

Senate Bill 331

By: Senators Robertson of the 29th, Kirkpatrick of the 32nd and Watson of the 1st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug  
2 abuse treatment and education programs, so as to provide for the certification of recovery  
3 residences; to provide for definitions; to authorize the Department of Community Health to  
4 contract with or designate a certifying organization; to prohibit the operation of a recovery  
5 residence without certification; to provide for applications; to provide for requirements; to  
6 provide for inspections; to provide specific information on certifications; to provide for  
7 background checks for certain personnel; to provide for renewals; to provide for a registry;  
8 to provide for categories of recovery residences; to provide for rights of residents; to provide  
9 for a training and technical assistance program; to provide for zoning requirements; to  
10 provide for outcome data; to provide for denials and appeals; to provide for a complaint  
11 process; to provide for confidentiality of records; to provide for rules and regulations; to  
12 provide for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse  
16 treatment and education programs, is amended by adding a new article to read as follows:

17

"ARTICLE 418 26-5-100.19 As used in this article, the term:20 (1) 'Applicant' means any individual, organization, or entity that has applied for  
21 certification of a recovery residence.22 (2) 'Certified recovery residence' means a recovery residence that has completed the  
23 application process and been approved for certification by the department.24 (3) 'Certifying organization' means an organization under contract with or otherwise  
25 designated by the department and tasked with the responsibility of certifying recovery  
26 residences under this article.27 (4) 'Community residence' means a residential living arrangement for unrelated  
28 individuals with disabilities living as a single functional family in a single dwelling unit  
29 who are in need of the mutual support furnished by other residents of the community  
30 residence as well as support services, if any, provided by the staff, if any, of the  
31 community residence. A community residence seeks to emulate a biological family to  
32 foster normalization of its residents and integrate them into the surrounding community.  
33 Its primary purpose is to provide shelter and support in a family-like environment. Such  
34 term shall not include any other group living arrangement for unrelated individuals who  
35 are not disabled.36 (5) 'Co-occurring disorder' means the coexistence of both a mental health and a  
37 substance use disorder.38 (6) 'Department' means the Department of Community Health.39 (7) 'House manager' means an individual, either designated by the owner or operator of  
40 a certified recovery residence or elected by the residents of a certified recovery residence,  
41 who may or may not live on site and is or may be responsible for the day-to-day  
42 operation of the certified recovery residence, including, but not limited to, interviewing

43 potential residents, resident acceptance and welcoming procedures, resolution of resident  
44 disputes, maintenance of resident records, and ensuring resident adherence to the policies  
45 and procedures of the recovery residence. