

CHAPTER He-A 300 CERTIFICATION AND OPERATION OF ALCOHOL AND OTHER DRUG DISORDER TREATMENT PROGRAMS

Readopt with amendment He-A 305, effective 12-30-20 (Document #13150, Interim), to read as follows:

PART He-A 305 VOLUNTARY REGISTRY FOR RECOVERY HOUSES

He-A 305.01 Purpose. The purpose of this part is to establish and administer a voluntary registry for operators of certified recovery houses, establish a process for receiving complaints for registered-certified recovery houses, and to allow for the distribution of a list of registered recovery houses pursuant to RSA 172-B:2,V.

He-A 305.02 Definitions.

(a) “Alcohol and drug free environment” means an environment in which the use of alcohol and illicit drugs are prohibited and includes alcohol and drug free housing.

(b) “Business day” means a day in which the department conducts normal business operations. This term excludes weekends and holidays.

(c) “Commissioner” means the commissioner of the New Hampshire department of health and human service or his or her designee.

(d) “Certifying body” means an agency designated by the commissioner to provide voluntary certification for recovery houses based on standards set by the National Alliance for Recovery Residences (NARR).

(e) “Complaint process” means the procedure to accept and respond to concerns about a specific recovery house reported by residents or other individuals to the department.

(f) “Department” means the New Hampshire department of health and human services.

(g) “New Hampshire Recovery House Registry” means the list of certified recovery houses voluntarily registering with the department, and provided by the department pursuant to this part.

(h) “Operator” means the lawful owner of a recovery house or a person employed and designated by the owner of the recovery house to have primary responsibility for the daily operation of the recovery house including maintaining standards and conditions supportive of substance use disorder recovery.

(i) “Recovery house” means a residence, commonly known as a sober home, that provides or advertises as providing an alcohol and drug free environment for persons recovering from substance use disorders. This term does not include a halfway house, treatment unit, or detoxification facility.

He-A 305.03 Registration Application Submission.

(a) Each applicant shall:

(1) Complete and submit to the department a “New Hampshire Recovery Housing Registration Form” (December 2020) signed by the operator of the recovery house; and

(2) Submit a copy of their current NARR certification document issued by the certifying body.

(b) The applicant shall mail, hand-deliver, or email the requirements in (a) above to:

Department of Health and Human Services
Division of Behavioral Health Services
Bureau of Alcohol and Drug Services
105 Pleasant Street
Concord, NH 03301
recoveryhousing@dhhs.nh.gov

He-A 305.04 Processing of Application and Issuance of Registration.

(a) An application for registration shall be complete when the department determines that the registration required in He-A 305.03(a) has been received by the department.

(b) Within 15 business days of the department's receipt of the completed application under (a) above, applicants shall be included in the New Hampshire Recovery House Registry and shall be sent an email confirming registration.

He-A 305.05 Expiration and Renewal.

(a) Recovery housing registration shall expire one year from the registration approval date.

(b) All registered recovery houses shall complete and submit a renewal application "New Hampshire Recovery Housing Registration Form" (December 2020) at least 30 days prior to the expiration of registration.

(c) Each applicant shall submit a copy of their current certification document issued by the certifying body with the renewal application in (b) above:

(d) Within 15 business days of the department's receipt of the completed renewal application, applicants shall be included in the New Hampshire Recovery House Registry and shall be sent an email confirming registration.

He-A 305.06 Requirements for Organizational or Service Change.

(a) All registered recovery houses shall provide the department with written notice at least 30 days prior to changes for any of the following:

- (1) Ownership;
- (2) Physical location;
- (3) Name;
- (4) Number of beds; and
- (5) Changes in services available to residents.

(b) All registered recovery houses shall provide the department with written notice within 5 days of any changes to the status of their NARR certification.

(c) All registered recovery houses shall complete and submit a new application for registry prior to operating under a:

- (1) Change in ownership; or
- (2) Change in physical location.

He-A 305.07 Complaints and Criteria for Exclusion from the Registry.

