

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0551.01 Chelsea Princell x4335

HOUSE BILL 23-1204

HOUSE SPONSORSHIP

Lindstedt,

SENATE SPONSORSHIP

Priola,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISCHARGE OF A CLIENT FROM A RECOVERY**
102 **RESIDENCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a recovery residence to implement a client discharge and transfer policy in order to discharge or transfer a client from a recovery residence in certain circumstances. The policy must be approved by the recovery residence's certifying body before a discharge or transfer may occur.

The bill requires that prior to discharging a client from a recovery

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

residence, the recovery residence shall provide the client with referrals to treatment or support services, alternative housing options, and recommendations for follow-up care.

The bill requires the certifying body to establish a grievance and appeal process for clients to use when they believe they have been wrongfully discharged or transferred from a recovery residence.

The bill allows a certified recovery residence or client that is adversely affected or aggrieved by a decision made by the certifying body to appeal the decision to the Colorado department of personnel and administration, office of administrative courts.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-108.5, **amend**
3 (1), (3)(a), and (4); and **add** (6), (7), (8), and (9) as follows:

4 **25-1.5-108.5. Regulation of recovery residences - definition -**
5 **rules.** (1) ~~(a)~~ As used in this section:

6 (a) "CERTIFYING BODY" MEANS THE BODY THAT CERTIFIES A
7 RECOVERY RESIDENCE APPROVED BY THE BEHAVIORAL HEALTH
8 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
9 SECTION 27-80-122.

10 (b) (I) "Recovery residence", "sober living facility", or "sober
11 home" means any premises, place, facility, or building that provides
12 housing accommodation for individuals with a primary diagnosis of a
13 substance use disorder that:

14 ~~(A)~~ (A) Is free from alcohol and nonprescribed or illicit drugs;

15 ~~(B)~~ (B) Promotes independent living and life skill development;
16 and

17 ~~(C)~~ (C) Provides structured activities and recovery support
18 services that are primarily intended to promote recovery from substance
19 use disorders.

20 ~~(b)~~ (II) "Recovery residence" does not include:

1 (†) (A) A private residence in which an individual related to the
2 owner of the residence by blood, adoption, or marriage is required to
3 abstain from substance use or receive behavioral health services for a
4 substance use disorder as a condition of residing in the residence;

5 (††) (B) The supportive residential community for individuals who
6 are homeless operated under section 24-32-724 at the Fort Lyon property
7 for the purpose of providing substance abuse supportive services, medical
8 care, job training, and skill development for the residents;

9 (†††) (C) A facility approved for residential treatment by the
10 behavioral health administration in the department of human services; or

11 (††††) (D) Permanent supportive housing units incorporated into
12 affordable housing developments.

13 (3) Effective January 1, 2020, a person shall not operate a facility
14 using the term "recovery residence", "sober living facility", "sober home",
15 or a substantially similar term, and a licensed, registered, or certified
16 health-care provider or a licensed health facility shall not refer an
17 individual in need of recovery support services to a facility, unless the
18 facility:

19 (a) Is certified by a ~~recovery residence~~ certifying body approved
20 ~~by the behavioral health administration in the department of human~~
21 ~~services~~ as specified in subsection (4) of this section;

22 (4) The behavioral health administration in the department of
23 human services shall, by rule, determine the requirements for a ~~recovery~~
24 ~~residence~~ certifying body seeking approval for purposes of subsection
25 (3)(a) of this section, which rules must include a requirement that a
26 ~~recovery residence~~ certifying body include a representative from the
27 behavioral health administration on its board.

1 (6) (a) RECOVERY RESIDENCE STAFF SHALL DEVELOP A CLIENT
2 DISCHARGE AND TRANSFER POLICY AND SUBMIT IT FOR APPROVAL TO ITS
3 CERTIFYING BODY. RECOVERY RESIDENCE STAFF SHALL IMPLEMENT A
4 CLIENT DISCHARGE AND TRANSFER POLICY THAT IS APPROVED BY THE
5 CERTIFYING BODY. AFTER THE CERTIFYING BODY APPROVES THE
6 RECOVERY RESIDENCE'S CLIENT DISCHARGE AND TRANSFER POLICY, THE
7 RECOVERY RESIDENCE STAFF MAY IMMEDIATELY DISCHARGE OR TRANSFER
8 A CLIENT, ACCORDING TO THE POLICY, IN ANY OF THE FOLLOWING
9 CIRCUMSTANCES:

10 (I) THE DISCHARGE OR TRANSFER IS NECESSARY FOR THE SAFETY
11 AND WELFARE OF THE CLIENT BECAUSE THE RECOVERY RESIDENCE IS
12 UNABLE TO MEET THE NEEDS OF THE CLIENT; OR

13 (II) THE HEALTH AND SAFETY OF OTHER CLIENTS OR RECOVERY
14 RESIDENCE STAFF IS AT RISK OR WOULD BE AT RISK IF THE CLIENT
15 CONTINUED TO RESIDE AT THE RECOVERY RESIDENCE.

