

115TH CONGRESS
2D SESSION

S. 2828

To develop and identify indicators of potentially fraudulent and disreputable recovery housing operators, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

Mr. RUBIO (for himself and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To develop and identify indicators of potentially fraudulent and disreputable recovery housing operators, 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 “Sober Home Fraud
5 Detection Act”.

6 **SEC. 2. BEST PRACTICES FOR IDENTIFYING FRAUD IN RE-**
7 **COVERY HOUSING PRACTICES.**

8 (a) DEFINITION.—In this Act, the term “recovery
9 housing” means a shared living environment free from al-

1 cohool and illicit drug use and centered on peer support
2 and connection to services that promote sustained recovery
3 from substance use disorders.

4 (b) IDENTIFICATION OF FRAUDULENT RECOVERY
5 HOUSING OPERATORS.—

6 (1) IN GENERAL.—The Secretary of Health and
7 Human Services (referred to in this Act as the “Sec-
8 retary”), in consultation with the individuals and en-
9 tities described in paragraph (2), shall identify or fa-
10 cilitate the development of common indicators that
11 could be used to identify potentially fraudulent or
12 disreputable recovery housing operators.

13 (2) CONSULTATION.—In carrying out the activi-
14 ties described in paragraph (1), the Secretary shall
15 consult with—

16 (A) relevant divisions of the Department of
17 Health and Human Services, including the Sub-
18 stance Abuse and Mental Health Services Ad-
19 ministration, the Office of Inspector General,
20 and the Centers for Medicare & Medicaid Serv-
21 ices;

22 (B) the Attorney General;

23 (C) the Secretary of Housing and Urban
24 Development;

- 1 (D) State health departments, State Med-
- 2 icaid plans, and State insurance commissioners;
- 3 (E) health insurance issuers;
- 4 (F) national accrediting entities and rep-
- 5 utable recovery housing operators;
- 6 (G) the Government Accountability Office;
- 7 and
- 8 (H) other stakeholders identified by the
- 9 Secretary.

10 (c) REQUIREMENTS.—

11 (1) PRACTICES FOR IDENTIFICATION AND RE-

12 PORTING.—In carrying out the activities described in

13 subsection (b), the Secretary shall consider how law

14 enforcement, public and private payers, and the pub-

15 lic can best identify and report fraudulent or dis-

16 reputable recovery housing operators.

17 (2) FACTORS TO BE CONSIDERED.—In carrying

18 out the activities described in subsection (b), the

19 Secretary shall also consider identifying or devel-

20 oping indicators regarding—

- 21 (A) unusual billing practices;
- 22 (B) average lengths of patient stays that
- 23 are longer than the norm;
- 24 (C) excessive levels of drug testing (in
- 25 terms of cost or volume);

1 (D) unusually high levels of recidivism;

2 (E) if the recovery housing operator is lo-
3 cated in a geographic area identified by the
4 Secretary as having a high level of health care
5 fraud; and

6 (F) any other factors identified by the Sec-
7 retary.

8 (d) DISSEMINATION.—The Secretary shall make the
9 indicators identified or developed under subsection (b)
10 publicly available on the websites of the Department of
11 Health and Human Services, the Department of Justice,
12 and the Department of Housing and Urban Development,
13 and shall disseminate the indicators identified or devel-
14 oped under subsection (b) to—

15 (1) State agencies, which may include the provi-
16 sion of technical assistance to State agencies seeking
17 to adopt or implement policies to better identify po-
18 tentially fraudulent recovery housing operators;

19 (2) health insurance issuers;

20 (3) the Administrator of the Centers for Medi-
21 care & Medicaid Services;

22 (4) the Secretary of Labor;

23 (5) the Secretary of Housing and Urban Devel-
24 opment;

1 (6) State and local law enforcement agencies;
2 and

3 (7) the public, as appropriate.

4 (e) UPDATES.—The Secretary shall update the indi-
5 cators identified under this section as necessary.

6 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to provide the Secretary with the
8 ability to require States to adhere to minimum standards
9 regarding State oversight of recovery housing.

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