

AMENDED IN SENATE AUGUST 8, 2002

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 24, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2317**

---

---

**Introduced by Assembly Member Chu**

February 21, 2002

---

---

An act to amend Sections *11831.5*, 11834.01, 11834.02, 11834.09, 11834.10, 11834.15, 11834.17, 11834.18, 11834.20, 11834.21, 11834.22, 11834.23, 11834.24, 11834.25, 11834.26, ~~11834.29~~, 11834.30, 11834.31, 11834.32, 11834.36, and 11834.50 of, and to add Sections 11834.04, ~~11834.11~~, and ~~11834.265~~ to, and *11834.11* to, and to repeal and add Section *11834.16* of, the Health and Safety Code, relating to substance abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2317, as amended, Chu. Substance abuse: adult recovery maintenance facilities.

Existing law provides for the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. *Existing law requires the department to grant certification to any alcoholism or drug abuse recovery or treatment program wishing to receive, and requesting, the certification. Existing law prohibits the*

*department from levying a fee for certification of nonprofit organizations or local governmental entities under these provisions.*

This bill would also require the department to administer the licensure, *certification*, and regulation of adult recovery maintenance facilities, as defined. *This bill would delete the prohibition against levying fees for certification of nonprofit organizations or local governmental entities.*

Existing law requires the department to calculate and establish a fee for initial licensure, and for extension of the period of licensure, of an alcoholism or drug abuse recovery or treatment facility. Existing law also prohibits fees from being levied for licensure of nonprofit organizations or local government entities.

This bill would eliminate the prohibition against levying licensing fees for licensure of nonprofit organizations or local government entities, with respect to fees for licensure of an alcoholism or drug abuse recovery or treatment facility or an adult recovery maintenance facility.

*This bill would establish the Residential and Outpatient Programs Compliance Branch Licensing and Certification Trust Fund in the State Treasury. The bill would require the trust fund, upon appropriation by the Legislature, to be used exclusively to cover specified administrative costs of the licensing and certification process established by the bill.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 11831.5 of the Health and Safety Code*  
 2 *is amended to read:*

3 11831.5. (a) Certification shall be granted by the department  
 4 pursuant to this section to any alcoholism or drug abuse recovery  
 5 or treatment program wishing to receive, and requesting, the  
 6 certification regardless of the source of the program’s funding.

7 (b) The purposes of certification under this section shall be all  
 8 of the following:

9 (1) To identify programs ~~which~~ *that* exceed minimal levels of  
 10 service quality, are in substantial compliance with the  
 11 department’s standards, and merit the confidence of the public,  
 12 third party payers, and county alcohol and drug programs.

13 (2) To encourage programs to meet their stated goals and  
 14 objectives.



1 (3) To encourage programs to strive for increased quality of  
2 service through recognition by the state and by peer programs in  
3 the alcoholism and drug field.

4 (4) To assist programs to identify their needs for technical  
5 assistance, training, and program improvements.

6 (c) Certification may be granted under this section on the basis  
7 of evidence satisfactory to the department that the requesting  
8 alcoholism or drug abuse recovery or treatment program has an  
9 accreditation by a statewide or national alcohol or drug program  
10 accrediting body. The accrediting body shall be one whose  
11 accreditation meets or exceeds the department's standards and  
12 which is recognized by the department.

13 ~~(d) No fee shall be levied by the department for certification of~~  
14 ~~nonprofit organizations or local governmental entities under this~~  
15 ~~section.~~

16 ~~(e)~~ Certification, or the lack thereof, shall not convey any  
17 approval or disapproval by the department, but shall be for  
18 information purposes only.

19 ~~(f)~~

20 (e) The standards developed pursuant to Section 11830 and the  
21 certification under this section shall satisfy the requirements of  
22 Section 1463.16 of the Penal Code.

23 ~~(g)~~

24 (f) The department and the State Department of Social Services  
25 shall enter into an interagency agreement to establish a process by  
26 which the Department of Alcohol and Drug Programs can certify  
27 residential facilities or programs serving primarily adolescents as  
28 defined in paragraph (1) of subdivision (a) of Section 1502 of the  
29 Health and Safety Code, and providing alcoholism and drug  
30 recovery or treatment services.

