

116TH CONGRESS
2D SESSION

H. R. 8868

To amend title V of the Public Health Service Act to provide for increased oversight of recovery housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Mr. TRONE (for himself, Ms. JUDY CHU of California, and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title V of the Public Health Service Act to provide for increased oversight of recovery housing, 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 “Excellence in Recovery
5 Housing Act”.

1 **SEC. 2. CLARIFYING THE ROLE OF SAMHSA IN PROMOTING**
2 **THE AVAILABILITY OF HIGH-QUALITY RECOV-**
3 **ERY HOUSING.**

4 Section 501(d) of the Public Health Service Act (42
5 U.S.C. 290aa) is amended—

6 (1) in paragraph (24)(E), by striking “and” at
7 the end;

8 (2) in paragraph (25), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(26) collaborate with national accrediting enti-
12 ties and reputable providers and analysts of recovery
13 housing services and all relevant Federal agencies,
14 including the Centers for Medicare & Medicaid Serv-
15 ices, the Health Resources and Services Administra-
16 tion, other offices and agencies within the Depart-
17 ment of Health and Human Services, the Office of
18 National Drug Control Policy, the Department of
19 Justice, the Department of Housing and Urban De-
20 velopment, and the Department of Agriculture, to
21 promote the availability of high-quality recovery
22 housing for individuals with a substance use dis-
23 order.”.

1 **SEC. 3. DEVELOPING GUIDELINES FOR STATES TO PRO-**
2 **MOTE THE AVAILABILITY OF HIGH-QUALITY**
3 **RECOVERY HOUSING.**

4 (a) **IN GENERAL.**—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Health
6 and Human Services, acting through the Assistant Sec-
7 retary for Mental Health and Substance Use, shall de-
8 velop, and publish on the internet website of the Substance
9 Abuse and Mental Health Services Administration, con-
10 sensus-based guidelines and nationally recognized stand-
11 ards for States to promote the availability of high-quality
12 recovery housing for individuals with a substance use dis-
13 order. Such guidelines shall—

14 (1) be developed in consultation with national
15 accrediting entities and reputable providers and ana-
16 lysts of recovery housing services and be consistent
17 with the best practices developed under section 550
18 of the Public Health Service Act (42 U.S.C. 290aa);
19 and

20 (2) to the extent practicable, build on existing
21 best practices and suggested guidelines developed
22 previously by the Substance Abuse and Mental
23 Health Services Administration.

24 (b) **PUBLIC COMMENT PERIOD.**—Before finalizing
25 guidelines under subsection (a), the Secretary of Health

1 and Human Services shall provide for a public comment
2 period.

3 (c) EXCLUSION OF GUIDELINE ON TREATMENT
4 SERVICES.—In developing the guidelines under subsection
5 (a), the Secretary may not include any guideline or stand-
6 ard with respect to substance use disorder treatment serv-
7 ices.

8 (d) SUBSTANCE USE DISORDER TREATMENT SERV-
9 ICES.—In this section, the term “substance use disorder
10 treatment services” means items or services furnished for
11 the treatment of a substance use disorder, including—

12 (1) medications approved by the Food and
13 Drug Administration for use in such treatment, ex-
14 cluding each such medication used to prevent or
15 treat a drug overdose;

16 (2) the administering of such medications;

17 (3) recommendations for such treatment;

18 (4) clinical assessments and referrals;

19 (5) counseling with a physician, psychologist, or
20 mental health professional (including individual and
21 group therapy); and

22 (6) toxicology testing.

1 **SEC. 4. COORDINATION OF FEDERAL ACTIVITIES TO PRO-**
2 **MOTE THE AVAILABILITY OF HIGH-QUALITY**
3 **RECOVERY HOUSING.**

4 Section 550 of the Public Health Service Act (42
5 U.S.C. 290ee-5) is amended—

6 (1) by redesignating subsections (e), (f), and
7 (g) as subsections (h), (i), and (j), respectively; and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) COORDINATION OF FEDERAL ACTIVITIES TO
11 PROMOTE THE AVAILABILITY OF HIGH-QUALITY RECOV-
12 ERY HOUSING FOR INDIVIDUALS WITH A SUBSTANCE
13 USE DISORDER.—

14 “(1) IN GENERAL.—The Secretary, acting
15 through the Assistant Secretary, and the Secretary
16 of the Department of Housing and Urban Develop-
17 ment, shall convene and serve as the co-chairs of an
18 interagency working group composed of representa-
19 tives of each of the Federal agencies described in
20 paragraph (2) (referred to in this section as the
21 ‘working group’) for the following purposes:

22 “(A) To increase collaboration, coopera-
23 tion, and consultation among such Federal
24 agencies, with respect to promoting the avail-
25 ability of high-quality recovery housing.

1 “(B) To align the efforts of such agencies
2 and avoid duplication of such efforts by such
3 agencies.

4 “(C) To develop objectives, priorities, and
5 a long-term plan for supporting State, Tribal,
6 and local efforts with respect to the operation
7 of high-quality recovery housing that is con-
8 sistent with the best practices developed under
9 this section.

10 “(D) To coordinate inspection and enforce-
11 ment among Federal and State agencies.

12 “(E) To coordinate data collection on the
13 quality of recovery housing.

14 “(2) FEDERAL AGENCIES DESCRIBED.—The
15 Federal agencies described in this paragraph are the
16 following:

17 “(A) The Department of Health and
18 Human Services.

19 “(B) The Centers for Medicare & Medicaid
20 Services.

21 “(C) The Substance Abuse and Mental
22 Health Services Administration.

23 “(D) The Health Resources Services Ad-
24 ministration.

25 “(E) The Indian Health Service.

1 “(F) The Department of Housing and
2 Urban Development.

3 “(G) The Department of Agriculture.

4 “(H) The Department of Justice.

5 “(I) The Office of National Drug Control
6 Policy.

7 “(J) The Bureau of Indian Affairs.

8 “(K) Any other such agency or subagency
9 as the chair determines necessary and appro-
10 priate.

11 “(3) MEETINGS.—The working group shall
12 meet on a quarterly basis.

13 “(4) REPORTS TO CONGRESS.—Beginning not
14 later than one year after the date of the enactment
15 of this section and annually thereafter, the working
16 group shall submit to the Committee on Energy and
17 Commerce, the Committee on Ways and Means, the
18 Committee on Agriculture, and the Committee on
19 Financial Services of the House of Representatives
20 and the Committee on Health, Education, Labor,
21 and Pensions, the Committee on Agriculture, Nutri-
22 tion, and Forestry, and the Committee on Finance
23 of the Senate a report describing the work of the
24 working group and any recommendations of the

1 working group to improve Federal, State, and local
2 policy with respect to recovery housing operations.”.

3 **SEC. 5. NAS STUDY.**

4 Section 550 of the Public Health Service Act (42
5 U.S.C. 290ee–5), as amended by section 4, is further
6 amended by inserting after subsection (e) (as inserted by
7 such section 4) the following:

8 “(f) NAS STUDY AND REPORT.—

9 “(1) IN GENERAL.—The Secretary, acting
10 through the Assistant Secretary, shall enter into an
11 arrangement with the National Academy of Sciences
12 under which the National Academy agrees to con-
13 duct a study on—

14 “(A) the availability in the United States
15 of high-quality recovery housing and whether
16 that availability meets the demand for such
17 housing in the United States; and

18 “(B) State, Tribal, and local regulation
19 and oversight of recovery housing.

20 “(2) REPORT.—The arrangement under para-
21 graph (1) shall provide for the National Academy of
22 Sciences to submit, not later than 1 year after the
23 date of the enactment of this subsection, a report
24 that contains—

1 “(A) the results of the study under such
2 paragraph;

3 “(B) the National Academy’s recommenda-
4 tions for Federal, State, and local policies to
5 promote the availability of high-quality recovery
6 housing in the United States;

7 “(C) recommendations for Federal, State,
8 and local policies to improve data collection on
9 the quality of recovery housing;

10 “(D) recommendations for recovery hous-
11 ing quality metrics;

12 “(E) recommendations to eliminate restric-
13 tions by recovery residences that exclude indi-
14 viduals who take prescribed medications for
15 opioid use disorder; and

16 “(F) a summary of allegations, assertions,
17 or formal legal actions on the State and local
18 levels by governments and non-governmental or-
19 ganizations with respect to the opening and op-
20 eration of recovery residences.

21 “(3) CONSULTATION.—In conducting the study
22 under this subsection, the National Academy of
23 Sciences shall consult with national accrediting enti-
24 ties and reputable providers and analysts of recovery
25 housing services.”.

