

1 SENATE BILL NO. 94
2 INTRODUCED BY B. USHER
3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS AND PROHIBITING CERTAIN
6 PRACTICES FOR RECOVERY RESIDENCES; CREATING A REGISTRY OF RECOVERY RESIDENCES IN
7 MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECEIVE RENTAL
8 VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS;
9 PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE
10 DATE."
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12 WHEREAS, Montanans facing addiction deserve the highest quality of care and support; and
13 WHEREAS, recovery residences can provide a healthy, sober living environment that helps individuals
14 with substance use disorders achieve and maintain sobriety; and

15 WHEREAS, it is crucial that recovery residences implement best practices and sound operating
16 procedures that enable and empower residents to gain access to community support, public services, and
17 therapeutic treatments to advance their recovery and develop independence.
18

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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21 NEW SECTION. **Section 1. Definitions.** As used in this part, unless the context clearly indicates
22 otherwise, the following definitions apply:

23 (1) "Alcohol and drug prevention or treatment facility" means a recovery residence, hospital, health
24 or counseling center, or other entity providing alcohol and drug services.

25 (2) "Alcohol and drug services" includes evaluation, treatment, residential personal care,
26 habilitation, rehabilitation, counseling, or supervision of persons with substance use disorders or services to
27 persons designed to prevent substance use disorders that either receive funds from the department of public
28 health and human services or assess fees for services provided.

1 prevention or treatment facility;

2 (d) engage or make an attempt to engage in a split-fee arrangement in return for a referral or an
3 acceptance or acknowledgement of treatment from a qualified health care provider, provider of alcohol and
4 drug services, or alcohol and drug prevention or treatment facility; or

5 (e) enter into a contract with a marketing provider who agrees to generate referrals or leads for the
6 placement of patients with a qualified health care provider, provider of alcohol and drug services, or alcohol and
7 drug prevention or treatment facility through a call center or a web-based presence unless this contract is
8 disclosed to the prospective patient or resident.

9 (2) In addition to any other penalty authorized by law, a recovery residence that knowingly violates
10 this section is subject to prosecution and penalties pursuant to the Montana Consumer Protection Act, Title 30,
11 chapter 14, part 1.

12

13 **NEW SECTION. Section 4. Powers and duties of department of public health and human**

14 **services.** The department of public health and human services shall:

15 (1) maintain a registry of recovery residences in the state;

16 (2) include on its website a public-facing list of certifying organizations that operate in the state and
17 are recognized by the department;

18 (3) include on its website a public-facing list of recovery residences in the state that indicates
19 which recovery residences are certified recovery residences.

20

21 **NEW SECTION. Section 5. Preferential placement at and referral to certified recovery**

22 **residences.** (1) The department of corrections shall establish a preference for certified recovery residences by
23 encouraging and assisting appropriate individuals seeking placements in recovery residences.

24 (2) (a) A ~~qualified health care provider~~, judge, justice of the peace, or magistrate may not refer an
25 individual to an uncertified recovery residence.

26 (b) A judge, justice of the peace, or magistrate may not refer an individual to a certified recovery
27 residence that does not permit the individual to receive treatment or take medication prescribed by a qualified
28 health care provider.

1 ~~(b)(c)~~ When referring an individual to a recovery residence, a qualified health care provider, judge,
2 justice of the peace, or magistrate shall consider the:

3 (i) culture of the recovery residence, including but not limited to the permissiveness of unhealthy
4 behaviors, current residents' commitment to recovery and support of other residents, requirements and support
5 to attend and seek clinical treatment and outside nonclinical sobriety support, and the general living
6 environment;

7 ~~(ii) — levels of care the recovery residence provides, including the type, nature, and intensity of the
8 therapeutic services and recovery supports provided, and the ability to meet the referee's specific needs;~~

9 ~~(iii) — utilization of certified or appropriately trained peers with relevant lived experience;~~

10 ~~(iv)(ii)~~ geographic area, neighborhood, or external surrounding environment of the recovery
11 residence;

12 ~~(v)(iii)~~ physical living environment of the recovery residence;

13 ~~(vi) — use of medication-assisted treatment in the recovery residence, including the:~~

14 ~~(A) — operator and other staff support for medication-assisted treatment;~~

15 ~~(B) — proper monitoring of the use of medication-assisted treatment;~~

16 ~~(C) — other residents' support of medication-assisted treatment; and~~

17 ~~(D) — availability of peers with medication-assisted treatment experience for residents with severe
18 opioid use disorder;~~

19 ~~(vii)(iv)~~ level of training and professionalism of residence staff;

20 ~~(viii)(v)~~ recovery residence's reputation regarding ethical business practices, which may include but is
21 not limited to fraud and abuse of residents;

22 ~~(ix)(vi)~~ recovery residence's relapse policy; and

23 ~~(x)(vii)~~ availability of opioid-overdose reversal drugs.

24 ~~(3) — Any qualified health care provider who violates subsection (2)(a) is subject to the suspension or
25 revocation of the provider's license or certificate by the appropriate licensing or certification board and the
26 imposition of civil penalties pursuant to the relevant chapter of Title 37.~~

27 ~~(4)(3)~~ Any judge, magistrate, or justice of the peace who violates subsection (2)(a) is subject to
28 disciplinary action by the judicial standards commission pursuant to Title 3, chapter 1, part 11.

1 ~~(5)(4)~~ Subsection (2)(a) does not otherwise limit the referral options available for a person in recovery
2 from a substance use disorder to any other appropriate placements or services.

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4 **Section 6.** Section 46-23-1041, MCA, is amended to read:

5 **"46-23-1041. Rental vouchers.** (1) If the department does not approve an offender's parole plan
6 because the offender is unable to secure suitable living arrangements, the department may provide rental
7 vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an approved
8 parole plan.

9 [(2)___The department shall provide a rental voucher to a claimant if required by 46-32-106(7).]

10 (3)___The voucher [provided pursuant to subsection (1)] must be provided in conjunction with
11 additional transition support that enables the offender to participate in programs and services, including but not
12 limited to substance abuse treatment, mental health treatment, sex offender treatment, educational
13 programming, or employment programming." (Bracketed language terminates June 30, 2023--sec. 15, Ch. 574,
14 L. 2021.)

15 (4) ___ To receive rental vouchers and transitional assistance funds from the department of
16 corrections, a recovery residence must:

17 (a) ___ be a certified recovery residence, as defined in [section 1(3)]; and

18 (b) ___ notify a resident's probation or parole officer within 24 hours of the resident moving out, if a
19 resident is on probation or parole when the resident moves out of the recovery residence; and

20 (c) ___ permit residents to receive treatment and take medication prescribed by a qualified health care
21 provider."

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23 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be
24 codified as an integral part of Title 53, chapter 24, part 3, and the provisions of Title 53, chapter 24, part 3,
25 apply to [sections 1 through 5].

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27 NEW SECTION. Section 8. Effective date. [This act] is effective October 1, 2023.

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