31 The departments shall report to the Legislature no later than  
32 January 1, 1991, on the certification process they have identified  
33 to be used by the department in certifying adolescent programs.

34 *SEC. 1.5.* Section 11834.01 of the Health and Safety Code is  
35 amended to read:

36 11834.01. (a) The department has the sole authority in state  
37 government to license adult alcoholism or drug abuse recovery or  
38 treatment facilities and adult recovery maintenance facilities.

39 (b) In administering this chapter, the department shall issue  
40 ~~new~~ licenses for a period of two years to those programs that meet



1 the criteria for licensure set forth in Section 11834.03, for licensure  
2 set forth in Section 11834.03, and the criteria for certification set  
3 forth in Sections 11830 and 11994.

4 (c) Onsite program visits for compliance shall be conducted at  
5 least once during the license period each licensure or certification  
6 period. However, the department may waive an onsite program  
7 visit for compliance, no more than once every other licensure or  
8 certification period, if the provider has demonstrated satisfactory  
9 compliance as determined by regulation.

10 (d) The department may conduct announced or unannounced  
11 site visits to facilities licensed pursuant to this chapter for the  
12 purpose of reviewing for compliance with all applicable statutes  
13 and regulations.

14 (e) Except where otherwise directly stated or necessarily  
15 implied, all provisions of this chapter shall apply to adult  
16 alcoholism or drug abuse recovery treatment facilities, and to adult  
17 recovery maintenance facilities.

18 (f) On or before July 1, 2003, the department, in consultation  
19 with providers of alcohol and other drug recovery, treatment,  
20 detoxification, and adult recovery maintenance services, county  
21 alcohol and drug program administrators, local government  
22 jurisdictions, funding and referral organizations and agencies, and  
23 appropriate state agencies, shall develop and adopt emergency  
24 regulations governing the licensing and operation of adult  
25 recovery maintenance facilities.

26 SEC. 2. Section 11834.02 of the Health and Safety Code is  
27 amended to read:

28 11834.02. (a) As used in this chapter, the following terms  
29 have the following meanings:

30 (1) "Alcoholism or drug abuse recovery or treatment facility"  
31 means any premises, place, or building that provides 24-hour  
32 residential nonmedical services to adults who are recovering from  
33 problems related to alcohol, drug, or alcohol and drug misuse or  
34 abuse, and who receive alcohol, drug, or alcohol and drug recovery  
35 treatment or detoxification services.

36 (2) "Adult recovery maintenance facility" means any facility,  
37 place, or building that provides alcohol- or drug-free housing  
38 whose rules, peer-led groups, staff activities, or other structured  
39 operations are directed toward maintenance of sobriety for adults  
40 in early recovery from substance abuse or who recently have



1 completed alcoholism or drug abuse recovery or treatment  
2 ~~services who may be required by the licensee to receive those~~  
3 ~~treatment services at another facility. This facility is designed to~~  
4 ~~services. This facility is designed to promote independent living in~~  
5 a supervised setting, but does not ~~require staff onsite on a~~  
6 ~~24-hour-a-day basis, and does not provide provide~~ professional  
7 recovery and treatment services onsite. *The facility may require*  
8 *that adults receive offsite certified alcoholism or other drug*  
9 *treatment services.*

10 (3) “Adults” may include, but is not limited to, all of the  
11 following:

12 (A) Persons 18 years of age or older and their minor children.

13 (B) Emancipated minors, which may include, but is not limited  
14 to, persons under 18 years of age and their minor children.

15 (4) “Emancipated minors” means persons under 18 years of  
16 age who have acquired emancipation status pursuant to Section  
17 7002 of the Family Code.

18 (b) Notwithstanding paragraph (1) of subdivision (a), an  
19 alcoholism or drug abuse recovery or treatment facility ~~or an adult~~  
20 ~~recovery maintenance facility~~ may serve adolescents upon the  
21 issuance of a waiver granted by the department pursuant to  
22 regulations adopted under subdivision (c) of Section 11834.50.

23 SEC. 3. Section 11834.04 is added to the Health and Safety  
24 Code, to read:

25 11834.04. (a) Sober living homes are exempt from licensing.