16 (b) IF A CLIENT IS UNABLE OR NO LONGER WISHES TO RESIDE IN A
17 RECOVERY RESIDENCE, OR IS DISCHARGED OR TRANSFERRED FROM A
18 RECOVERY RESIDENCE, PRIOR TO THE CLIENT VACATING THE RECOVERY
19 RESIDENCE, THE RECOVERY RESIDENCE STAFF SHALL:

20 (I) DOCUMENT IN THE CLIENT'S RECORD DETAILED INFORMATION
21 REGARDING THE BASIS FOR THE DISCHARGE OR TRANSFER;

22 (II) PROVIDE THE CLIENT WITH A REFERRAL TO TREATMENT
23 SERVICES OR OTHER RECOVERY SUPPORT SERVICES;

24 (III) PROVIDE THE CLIENT WITH A REFERRAL TO APPROPRIATE
25 SERVICES IF THE CLIENT IS DISCHARGED WITHOUT FOOD, HOUSING, OR
26 ECONOMIC SECURITY, IF SUCH SERVICES EXIST IN THE COMMUNITY; AND

27 (IV) PROVIDE THE CLIENT WITH THE PHONE NUMBER TO CONTACT

1 THE COLORADO CRISIS SERVICES HOTLINE, INFORMATION ON THE
2 AVAILABILITY OF PEER SUPPORT SERVICES, AND INFORMATION ABOUT THE
3 BEHAVIORAL HEALTH SERVICES DIRECTORY PROVIDED BY THE
4 BEHAVIORAL HEALTH ADMINISTRATION.

5 (c) RECOVERY RESIDENCE STAFF SHALL DOCUMENT IN THE
6 CLIENT'S RECORD ANY REFERRALS PROVIDED TO THE CLIENT PURSUANT TO
7 SUBSECTION (6)(b) OF THIS SECTION. IF THE CLIENT REFUSES TO ACCEPT
8 THE DISCHARGE OR TRANSFER, THE RECOVERY RESIDENCE STAFF SHALL
9 DOCUMENT THE REFUSAL IN THE CLIENT'S RECORD.

10 (d) THE RECOVERY RESIDENCE SHALL, AT A MINIMUM, ATTEMPT TO
11 FOLLOW UP WITH THE CLIENT'S DESIGNATED EMERGENCY CONTACT, AT
12 LEAST FORTY-EIGHT HOURS AFTER DISCHARGE. THE RECOVERY RESIDENCE
13 IS ENCOURAGED TO UTILIZE PEER SUPPORT PROFESSIONALS, AS DEFINED IN
14 SECTION 27-60-108, WHEN PERFORMING FOLLOW-UP CARE WITH CLIENTS.
15 A RECOVERY RESIDENCE MAY FACILITATE FOLLOW-UP CARE THROUGH
16 CONTACTS WITH COMMUNITY-BASED PROVIDERS OR THE COLORADO CRISIS
17 HOTLINE.

18 (7) THE CERTIFYING BODY SHALL ESTABLISH A FAIR AND
19 ACCESSIBLE GRIEVANCE AND APPEAL PROCESS FOR CLIENTS TO APPEAL A
20 DISCHARGE OR TRANSFER DECISION MADE BY A RECOVERY RESIDENCE.
21 THE GRIEVANCE AND APPEAL PROCESS MUST, AT A MINIMUM:

22 (a) REQUIRE WRITTEN DOCUMENTATION OF THE GRIEVANCE
23 WITHIN ONE WEEK OF RECEIVING THE GRIEVANCE IF THE GRIEVANCE IS
24 RECEIVED VERBALLY; AND

25 (b) PROVIDE THE CLIENT WITH A DECISION NOT LATER THAN
26 SEVENTY-TWO HOURS AFTER THE DATE THE CLIENT SUBMITS A GRIEVANCE
27 OR APPEAL.

1 (8) THE RECOVERY RESIDENCE SHALL PROVIDE A CLIENT WHO IS
2 DISCHARGED OR TRANSFERRED WITH A WRITTEN NOTICE INDICATING THE
3 REASON FOR DISCHARGE, TREATMENT REFERRALS, AND REFERRALS FOR
4 OTHER SERVICES THE CLIENT IS RECEIVING. THE WRITTEN NOTICE MUST
5 OUTLINE THE CLIENT'S RIGHT TO APPEAL THE DISCHARGE OR TRANSFER,
6 THE TIMELINE REQUIRED FOR AN APPEAL, AND HOW TO SUBMIT AN APPEAL.

7 (9) ANY CERTIFIED RECOVERY RESIDENCE OR CLIENT ADVERSELY
8 AFFECTED OR AGGRIEVED BY A DECISION MADE BY THE CERTIFYING BODY
9 PURSUANT TO THIS SECTION HAS THE RIGHT TO APPEAL TO THE COLORADO
10 DEPARTMENT OF PERSONNEL AND ADMINISTRATION, OFFICE OF
11 ADMINISTRATIVE COURTS AND MAY SUBSEQUENTLY SEEK JUDICIAL
12 REVIEW OF THE CERTIFYING BODY'S ACTION.

13 **SECTION 2.** In Colorado Revised Statutes, 27-80-125, **amend**
14 (3) as follows:

15 **27-80-125. Housing assistance for individuals with a substance**
16 **use disorder - report - rules - appropriation.** (3) In awarding
17 temporary financial housing assistance in accordance with this section,
18 the BHA shall consider funding for individuals entering into a recovery
19 residence, as defined in ~~section 25-1.5-108.5 (1)(a)~~ SECTION 25-1.5-108.5.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

1 November 2024 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.