1 **SEC. 6. GRANTS FOR STATES TO PROMOTE THE AVAIL-**
2 **ABILITY OF HIGH QUALITY RECOVERY HOUS-**
3 **ING.**

4 Section 550 of the Public Health Service Act (42
5 U.S.C. 290ee-5), as amended by sections 4 and 5, is fur-
6 ther amended by inserting after subsection (f) (as inserted
7 by such section 5) the following:

8 “(g) GRANTS FOR IMPLEMENTING NATIONAL RE-
9 COVERY HOUSING BEST PRACTICES.—

10 “(1) IN GENERAL.—The Secretary shall award
11 grants to States (and political subdivisions thereof),
12 Tribes, and territories—

13 “(A) for the provision of technical assist-
14 ance by national accrediting entities and rep-
15 utable providers and analysts of recovery hous-
16 ing services to implement the guidelines, nation-
17 ally recognized standards, and recommendations
18 developed under section 3 of the Excellence in
19 Recovery Housing Act and this section; and

20 “(B) to promote the availability of high-
21 quality recovery housing for individuals with a
22 substance use disorder and practices to main-
23 tain housing quality long term.

24 “(2) STATE ENFORCEMENT PLANS.—Beginning
25 not later than 90 days after the date of the enact-
26 ment of this paragraph and every 2 years thereafter,

1 as a condition on the receipt of a grant under para-
2 graph (1), each State (or political subdivisions there-
3 of), Tribe, or territory receiving such a grant shall
4 submit to the Secretary, and make publicly available
5 on a publicly accessible Internet website of the State
6 (or political subdivisions thereof), Tribe, or territory,
7 the plan of the State (or political subdivisions there-
8 of), Tribe, or territory, with respect to the promotion
9 of high-quality recovery housing for individuals with
10 a substance use disorder located within the jurisdic-
11 tion of such State (or political subdivisions thereof),
12 Tribe, or territory, and how such plan is consistent
13 with the best practices developed under this section
14 and guidelines developed under section 3 of the Ex-
15 cellence in Recovery Housing Act.

16 “(3) REVIEW OF ACCREDITING ENTITIES.—The
17 Secretary shall periodically review the accrediting
18 entities providing technical assistance pursuant to
19 paragraph (1)(A).”.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 550 of the Public Health Service Act (42
22 U.S.C. 290ee–5), as amended by sections 4, 5, and 6 is
23 further amended by amending subsection (j) (as redesign-
24 nated by such section 4) to read as follows:

25 “(j) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—To carry out this section,
2 there is authorized to be appropriated—

3 “(A) \$2,000,000 for fiscal year 2021; and

4 “(B) \$11,000,000 for each of fiscal years
5 2022 through 2026.

6 “(2) RESERVATIONS OF FUNDS.—The Sec-
7 retary shall reserve—

8 “(A) not less than \$1,000,000 to carry out
9 subsection (e) for each of fiscal years 2021
10 through 2026;

11 “(B) not less than \$1,000,000 to carry out
12 subsection (f) for fiscal year 2021; and

13 “(C) not less than \$10,000,000 to carry
14 out subsection (g) for each of fiscal years 2022
15 through 2026.”.

16 **SEC. 8. REPUTABLE PROVIDERS AND ANALYSTS OF RECOV-**
17 **ERY HOUSING SERVICES DEFINITION.**

18 Section 550(i) of the Public Health Service Act (42
19 U.S.C. 290ee–5(i)), as redesignated by section 4, is
20 amended by adding at the end the following:

21 “(4) The term ‘reputable providers and analysts
22 of recovery housing services’ means recovery housing
23 service providers and analysts that—

24 “(A) use evidence-based approaches;

1 “(B) act in accordance with guidelines
2 issued by the Assistant Secretary for Mental
3 Health and Substance Use;

4 “(C) have not been found guilty of health
5 care fraud by the Department of Justice; and

6 “(D) have not been found to have violated
7 Federal, State, or local codes of conduct with
8 respect to recovery housing for individuals with
9 a substance use disorder.”.

10 **SEC. 9. TECHNICAL CORRECTION.**

11 Title V of the Public Health Service Act (42 U.S.C.
12 290aa et seq.) is amended—

13 (1) by redesignating section 550 (relating to
14 Sobriety Treatment and Recovery Teams) (42
15 U.S.C. 290ee–10), as added by section 8214 of Pub-
16 lic Law 115–271, as section 550A; and

17 (2) moving such section so it appears after sec-
18 tion 550 (relating to National Recovery Housing
19 Best Practices).

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