26 (b) As used in this section, “sober living homes” means homes  
27 that provide room or board, or both, and that require residents to  
28 abstain from using alcohol or illicit drugs but do not provide or  
29 require participation in any recovery maintenance activities ~~nor,~~  
30 *do not require supervision, and do not* maintain case management  
31 files as a condition of residency.

32 SEC. 4. Section 11834.09 of the Health and Safety Code is  
33 amended to read:

34 11834.09. (a) Upon receipt of a completed *initial or*  
35 *extension* written application, fire clearance, and ~~licensing fee~~  
36 ~~from the prospective licensee applicable fee from the applicant,~~  
37 and subject to the department’s review and determination that the  
38 ~~prospective licensee applicant~~ *applicant* can comply with this chapter and  
39 regulations adopted pursuant to this chapter, the department may  
40 ~~issue the following licenses:~~ *issue any of the following:*



1 (1) A single license to the following types of alcoholism or drug  
2 abuse recovery or treatment facilities:

3 (A) A residential facility.

4 (B) A facility wherein separate buildings or portions of a  
5 residential facility are integral components of a single alcoholism  
6 or drug abuse recovery or treatment facility and all of the  
7 components of the facility are managed by the same ~~licensee~~  
8 *provider*.

9 (2) A single license to an adult recovery maintenance facility.  
10 ~~The~~

11 (3) *A single certification to an outpatient program.*

12 (b) *The* department shall commence the licensure of adult  
13 recovery maintenance facilities only after the development and  
14 adoption of regulations pursuant to Section 11834.01. However,  
15 the licensing activity shall in no event commence later than  
16 January 1, 2004.

17 ~~(b)~~

18 (c) Failure to submit a completed *initial or extension* written  
19 application, fire clearance, and payment of the required licensing  
20 *or certification* fee in a timely manner shall result in termination  
21 of the department's licensure *or certification* review and shall  
22 require submission of a new application by the ~~prospective~~  
23 ~~licensee~~ *applicant*.

24 ~~(e)~~

25 (d) Failure of the ~~prospective licensee~~ *applicant* to demonstrate  
26 the ability to comply with this chapter or the regulations adopted  
27 pursuant to this chapter shall result in departmental denial of the  
28 ~~prospective licensee's application for licensure~~ *applicant's*  
29 *application for licensure or certification*.

30 SEC. 5. Section 11834.10 of the Health and Safety Code is  
31 amended to read:

32 11834.10. A licensee shall not operate an alcoholism or drug  
33 abuse recovery or treatment facility or an adult recovery  
34 maintenance facility beyond the conditions and limitations  
35 specified on the license.

36 SEC. 6. Section 11834.11 is added to the Health and Safety  
37 Code, to read:

38 11834.11. On and after January 1, 2004, no state or local  
39 social services, law enforcement, or corrections agency, or court,  
40 probation officer, or parole officer may refer any person to an



1 alcoholism or drug abuse recovery or treatment facility or an adult  
2 recovery maintenance facility that is not licensed.

3 SEC. 7. Section 11834.15 of the Health and Safety Code is  
4 amended to read:

5 11834.15. (a) The department shall calculate and establish  
6 the fee for initial licensure *or certification* and for extension of the  
7 period of licensure *or certification*. The nonrefundable licensing  
8 *or certification* fee shall be calculated ~~every two years based upon~~  
9 ~~the department's cost in administering the licensure under this~~  
10 ~~chapter. No fee shall be levied for licensure of local governmental~~  
11 ~~entities.~~

12 ~~(b) The license fee proceeds for adult alcoholism or drug abuse~~  
13 ~~recovery or treatment facilities shall equal the department's cost~~  
14 ~~in administering the licensure of these facilities.~~

15 ~~(c) The license fee proceeds for adult recovery maintenance~~  
16 ~~facilities shall be sufficient to cover the department's cost in~~  
17 ~~administering the licensure of these facilities, except to the extent~~  
18 ~~that money appropriated for this purpose is provided in the annual~~  
19 ~~Budget Act.~~

20 ~~(d) The department may assess civil penalties in accordance~~  
21 ~~with Sections 11834.31 and 11834.34. every two years.~~

22 (1) *The initial fee for licensure or certification shall equal the*  
23 *department's cost of processing the application, performing the*  
24 *onsite visit, conducting followup visits, and investigating*  
25 *complaints.*