(a) The department shall receive and review complaints that meet the following conditions:

- (1) Complaints based on the complainant's first-hand knowledge regarding the allegation(s) or complaints by a third-party authorized to represent the complainant's concern about their safety or legal rights, which will be referred to the proper authority;
- (2) Complaints concerning the health of residents and safety of the recovery house;
- (3) Complaints concerning the management of the recovery house including, but not limited to, house environment, financial procedures, staffing, house rules and regulations, recovery support environment or any other concerns affecting the complainant; and
- (4) Complaints concerning illegal activities or threats.

(b) Complainants shall complete and submit form "NH Recovery Housing Complaint Form" (December 2019) via mail, hand-delivery, or email to:

Department of Health and Human Services
Division of Behavioral Health Services
Bureau of Alcohol and Drug Services
105 Pleasant Street
Concord, NH 03301
recoveryhousing@dhhs.nh.gov

(c) The department shall track all complaints.

(d) A complainant may request that their identity be kept confidential throughout the complaint investigation process subject to the following:

- (1) The complainant may be contacted by the certifying body, or other investigative bodies related to legal and consumer fraud, to confirm and gather additional information concerning the complaint; and
- (2) The complainant's identity shall not be shared with the recovery house that the complaint is filed against without the complainant's expressed permission, subject to legal requirement concerning complainants involving illegal activities, harm or threats of harm, or violations of consumer protections laws.

(e) The department shall review all complaints upon receipt and send them to the certifying body for action, and/or may directly refer complaints that concern illegal activities, harm or threats of harm, or violations of consumer law or suspected non-compliance with state or federal laws to the appropriate authority.

(f) The Department will remove a recovery house from the registry based on complaints concerning illegal activities, harm or imminent threats of harm, or violations of consumer protections laws referred to and investigated by the appropriate authority, or based on the frequency of complaints that require corrective or other actions.

(g) The certifying body shall notify the owner of the recovery house regarding the complaint with the details of the complaint excluding the identity of the complainant within 15 business days of receipt.

(h) For complaints reviewed by the certifying body, the department shall be provided:

(1) Quarterly reports on certified houses that are out of compliance with NARR standards and what actions were taken; and

(2) An annual report on all certified recovery house complaints that includes the number of investigations and the results of each.

(i) The certifying body shall notify the department within 3 days of the results of their complaint investigation and their recommendations concerning the following:

(1) Loss or suspension of NARR certification;

(2) Referral for investigation by law enforcement agencies of reports of illegal activities, physical harm, or threats;

(3) Facility deficiencies including overcrowding, unclean conditions, need for repairs or any other concerns related to the NARR standards that endanger the welfare of the residents;

(4) Referral for investigation by the Consumer Protection Bureau of reports of violation of consumer protection laws; or

(5) Non-compliance with other state and federal laws.

(j) Upon notification from the certifying body the department will review the recommendation provided by the certifying body and implement appropriate action based on the recommendation concerning recovery house registration status.

(k) A recovery house that is removed from the registry will be notified within one business day of their removal from the registry.

(l) A recovery house shall not be placed back on the registry until it is determined by the certifying body that compliance with the NARR standards and He-A 305 is achieved.

He-A 305.08 Duties and Responsibilities of the Registered.

(a) All registered recovery houses shall meet the following criteria:

(1) Register prior to the registration expiration date as required in He-A 305.05 above; and

(2) All registered recovery houses shall follow all applicable federal, state, and local laws.

(b) All registered recovery houses may advertise as being on the New Hampshire Recovery House Registry.

He-A 305.09 Publication and Dissemination of Recovery House Registration List. The department shall:

- (a) Compile and maintain a list of registered recovery houses;
- (b) Publish the list on the bureau of drug and alcohol website found at <https://www.dhhs.nh.gov/dcbcs/bdas/recovery-house-registry.htm>;
- (c) Distribute the list directly to the bureau of drug and alcohol services' contracted vendors; and
- (d) Make the list available to anyone upon request.

He-A 305.10 Referral to Registered Recovery Houses. A state agency or vendor with a state or federally funded contract that is providing treatment or recovery support services to a person shall not refer the person to recovery housing unless the recovery housing is registered pursuant to this part.

APPENDIX

Rule	State Statute Implemented
He-A 305.01- He-A 305.10	RSA 172-B:2, V-VI; RSA 161:4-a, XI