

SENATE, No. 4015

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 14, 2025

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Clarifies DHS authority to regulate sober living homes and halfway houses as residential substance abuse aftercare facilities; requires background checks and other protections for residents of residential substance abuse facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2025)

1 AN ACT concerning the regulation of certain facilities by the
2 Department of Human Services and amending and
3 supplementing P.L.1975, c.305 and P.L.1970, c.334, amending
4 P.L.1982, c.149, and supplementing Titles 26 and 53 of the
5 Revised Statutes.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. Section 6 of P.L.1975, c.305 (C.26:2B-12) is amended to
11 read as follows:

12 6. The department shall take cognizance of all matters affecting
13 alcohol use disorder in the State and shall establish and conduct a
14 program for the treatment of intoxicated persons and persons with
15 an alcohol use disorder.

16 The program may encourage regionalization of services and, if
17 not otherwise available, provide for the following facilities, which
18 need not be separately located:

19 a. Intoxication treatment centers, which centers shall render
20 emergency medical care, including detoxification, shall be open 24
21 hours every day, and shall be located conveniently near population
22 centers. Services shall be provided for the immediate physical and
23 social needs, including the needs for medication and shelter, of
24 intoxicated persons, and shall also provide for initial examination,
25 diagnosis and referral. To the extent possible, such treatment
26 centers shall be affiliated with a general or other hospital.

27 b. Inpatient facilities, for treatment of persons with an alcohol
28 use disorder, which shall, to the extent possible, be affiliated with
29 the medical service of a general hospital, mental hospital,
30 community mental health center, or other hospital.

31 c. Outpatient facilities.

32 d. Residential aftercare facilities, such as halfway houses or
33 transitional sober living homes.

34 The department shall maintain, supervise and control all
35 facilities operated by it pursuant to P.L.1975, c.305 (C.26:2B-7 et
36 seq.) and all such facilities shall be staffed with an adequate number
37 of qualified and trained personnel. The administrator of each
38 **[such]** facility shall make an annual report of its activities to the
39 director in such manner and form as the director may deem
40 appropriate. All appropriate resources, particularly community
41 mental health centers, shall whenever possible be utilized in and
42 coordinated with the program.

43 Services delivered by the department pursuant to P.L.1975, c.305
44 (C.26:2B-7 et seq.) may be administered on the premises of
45 institutions operated in whole or in part by the department of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 institutions and agencies. Such services shall be administered as
2 such services are administered in the other facilities of the
3 department and shall in all respects be therapeutic in nature rather
4 than penal or correctional.

5 The department shall annually prepare and publish **【annually】** a
6 list of all **【services】** facilities and service-providing entities
7 operating in accordance with P.L.1975, c.305 (C.26:2B-7 et seq.)
8 **【and】** , shall make the list available , upon request , to members of
9 the public , and shall include the information on its website in
10 accordance with the registry established pursuant to section 17 of
11 P.L. , c. (C.) (pending before the Legislature as this bill).
12 The department shall notify all law enforcement agencies and
13 judges in the State of the location and capacity of intoxication
14 treatment centers and other **【services】** service-providing entities
15 operating in accordance with **【this act】** P.L.1975, c.305 (C.26:2B-7
16 et seq.), which are situated in or near their jurisdictions.
17 (cf: P.L.2017, c.131, s.73)

18

19 2. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to
20 read as follows:

21 2. As used in this act:

22 “Commissioner” means the Commissioner of **【Health】** Human
23 Services.

24 “Department” means the Department of Human Services.

25 “Narcotic drug” means any narcotic, drug, or dangerous
26 controlled substance, as defined in any law of the State of New
27 Jersey or of the United States.

28 "Patient" means a person with a substance use disorder, or who
29 otherwise has a physical or mental impairment from the use of
30 narcotic drugs and who requires continuing care of a substance use
31 disorder treatment center.

32 "Substance use disorder treatment center" means any
33 establishment, facility or institution, public or private, whether
34 operated for profit or not, which primarily offers, or purports to
35 offer, maintain, or operate facilities for the residential or outpatient
36 diagnosis, care, treatment, or rehabilitation of two or more
37 nonrelated individuals, who are patients as defined herein,
38 excluding, however, any hospital or mental hospital otherwise
39 licensed by Title 30 of the Revised Statutes.