26 (2) *The extension fee for licensure or certification shall equal*  
27 *the department's cost of processing the extension application,*  
28 *performing compliance visits, and investigating complaints.*

29 (b) *The licensing and certification fees required pursuant to*  
30 *this section may be imposed by the department as of January 1,*  
31 *2003, for all initial and extension applications.*

32 (c) *The department may assess civil penalties in accordance*  
33 *with Sections 11834.31 and 11834.34.*

34 (d) *The department may charge a fee to cover the cost of a*  
35 *followup visit to determine program compliance.*

36 (e) *On or before January 1, 2003, the department shall adopt*  
37 *emergency regulations to implement the fee process for initial*  
38 *licensure, extension of licensure, initial certification, extension of*  
39 *certification, followup compliance visit, and civil penalty.*



1 (f) There is hereby established in the State Treasury a  
2 Residential and Outpatient Programs Compliance Branch  
3 Licensing and Certification Trust Fund. All initial licensure fees,  
4 extension of licensure fees, initial certification fees, extension of  
5 certification fees, followup compliance visit fees, and civil penalty  
6 fees collected from the providers of licensing and certification  
7 services shall be deposited into this fund.

8 (g) (1) Upon appropriation by the Legislature, the trust fund  
9 shall be used exclusively to cover the administrative costs of the  
10 licensing and certification process incurred by the department  
11 including staff salaries and benefits, related travel costs, and state  
12 operational and administrative costs.

13 (2) A reserve equal to 10 percent of the total initial licensure  
14 fees, extension of licensure fees, initial certification fees, extension  
15 of certification fees, followup compliance visit fees, and civil  
16 penalty fees collected during the preceding fiscal year may be held  
17 in each trust account to reimburse the department if the actual cost  
18 for the licensure, certification, inspection, and investigation  
19 exceed fees collected during a fiscal year.

20 (3) Except as otherwise provided in this section, if funds remain  
21 in the trust fund after appropriation by the Legislature and  
22 allocation for the costs associated with the initial and extension of  
23 licensure of alcoholism or drug abuse recovery or treatment  
24 facilities, the initial or extension of licensure of adult recovery  
25 maintenance facilities, the initial and extension certification of  
26 outpatient programs, and followup compliance visits, a  
27 percentage of the excess funds, to be determined by the  
28 department, shall be annually set aside for technical assistance  
29 and training of providers.

30 SEC. 7.5. Section 11834.16 of the Health and Safety Code is  
31 repealed.

32 ~~11834.16.—A license shall be valid for a period of two years~~  
33 ~~from the date of issuance. The department may extend the~~  
34 ~~licensure period for subsequent two-year periods upon submission~~  
35 ~~by the licensee of a completed written application for extension~~  
36 ~~and payment of the required licensing fee prior to the expiration~~  
37 ~~date shown on the license. Failure to submit to the department the~~  
38 ~~required written application for extension of the licensing period,~~  
39 ~~or failure to submit to the department the required licensing fee~~  
40 ~~prior to the expiration date on the license, shall result in the~~



1 ~~automatic expiration of the license at the end of the two-year~~  
2 ~~licensing period.~~

3 SEC. 7.75. Section 11834.16 is added to the Health and Safety  
4 Code, to read:

5 11834.16. *In order to obtain a license or certification, the*  
6 *provider shall submit to the department a completed written*  
7 *application for extension and appropriate licensure or*  
8 *certification fee for each subsequent two-year period 30 days prior*  
9 *to the expiration date shown on the license or certification. Failure*  
10 *to submit the required written application and extension fee prior*  
11 *to the expiration date shown on the license or certification shall*  
12 *result in automatic termination of the license or certification by*  
13 *operation of law.*

14 SEC. 8. Section 11834.17 of the Health and Safety Code is  
15 amended to read:

16 11834.17. No city, county, city and county, or district shall  
17 adopt or enforce any building ordinance or local rule or regulation  
18 relating to the subject of fire and life safety in alcoholism and drug  
19 abuse recovery facilities or adult recovery maintenance facilities  
20 that is more restrictive than those standards adopted by the State  
21 Fire Marshal.

22 SEC. 9. Section 11834.18 of the Health and Safety Code is  
23 amended to read:

24 11834.18. (a) Nothing in this chapter shall authorize the  
25 imposition of rent regulations or controls for licensed alcoholism  
26 or drug abuse recovery or treatment facilities or adult recovery  
27 maintenance facilities.

