clinical treatment facilities.”.

5 **SEC. 5. GAO STUDY.**

6 Not later than 18 months after the date of enactment
 7 of this Act, the Comptroller General of the United States
 8 shall conduct a study and submit to the Committee on
 9 Health, Labor, and Pensions of the Senate, and the Com-
 10 mittee on Energy and Commerce of the House of Rep-
 11 resentatives a report, which shall include—

12 (1) an analysis of best practices of State and
 13 local governments in regulating, licensing, training,
 14 and setting standards for recovery homes in States
 15 with certification policies supported by Federal fund-
 16 ing; and

17 (2) recommendations, if any, on improving Fed-
 18 eral oversight of State and local regulations, licen-
 19 sure requirements, training, and standards for recov-
 20 ery homes in States with certification policies sup-
 21 ported by Federal funding;

22 (3) an analysis of enforcement activities con-
 23 ducted by the Department of Justice to deter and

1 penalize conduct prohibited under section 220 of
2 title 18, United States Code;

3 (4) recommendations for improving the enforce-
4 ment of section 220 of title 18, United States Code;
5 and

6 (5) recommendations to address financial and
7 legal arrangements between recovery homes and clin-
8 ical treatment facilities (as such terms are defined
9 under section 220 of title 18, United States Code),
10 and the effects of such arrangements on patient
11 care.

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