40 (cf: P.L.2023, c.177, s.83)

41

42 3. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to
43 read as follows:

44 5. The commissioner shall adopt, amend, promulgate and
45 enforce such rules, regulations and minimum standards for the
46 treatment of patients of narcotic and substance use disorder
47 treatment centers as may be reasonably necessary to accomplish the

1 purposes of P.L.1970, c.334 (C.26:2G-21 et seq.). Such narcotic
2 and substance use disorder treatment centers may be classified into
3 two or more classes with appropriate rules, regulations and
4 minimum standards for each such class. The department's
5 classification system shall account for all types of narcotic and drug
6 abuse treatment centers, including, but not limited to: (1) facilities
7 that provide patients with detoxification, medication-assisted
8 treatment, or other intensive or emergency-level drug abuse
9 treatment on an inpatient basis; (2) facilities that provide patients
10 with detoxification, medication-assisted treatment, or other drug
11 abuse treatment, on an outpatient basis; and (3) residential aftercare
12 facilities, such as halfway houses and transitional sober living
13 homes, which help recovering drug addicts and abusers make a
14 successful and sober transition back into the community-at-large.

15 No narcotic or drug abuse treatment center, transitional sober
16 living home, halfway house, or other residential aftercare facility
17 shall be permitted to deny admission to a prospective client on the
18 basis that the person is currently receiving medication assisted
19 treatment for a substance use disorder administered by a licensed
20 treatment provider, including but not limited to methadone,
21 buprenorphine, naltrexone, or any other medication approved by the
22 Food and Drug Administration for the treatment of a substance use
23 disorder.

24 The rules and regulations adopted pursuant to this section shall,
25 at a minimum, require a transitional sober living home, halfway
26 house, or other residential aftercare facility to provide notice to a
27 patient's spouse, parent, legal guardian, designated next of kin, or
28 other designated emergency contact, whenever the patient
29 voluntarily withdraws, or is involuntarily evicted from, such
30 facility, provided that: (1) such notice is provided in a manner that
31 is consistent with federal requirements under 42 CFR Part 2 and
32 federal HIPAA requirements under 45 CFR Parts 160 and 164; and
33 (2) the patient, if an adult, has not withheld consent for such notice
34 or expressly requested that notification not be given. If a patient
35 who is not incapacitated withholds consent for such notice, or
36 expressly requests that notification not be given, the department
37 shall require the patient's wishes to be respected unless the patient
38 is a minor child or adolescent, in which case, the department shall
39 require the minor's parent, legal guardian, designated next of kin, or
40 other designated emergency contact to be notified, provided that
41 such notification is not inconsistent with, and would not violate,
42 federal requirements under 42 CFR Part 2 and federal HIPAA
43 requirements under 45 CFR Parts 160 and 164.

44 (cf: P.L.2017, c.256, s.2)

45

46 4. Section 1 of P.L.1982, c.149 (C.26:2H-11.1) is amended to
47 read as follows:

1 1. In the case of an application for a certificate of need or
2 initial licensure, as applicable, for a narcotic and drug abuse
3 treatment center to be located within 500 feet from any building in
4 this State used for the instruction of children between the ages of
5 five and 18 years, the applicant shall notify the governing body of
6 the municipality within which the applicant proposes to locate the
7 treatment center of the applicant's intention to apply for the
8 certificate of need or licensure and the proposed location of the
9 center. Documentation of the notice shall be filed with the
10 certificate of need or license application. The Commissioner of
11 Health is hereby authorized to adopt reasonable rules and
12 regulations, in accordance with the provisions of the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.), to effectuate the purposes of this act. For the purposes of this
15 act, the definition of "narcotic and drug abuse treatment center"
16 shall be identical to the definition in [subsection (a) of] section 2 of
17 P.L.1970, c.334 (C.26:2G-22). This act shall not apply to any
18 narcotic and drug abuse treatment center for which an application
19 was filed prior to the effective date of this act.
20 (cf: P.L.2012, c.17, s.177)

21
22 5. (New section) a. Except as provided in subsection b. of this
23 section, a facility regulated by the department pursuant to P.L.1975,
24 c.305 (C.26:2B-7 et seq.) shall not remove a resident from the
25 facility until at least one week following the date of delivery by the
26 facility to the resident of a written notice that advises the resident
27 that the resident shall be removed from the facility no less than one
28 week from the date of delivery of the notice.