28 (b) Licensed alcoholism and drug abuse recovery or treatment  
29 facilities and adult recovery maintenance facilities shall not be  
30 subject to controls on rent imposed by any state or local agency or  
31 other local government or entity.

32 SEC. 10. Section 11834.20 of the Health and Safety Code is  
33 amended to read:

34 11834.20. The Legislature hereby declares that it is the policy  
35 of this state that each county and city shall permit and encourage  
36 the development of sufficient numbers and types of alcoholism or  
37 drug abuse recovery or treatment facilities and adult recovery  
38 maintenance facilities as are commensurate with local need.



1 The provisions of this article apply equally to any chartered city,  
2 general law city, county, city and county, district, and any other  
3 local public entity.

4 For the purposes of this article, “six or fewer persons” does not  
5 include the licensee, members of the licensee’s family, persons  
6 employed as facility staff, or minor dependents of the resident.

7 SEC. 11. Section 11834.21 of the Health and Safety Code is  
8 amended to read:

9 11834.21. Any person licensed under this chapter who  
10 operates or proposes to operate an alcoholism or drug abuse  
11 recovery or treatment facility or an adult recovery maintenance  
12 facility, the department or other public agency authorized to  
13 license such a facility, or any public or private agency that uses or  
14 may use the services of the facility to place its clients, may invoke  
15 the provisions of this article.

16 This section shall not be construed to prohibit any interested  
17 party from bringing suit to invoke the provisions of this article.

18 SEC. 12. Section 11834.22 of the Health and Safety Code is  
19 amended to read:

20 11834.22. An alcoholism or drug abuse recovery or treatment  
21 facility or an adult recovery maintenance facility that serves six or  
22 fewer persons shall not be subject to any business taxes, local  
23 registration fees, use permit fees, or other fees to which other  
24 single-family dwellings are not likewise subject. Nothing in this  
25 section shall be construed to forbid the imposition of local property  
26 taxes, fees for water service and garbage collection, fees for  
27 inspections not prohibited by Section 11834.23, local bond  
28 assessments, and other fees, charges, and assessments to which  
29 other single-family dwellings are likewise subject. Neither the  
30 State Fire Marshal nor any local public entity shall charge any fee  
31 for enforcing fire inspection regulations pursuant to state law or  
32 regulation or local ordinance, with respect to alcoholism or drug  
33 abuse recovery or treatment facilities or adult recovery  
34 maintenance facilities which serve six or fewer persons.

35 SEC. 13. Section 11834.23 of the Health and Safety Code is  
36 amended to read:

37 11834.23. Whether or not unrelated persons are living  
38 together, an alcoholism or drug abuse recovery or treatment  
39 facility or an adult recovery maintenance facility that serves six or  
40 fewer persons shall be considered a residential use of property for



1 the purposes of this article. In addition, the residents and operators  
2 of the facility shall be considered a family for the purposes of any  
3 law or zoning ordinance that relates to the residential use of  
4 property pursuant to this article.

5 For the purpose of all local ordinances, an alcoholism or drug  
6 abuse recovery or treatment facility or an adult recovery  
7 maintenance facility that serves six or fewer persons shall not be  
8 included within the definition of a boarding house, rooming house,  
9 institution or home for the care of minors, the aged, or the mentally  
10 infirm, foster care home, guest home, rest home, sanitarium,  
11 mental hygiene home, or other similar term that implies that the  
12 alcoholism or drug abuse recovery or treatment home or the adult  
13 recovery maintenance facility is a business run for profit or differs  
14 in any other way from a single-family residence.

15 This section shall not be construed to forbid any city, county, or  
16 other local public entity from placing restrictions on building  
17 heights, setback, lot dimensions, or placement of signs of an  
18 alcoholism or drug abuse recovery or treatment facility or an adult  
19 recovery maintenance facility that serves six or fewer persons as  
20 long as the restrictions are identical to those applied to other  
21 single-family residences.

