

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4425

By Delegate Criss

[Introduced January 10, 2024; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then Health]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-59A-1, §16-59A-2, and §16-59A-3, all relating to requiring separate proof
 3 of licensure for every recovery residence owned or operated by an individual or entity in
 4 West Virginia; providing for definitions; setting forth the process for licensure and
 5 standards for licensure; and creating a reporting requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 59A. LICENSURE OF RECOVERY RESIDENCES.

§16-59A-1. Definitions.

1 As used in this article, the term:

2 (1) "Department" means the Department of Health and Human Resources.

3 (2) "License" means a license that is issued to a recovery residence by the West Virginia
 4 Office of the Inspector General.

5 (3) "Licensed recovery residence" means a recovery residence that holds a valid license
 6 as set forth in this article.

7 (4) "OIG" means the West Virginia Office of the Inspector General.

8 (5) "Recovery residence" means a single-family, drug-free, and alcohol-free residential
 9 dwelling unit, or other form of group housing, that is offered or advertised by any person or entity
 10 as a residence that provides a drug-free and alcohol-free living environment for the purposes of
 11 promoting sustained, long-term recovery from substance use disorder.

12 (6) "WVARR" means the West Virginia Alliance of Recovery Residences.

§16-59A-2. Licensure requirement for recovery residence owned or operated by an
individual or entity in the state.

1 (a) Proof of licensure shall be required for every recovery residence owned or operated by
 2 an individual or entity in this state.

3 (b) Licenses to recovery residences shall be granted by the West Virginia Office of the
 4 Inspector General.

5 (c) To be granted a license and operate lawfully, the recovery residence shall provide a
6 written plan to the Office of the Inspector General with the following information:

7 (1) Information on local recovery supports available to residents;

8 (2) A list of services offered by the recovery residence;

9 (3) Attestation that no resident will be required to receive services from a treatment
10 provider owned or partnered with the owner of the recovery residence;

11 (4) A written copy of residence rights and responsibilities, including requirement that
12 residents abstain from the use of illicit drugs;

13 (5) A lease template;

14 (6) Attestation that if a resident must be discharged due to substance abuse then that
15 resident will be referred to a treatment provider and the provider will be contacted by the operator
16 of the recovery residence;

17 (7) Attestation that the recovery residence is not receiving referrals or engaged in patient
18 brokering from jurisdictions beyond the borders of West Virginia;

19 (8) A letter of support from the county commission and city, if applicable, to establish and
20 market a recovery residence within the jurisdiction

21 (d) In evaluating this plan for purpose of approving licensure, the Office of the Inspector
22 General may consult with the Bureau for Behavioral Health and/or the certifying body for recovery
23 residences.

24 (e) In order for a recovery residence in this state to receive direct or indirect funding from
25 the state, that residence shall meet West Virginia Alliance of Recovery Residences ("WVARR")
26 certification standards.

27 (1) No entity of the state, or an entity licensed to provide services by the state, may refer an
28 individual to an uncertified recovery residence.

29 (2) This process is separate from the licensure requirement otherwise set forth in this
30 section.

31 (f) A manager or owner of a recovery residence must post on its website the name,
32 telephone number, and location by local jurisdiction of each certified recovery residence, and keep
33 this list updated quarterly.

34 (g) State and local governments shall be granted the authority and legal standing
35 necessary to initiate appropriate legal action to compel a recovery residence that is operating in
36 violation of statute to cease operations.

37 (h) The Office of the Inspector General shall develop and maintain a process to receive
38 complaints from the public, current residents, and former residents of a recovery home concerning
39 management practices that may place at risk residents, the community, or taxpayer interest.

40 (i) The Office of the Inspector General shall establish a fund and assess fees for the
41 purpose of providing regulatory services as described in the statute.

42 (j) County and municipal government may enact special use fees or permits to afford
43 remunerations from owners/operators for tax revenue for subdivisions to mitigate the impact on
44 Government services: *Provided*, That such special use fees shall not be excessive so as to
45 impede otherwise compliant recovery home operators in a jurisdiction.

46 (k) County and municipal governments shall assume inspection and enforcement duties in
47 compliance with standards set forth for recovery residences and those of other residential
48 properties within the jurisdiction.

§16-59A-3. Reporting requirement.

1 The Office of Drug Control Policy shall submit an annual report to the Joint Committee on
2 Government and Finance on certified and licensed recovery residences, as obtained from the
3 Offices of the Inspector General and West Virginia Alliance of Recovery Residences. The report
4 shall include numbers of individuals that have residing in such residences by county throughout
5 the year and any policy recommendations to improve successful outcomes for those residing in
6 recovery residences and the communities supporting them.

NOTE: The purpose of this bill is to require separate proof licensure for every recovery residence owned or operated by an individual or entity in West Virginia. The bill provides for definitions. The bill sets forth standards and the process for licensure. Finally, the bill provides a reporting requirement.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.