29 b. The provisions of subsection a. of this section shall not
30 apply if the resident of the facility poses an immediate and serious
31 threat to other residents of the facility or to the facility.

32 c. As used in this section, "immediate and serious threat"
33 means that the resident causes or will imminently cause a serious
34 injury, harm, impairment, or death to a resident of the facility, or
35 causes or will imminently cause an incident affecting the safety of
36 the facility.

37
38 6. (New section) In addition to any other inspection of a
39 facility regulated by the department pursuant to P.L.1975,
40 c.305 (C.26:2B-7 et seq.), the department shall conduct a biweekly
41 inspection of a facility if the facility is under investigation for a
42 violation of P.L.1975, c.305 (C.26:2B-7 et seq.) or any rules and
43 regulations adopted pursuant thereto, or under any other authority.
44 The biweekly inspection shall continue until such time as the
45 investigation is concluded.

46
47 7. (New section) a. Except as provided in subsection b. of this
48 section, a narcotic and drug abuse treatment center regulated by the

1 department pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.) shall
2 not remove a resident from the center until at least one week
3 following the date of delivery by the center to the resident of a
4 written notice that advises the resident that the resident shall be
5 removed from the center no less than one week from the date of
6 delivery of the notice.

7 b. The provisions of subsection a. of this section shall not
8 apply if the resident of the center poses an immediate and serious
9 threat to other residents of the center or to the center.

10 c. As used in this section, "immediate and serious threat"
11 means that the resident causes or will imminently cause a serious
12 injury, harm, impairment, or death to a resident of the center, or
13 causes or will imminently cause an incident affecting the safety of
14 the center.

15

16 8. (New section) In addition to any other inspection of a
17 narcotic and drug abuse treatment center regulated by the
18 department pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.), the
19 department shall conduct a biweekly inspection of a center if the
20 center is under investigation for a violation of P.L.1970,
21 c.334 (C.26:2G-21 et seq.) or any rules and regulations adopted
22 pursuant thereto, or under any other authority. The biweekly
23 inspection shall continue until such time as the investigation is
24 concluded.

25

26 9. (New section) As used in sections 10 through 14 of
27 P.L. , c. (C.) (pending before the Legislature as this bill):

28 "Administrator" means the person in charge of the operation of a
29 facility.

30 "Commissioner" means the Commissioner of Human Services.

31 "Department" means the Department of Human Services.

32 "Facility" means a facility as defined in section 2 of P.L.1975,
33 c.305 (C.26:2B-8) or a narcotic and drug abuse treatment center as
34 defined in section 2 of P.L.1975, c.305 (C.26:2G-22), and includes
35 a residential aftercare facility, such as a halfway house or
36 transitional sober living home.

37 "Owner of the physical plant" or "owner" means the person who
38 owns the property on which the facility is located.

39 "Representative payee" means a person who is employed by a
40 facility and receives government benefits on behalf of an individual
41 residing in the facility.

42

43 10. (New section) a. The commissioner shall not issue a license
44 or certificate of approval, as applicable, to a facility pursuant to
45 P.L.1975, c.305 (C.26:2B-7 et seq.) or P.L.1970, c.334 (C.26:2G-21
46 et seq.), unless the Commissioner of Human Services determines,
47 consistent with the requirements of sections 10 through 14 of
48 P.L. , c. (C.) (pending before the Legislature as this bill), that

1 no criminal history record information exists on file in the Federal
2 Bureau of Investigation, Identification Division, or in the State
3 Bureau of Identification in the Division of State Police in the
4 Department of Law and Public Safety, which would: disqualify a
5 person from employment as an administrator or representative
6 payee at the facility; or reveal that an owner of the physical plant of
7 a facility has been convicted of crimes or offenses that would
8 disqualify a person from securing or maintaining a license or
9 certificate of approval for a facility.

10 b. If an administrator, representative payee, or owner of the
11 physical plant of a facility refuses to consent to, or cooperate in, the
12 securing of a criminal history record background check pursuant to
13 P.L. , c. (C.) (pending before the Legislature as this bill),
14 the department shall suspend, deny, revoke, or refuse to renew the
15 license or certificate of approval of a facility, as applicable.

16
17 11. (New section) In the case of a facility established prior to
18 the effective date of P.L. , c. (C.) (pending before the
19 Legislature as this bill), the commissioner shall require each
20 administrator, representative payee, or owner of the physical plant
21 of a facility to submit to the department a request for a criminal
22 history record background check within 60 days of the effective
23 date of P.L. , c. (C.) (pending before the Legislature as this
24 bill) for processing by the Division of State Police and the Federal
25 Bureau of Investigation.