22 This section shall not be construed to forbid the application to  
23 an alcoholism or drug abuse recovery or treatment facility or an  
24 adult recovery maintenance facility of any local ordinance that  
25 deals with health and safety, building standards, environmental  
26 impact standards, or any other matter within the jurisdiction of a  
27 local public entity. However, the ordinance shall not distinguish  
28 alcoholism or drug abuse recovery or treatment facilities or adult  
29 recovery maintenance facilities that serve six or fewer persons  
30 from other single-family dwellings or distinguish residents of  
31 alcoholism or drug abuse recovery or treatment facilities or adult  
32 recovery maintenance facilities from persons who reside in other  
33 single-family dwellings.

34 No conditional use permit, zoning variance, or other zoning  
35 clearance shall be required of an alcoholism or drug abuse  
36 recovery or treatment facility or an adult recovery maintenance  
37 facility that serves six or fewer persons that is not required of a  
38 single-family residence in the same zone.

39 Use of a single-family dwelling for purposes of an alcoholism  
40 or drug abuse recovery facility or an adult recovery maintenance



1 facility serving six or fewer persons shall not constitute a change  
2 of occupancy for purposes of Part 1.5 (commencing with Section  
3 17910) of Division 13 or local building codes. However, nothing  
4 in this section is intended to supersede Section 13143 or 13143.6,  
5 to the extent those sections are applicable to alcoholism or drug  
6 abuse recovery or treatment facilities or adult recovery  
7 maintenance facilities serving six or fewer residents.

8 SEC. 14. Section 11834.24 of the Health and Safety Code is  
9 amended to read:

10 11834.24. No fire inspection clearance or other permit,  
11 license, clearance, or similar authorization shall be denied to an  
12 alcoholism or drug abuse recovery or treatment facility or an adult  
13 recovery maintenance facility because of a failure to comply with  
14 local ordinances from which the facility is exempt under Section  
15 11834.23, if the applicant otherwise qualifies for a fire clearance,  
16 license, permit, or similar authorization.

17 SEC. 15. Section 11834.25 of the Health and Safety Code is  
18 amended to read:

19 11834.25. (a) For the purposes of any contract, deed, or  
20 covenant for the transfer of real property executed on or after  
21 January 1, 1979, an alcoholism or drug abuse recovery or  
22 treatment facility that serves six or fewer persons shall be  
23 considered a residential use of property and a use of property by  
24 a single family, notwithstanding any disclaimers to the contrary.

25 (b) For the purposes of any contract, deed, or covenant for the  
26 transfer of real property executed on or after January 1, 2003, an  
27 adult recovery maintenance facility that serves six or fewer  
28 persons shall be considered a residential use of property and a use  
29 of property by a single family, notwithstanding any disclaimers to  
30 the contrary.

31 SEC. 16. Section 11834.26 of the Health and Safety Code is  
32 amended to read:

33 11834.26. (a) An alcoholism or drug abuse recovery or  
34 treatment facility shall provide at least one of the following  
35 nonmedical services:

- 36 (1) Recovery services.
- 37 (2) Treatment services.
- 38 (3) Detoxification services.

39 (b) The department shall adopt regulations requiring records  
40 and procedures that are appropriate for each of the services



1 specified in subdivision (a). The records and procedures may  
2 include all of the following:

- 3 (1) Admission criteria.
- 4 (2) Intake process.
- 5 (3) Assessments.
- 6 (4) Recovery, treatment, or detoxification planning.
- 7 (5) Referral.
- 8 (6) Documentation of provision of recovery, treatment or  
9 detoxification services.
- 10 (7) Discharge and continuing care planning.
- 11 (8) Indicators of recovery, treatment, or detoxification  
12 outcomes.

13 (c) In the development of regulations implementing this  
14 section, the written record requirements shall be modified or  
15 adapted for social model programs.

16 ~~(d) This section shall not apply to adult recovery maintenance  
17 facilities.~~

18 ~~SEC. 17. Section 11834.265 is added to the Health and Safety  
19 Code, to read:~~

20 ~~11834.265. (a)~~

21 (d) An adult recovery maintenance facility shall provide, but  
22 not be limited to providing, any of the following recovery  
23 maintenance services:

- 24 (1) Aftercare.
- 25 (2) Referral to community recovery resources.
- 26 (3) Peer-led groups.
- 27 (4) Vocational guidance.
- 28 (5) Referral to offsite *certified* alcoholism or other drug  
29 treatment services.

30 (6) Documentation on progress made or services received from  
31 referral agencies.

32 ~~(b)~~

33 (e) The adult recovery maintenance facility may require, or  
34 provide, or both, drug and alcohol testing and self-help groups on  
35 or off the premises.

36 ~~(e) The~~

37 (f) *The adult recovery maintenance* facility shall maintain  
38 records in order to document the services provided.

39 ~~SEC. 18. Section 11834.29 of the Health and Safety Code is  
40 amended to read:~~



1 ~~11834.29. Any licensee that provides recovery maintenance~~  
 2 ~~services, that is not in compliance with the requirements of this~~  
 3 ~~article, shall have one year from the effective date of the~~  
 4 ~~regulations adopted by the department pursuant to this article and~~  
 5 ~~pursuant to Article 5 (commencing with Section 11834.50) to~~  
 6 ~~comply. In the event that the licensee fails to comply, the~~  
 7 ~~department shall take action against the licensee pursuant to~~  
 8 ~~Article 4 (commencing with Section 11834.36).~~

9 ~~SEC. 19.—~~

10 *SEC. 17.* Section 11834.30 of the Health and Safety Code is  
 11 amended to read:

12 11834.30. (a) No person, firm, partnership, association,  
 13 corporation, or local governmental entity shall operate, establish,  
 14 manage, conduct, or maintain an alcoholism or drug abuse  
 15 recovery or treatment facility or an adult recovery maintenance  
 16 facility to provide recovery, treatment, detoxification, or recovery  
 17 maintenance services within this state without first obtaining a  
 18 current valid license issued pursuant to this chapter.

19 (b) *No person, firm, partnership, association, corporation, or*  
 20 *local governmental entity shall operate, establish, manage,*  
 21 *conduct, or maintain an adult recovery maintenance facility to*  
 22 *provide recovery maintenance services within this state without*  
 23 *first obtaining a current valid license issued pursuant to this*  
 24 *chapter.*

25 (c) *Any facility that is operated primarily for the purpose of*  
 26 *providing alcoholism or drug abuse recovery or treatment*  
 27 *services, or requires clients to obtain these services and requires*  
 28 *supervision shall be licensed.*

29 (d) *Any provider of both an alcoholism and drug abuse*  
 30 *recovery or treatment services facility, and an adult recovery*  
 31 *maintenance facility shall hold a separate license for each facility.*

32 ~~SEC. 20.—~~

33 *SEC. 18.* Section 11834.31 of the Health and Safety Code is  
 34 amended to read:

35 11834.31. If a facility is alleged to be in violation of Section  
 36 11834.30, the department shall conduct a site visit to investigate  
 37 the allegation. If the department’s employee or agent finds  
 38 evidence that the facility is providing alcoholism or drug abuse  
 39 recovery, treatment, detoxification, or recovery maintenance



1 services without a license, the employee or agent shall take the  
2 following actions:

3 (a) Submit the findings of the investigation to the department.

4 (b) Upon departmental authorization, issue a written notice to  
5 the facility stating that the facility is operating in violation of  
6 Section 11834.30. The notice shall include all of the following:

7 (1) The date by which the facility shall cease providing  
8 services.

9 (2) Notice that the department will assess against the facility a  
10 civil penalty of two hundred dollars (\$200) per day for every day  
11 the facility continues to provide services beyond the date specified  
12 in the notice.

13 (3) Notice that the case will be referred for civil proceedings  
14 pursuant to Section 11834.32 in the event the facility continues to  
15 provide services beyond the date specified in the notice.

16 (c) Inform the facility of the licensing requirements of this  
17 chapter.

18 ~~SEC. 21.~~

19 *SEC. 19.* Section 11834.32 of the Health and Safety Code is  
20 amended to read:

21 11834.32. (a) The director may bring an action to enjoin the  
22 violation of Section 11834.30 in the superior court in and for the  
23 county in which the violation occurred. Any proceeding under this  
24 section shall conform to the requirements of Chapter 3  
25 (commencing with Section 525) of Title 7 of Part 2 of the Code of  
26 Civil Procedure, except that the director shall not be required to  
27 allege facts necessary to show or tending to show lack of adequate  
28 remedy at law or irreparable damage or loss.