26
27 12. (New section) a. A person shall be disqualified from
28 securing or maintaining a license or certificate of approval, as
29 applicable, of a facility if the criminal history record background
30 check of the person who is the owner of the physical plant of the
31 facility or a person who seeks and is subsequently employed or is
32 currently employed as an administrator or representative payee
33 reveals a record of conviction of any of the following crimes and
34 offenses:

35 (1) In New Jersey, any crime or disorderly persons offense:

36 (a) involving danger to the person, meaning those crimes and
37 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
38 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
39 or N.J.S.2C:15-1 et seq.; or

40 (b) against the family, children or incompetents, meaning those
41 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
42 seq.; or

43 (c) involving theft as set forth in chapter 20 of Title 2C of the
44 New Jersey Statutes; or

45 (d) involving any controlled dangerous substance or controlled
46 substance analog as set forth in chapter 35 of Title 2C of the New
47 Jersey Statutes except paragraph (4) of subsection a. of
48 N.J.S.2C:35-10.

1 (2) In any other state or jurisdiction, conduct which, if
2 committed in New Jersey, would constitute any of the crimes or
3 disorderly persons offenses described in paragraph (1) of this
4 subsection.

5 b. Notwithstanding the provisions of subsection a. of this
6 section, no person shall be disqualified pursuant to this section on
7 the basis of any conviction disclosed by a criminal history record
8 background check performed pursuant to P.L. , c.
9 (C.)(pending before the Legislature as this bill) if the person
10 has affirmatively demonstrated to the commissioner clear and
11 convincing evidence of the person's rehabilitation. In determining
12 whether a person has affirmatively demonstrated rehabilitation, the
13 following factors shall be considered:

14 (1) the nature and responsibility of the position which the
15 convicted person would hold, has held or currently holds, as the
16 case may be;

17 (2) the nature and seriousness of the offense;

18 (3) the circumstances under which the offense occurred;

19 (4) the date of the offense;

20 (5) the age of the person when the offense was committed;

21 (6) whether the offense was an isolated or repeated incident;

22 (7) any social conditions which may have contributed to the
23 offense; and

24 (8) any evidence of rehabilitation, including good conduct in
25 prison or in the community, counseling or psychiatric treatment
26 received, acquisition of additional academic or vocational
27 schooling, successful participation in correctional work-release
28 programs, or the recommendation of those who have had the person
29 under their supervision.

30

31 13. (New section) a. A person who is required to undergo a
32 criminal history record background check pursuant to sections 10
33 through 13 of P.L. , c. (C.)(pending before the Legislature
34 as this bill) shall submit to the commissioner that person's name,
35 address, and fingerprints. The commissioner is authorized to
36 exchange fingerprint data with and receive criminal history record
37 information from the Federal Bureau of Investigation and the
38 Division of State Police in the Department of Law and Public
39 Safety for use in making the determinations required by P.L. , c.
40 (C.)(pending before the legislature as this bill).

41 b. Upon receipt of the criminal history record information for a
42 person from the Federal Bureau of Investigation or the Division of
43 State Police, the commissioner shall immediately notify, in writing:

44 (1) the person and the person's employer, as applicable, or the
45 person's prospective employer, if known, of the person's
46 qualification or disqualification for employment as an administrator
47 or payee representative. If the person is disqualified, the conviction
48 or convictions which constitute the basis for the disqualification

1 shall be identified in the notice to the person, but shall not be
2 identified in the notice to the person's employer or prospective
3 employer; or, as applicable,

4 (2) the person who is the owner of the physical plant and the
5 facility which is located on the property of the owner, of a person's
6 qualification or disqualification for securing or maintaining a
7 license pursuant to P.L.1975, c.305 (C.26:2B-7 et seq.) or
8 certificate of approval pursuant to P.L.1970, c.334 (C.26:2G-21 et
9 seq.). The owner shall be notified of the conviction or convictions
10 which constitute the results of the owner's criminal history record
11 background check. If the results reveal that a person would be
12 disqualified from securing or maintaining a license or certificate of
13 approval, the crimes and offenses shall be identified in the notice to
14 the owner, but shall not be identified in the notice to the facility
15 which is located on the property of the owner.

16 c. The person who is the subject of the background check shall
17 have 30 days from the date of the written notice of disqualification
18 to petition the commissioner for a hearing on the accuracy of the
19 person's criminal history record information or to establish the
20 person's rehabilitation under subsection b. of section 13 of P.L. ,
21 c. (C.) (pending before the Legislature as this bill). The
22 commissioner shall notify the person's employer or prospective
23 employer or the person securing or maintaining a license or
24 certificate of approval, as applicable, of the person's petition for a
25 hearing within five days following the receipt of the petition from
26 the person. Upon the issuance of a final decision on a petition filed
27 with the commissioner pursuant to this subsection, the
28 commissioner shall notify the person and the person's employer or
29 prospective employer or the owner of the physical plant and the
30 person securing or maintaining a license or certificate of approval,
31 as applicable, as to whether the person remains disqualified for
32 employment or whether a person securing or maintaining a license
33 or certificate of approval remains disqualified under P.L. , c.
34 (C.) (pending before the Legislature as this bill).

35 d. A facility that has received an employment application from
36 a person who is seeking employment as an administrator or
37 representative payee, or that currently employs an administrator or
38 representative payee and:

39 (1) receives notice from the commissioner that the prospective
40 or current administrator or representative payee has been
41 determined by the commissioner to be disqualified to be an
42 administrator or representative payee; or

43 (2) terminates its employment of an administrator or
44 representative payee because the person was disqualified from
45 employment as an administrator or representative payee on the basis
46 of a conviction of a crime or offense as described in section 13 of
47 P.L. , c. (C.) (pending before the Legislature as this bill);

1 shall be immune from liability for disclosing that disqualification or
2 termination in good faith to another facility that may employ that
3 person as an administrator or representative payee.

4
5 14. (New section) A person who undergoes a criminal history
6 record background check pursuant to sections 10 through 14 of P. ,
7 c. (C.) (pending before the Legislature as this bill) shall
8 assume the cost of the criminal history record background check
9 conducted pursuant to P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11
12 15. (New section) a. The Commissioner of Human Services is
13 authorized to exchange fingerprint data with, and to receive
14 information from, the Division of State Police in the Department of
15 Law and Public Safety and the Federal Bureau of Investigation, in
16 accordance with the provisions of sections 10 through 14 of P.L. ,
17 c. (C.) (pending before the Legislature as this bill).

18 b. The Division of State Police shall promptly notify the
19 Department of Human Services in the event that a person who was
20 the subject of a criminal history record background check
21 conducted pursuant to sections 10 through 14 of P.L. , c. (C.)
22 (pending before the Legislature as this bill) is convicted of a crime
23 or offense in this State after the date the background check was
24 performed. Upon receipt of such notification, the department shall
25 make a determination regarding the employment of the
26 administrator or representative payee, or the maintenance of a
27 license or certificate of approval, as applicable, of a facility
28 pursuant to sections 10 through 14 of P.L. , c. (C.)
29 (pending before the Legislature as this bill).

30
31 16. (New section) a. The Division of Mental Health and
32 Addiction Services in the Department of Human Services shall
33 oversee the development and maintenance of a registry, which shall
34 collect and track the information received pursuant to subsection e.
35 of this section about the number of openings available for persons
36 seeking residency in each facility licensed pursuant to P.L.1975,
37 c.305 (C.26:2B-7 et seq.) and each narcotic and drug abuse
38 treatment center issued a certificate of approval pursuant to
39 P.L.1970, c.334 (C.26:2G-21 et seq.) in the State.

40 b. The information maintained in the registry shall include, by
41 county:

42 (1) the name, address and telephone number of the facility or
43 center;

44 (2) the type of services provided by the facility or center;

45 (3) the maximum occupancy of the facility or center; and

46 (4) the number of openings available for persons seeking
47 residency, based on the information received pursuant to subsection
48 e. of this section.

1 c. The information described in subsection b. of this section
2 shall be:

3 (1) prominently displayed on the website of the department and
4 searchable by county or the name of the facility or center;

5 (2) made available to the public, upon request, through the
6 addictions telephone hotline and the Statewide 2-1-1 telephone
7 system; and

8 (3) made available using any other means that the
9 Commissioner of Human Services deems appropriate.