29 (b) With respect to any and all actions brought pursuant to this  
30 section alleging actual violation of Section 11834.30, the court  
31 shall, if it finds the allegations to be true, issue its order enjoining  
32 the alcoholism or drug abuse recovery or treatment facility or the  
33 adult recovery maintenance facility from continuance of the  
34 violation.

35 ~~SEC. 22.~~

36 *SEC. 20.* Section 11834.36 of the Health and Safety Code is  
37 amended to read:

38 11834.36. (a) The director may suspend or revoke any  
39 license *or certification* issued under this chapter, or deny an  
40 application for licensure *or certification*, for extension of the



1 licensing *or certification* period, or to modify the terms and  
2 conditions of a license *or certification*, upon any of the following  
3 grounds and in the manner provided in this chapter:

4 (1) Violation by the licensee *or certified provider* of any  
5 provision of this chapter or regulations adopted pursuant to this  
6 chapter.

7 (2) Repeated violation by the licensee *or certified provider* of  
8 any of the provisions of this chapter or regulations adopted  
9 pursuant to this chapter.

10 (3) Aiding, abetting, or permitting the violation of, or any  
11 repeated violation of, any of the provisions described in paragraph  
12 (1) or (2).

13 (4) Conduct in the operation of an alcoholism or drug abuse  
14 recovery or treatment facility or an adult recovery maintenance  
15 facility that is inimical to the health, morals, welfare, or safety of  
16 either an individual in, or receiving services from, the facility or  
17 to the people of the State of California.

18 (5) Misrepresentation of any material fact in obtaining the  
19 alcoholism or drug abuse recovery or treatment facility license or  
20 the adult recovery maintenance facility license, *or*  
21 *misrepresentation of any material fact in obtaining certification.*

22 (6) Failure to pay any civil penalties assessed by the  
23 department.

24 (b) The director may temporarily suspend any license prior to  
25 any hearing when, in the opinion of the director, the action is  
26 necessary to protect residents of the alcoholism or drug abuse  
27 recovery or treatment facility or the adult recovery maintenance  
28 facility from physical or mental abuse, abandonment, or any other  
29 substantial threat to health or safety. The director shall notify the  
30 licensee of the temporary suspension and the effective date of the  
31 temporary suspension and at the same time shall serve the provider  
32 with an accusation. Upon receipt of a notice of defense to the  
33 accusation by the licensee, the director shall, within 15 days, set  
34 the matter for hearing, and the hearing shall be held as soon as  
35 possible. The temporary suspension shall remain in effect until the  
36 time the hearing is completed and the director has made a final  
37 determination on the merits. However, the temporary suspension  
38 shall be deemed vacated if the director fails to make a final  
39 determination on the merits within 30 days after the department



1 receives the proposed decision from the Office of Administrative  
2 Hearings.

3 ~~SEC. 23.—~~

4 *SEC. 21.* Section 11834.50 of the Health and Safety Code is  
5 amended to read:

6 11834.50. The department shall adopt regulations to  
7 implement this chapter in accordance with the purposes required  
8 by Section 11835. These regulations shall be adopted only after  
9 consultation with appropriate groups affected by the proposed  
10 regulations. The regulations shall include, but not be limited to, all  
11 of the following:

12 (a) Provision for a formal appeal process for the denial,  
13 suspension, or revocation of a license *or certification*.

14 (b) Establishment of requirements for compliance, procedures  
15 for issuance of deficiency notices, and civil penalties for  
16 noncompliance.

17 (c) Provision for the issuance of a waiver for an alcoholism or  
18 drug abuse recovery or treatment facility ~~or an adult recovery~~  
19 ~~maintenance facility~~ to serve not more than three adolescents, or  
20 10 percent of the total licensed capacity, whichever is less, age 14  
21 years and older, when a need exists and services specific to  
22 adolescents are otherwise unavailable. The regulations shall  
23 specify the procedures and criteria for granting the waiver. The  
24 procedures shall include, but not be limited to, criminal record  
25 reviews and fingerprinting.

26 (d) Establishment of the elements and minimum requirements  
27 for recovery, treatment, detoxification, and recovery maintenance  
28 services.

29 (e) Provision for an expedited process for reviewing an  
30 application for licensure when a license is terminated pursuant to  
31 subdivision (c) of Section 11834.40.