10 d. The commissioner is authorized to solicit, receive, and
11 accept grants, funds, or anything of value from any public or private
12 entity, and receive and accept contributions of money, property,
13 labor, or any other thing of value from any legitimate source, for the
14 purpose of the development and maintenance of a registry pursuant
15 to this section.

16 e. Each facility licensed pursuant to P.L.1975, c.305 (C.26:2B-
17 7 et seq.) and each narcotic and drug abuse treatment center issued a
18 certificate of approval pursuant to P.L.1970, c.334 (C.26:2G-21 et
19 seq.) shall submit to the registry developed and maintained pursuant
20 to this section, no less than once a day, information advising of the
21 number of openings that are available in the facility or center on
22 that day.

23

24 17. The Commissioner of Human Services shall, in accordance
25 with the "Administrative Procedure Act," P.L.1968,
26 c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the
27 commissioner deems necessary to carry out the provisions of this
28 act.

29

30 18. This act shall take effect on the first day of the seventh
31 month next following the date of enactment, except the
32 Commissioner of Human Services may take any anticipatory
33 administrative action in advance as shall be necessary for the
34 implementation of this act.

35

36

37

STATEMENT

38

39 This bill would amend the State's substance use disorder
40 treatment laws in relation to the regulation of sober living homes
41 and halfway houses. In particular, the bill would expressly clarify
42 that the existing statutory authority of the Department of Human
43 Services (DHS) to license and regulate residential substance use
44 disorder facilities, pursuant to the provisions of P.L.1975, c.305
45 (C.26:2B-7 et seq.) which concerns alcohol and P.L.1970, c.334
46 (C.26:2G-21 et seq.) which concerns narcotic drugs, includes the
47 authority to license and regulate residential substance abuse

1 aftercare facilities such as transitional sober living homes and
2 halfway houses.

3 The bill also provides for criminal history record background
4 checks of a person employed or seeking employment as an
5 administrator of these residential substance abuse facilities, or as a
6 representative payee who receives government benefits on behalf of
7 an individual residing in a facility. The background checks are also
8 to be conducted on a person who is the owner of the physical plant
9 on which a facility is located. A person would be disqualified from
10 securing or maintaining a license pursuant to P.L.1975,
11 c.305 (C.26:2B-7 et seq.) or a certificate of approval pursuant to
12 P.L.1970, c.334 (C.26:2G-21 et seq.) if the criminal history record
13 background check of the person who is the owner of the physical
14 plant of the facility or of a person who is employed as an
15 administrator or representative payee at the facility reveals a record
16 of conviction of the crimes or offenses enumerated in the bill.

17 If a person refuses to consent to, or cooperate in, securing a
18 criminal history record background check, DHS is to suspend, deny,
19 revoke, or refuse to renew the license or certificate of approval of
20 the facility. The criminal history record background checks are to
21 be processed by the Division of State Police and the Federal Bureau
22 of Investigation, and the person who undergoes the background
23 check is to assume the cost of the background check.

24 The bill also provides that the facilities are not to remove a
25 resident from a facility until at least one week following the date of
26 delivery by the facility to the resident of a written notice advising
27 that the resident is to be removed. However, this provision would
28 not apply if the resident poses an immediate and serious threat to
29 other residents or the facility. DHS is also required to conduct
30 inspections every two weeks if there is an investigation for a
31 violation of the laws and regulations governing these facilities or
32 under any other authority.

33 The Division of Mental Health and Addiction Services in DHS is
34 to oversee the development and maintenance of a registry to collect
35 and track information about the number of openings available for
36 persons seeking residency in these facilities. The facilities are
37 required to submit to the registry, no less than once a day,
38 information as to the number of openings that are available on that
39 day. The registry would contain, by county, the following
40 information: the name, address and telephone number of the
41 facility; the type of services provided; the maximum occupancy;
42 and the number of openings available. The registry would: be
43 prominently displayed on the DHS website; provide for a search by
44 county or name; be made available to the public, upon request,
45 through the addictions telephone hotline and the Statewide 2-1-1
46 telephone system; and also be made available using any other
47 means that the Commissioner of Human Services deems
48 appropriate.

S4015 VITALE, GREENSTEIN

13

1 Lastly, the bill would update the language used in this area of
2 law, in order to ensure grammatical correctness, maintain
3 consistency with current rules of statutory drafting, and correctly
4 reference the Division of Mental Health and Addiction Services in
5 DHS, which is the agency and division currently responsible for the
6 regulation of substance use disorder treatment facilities.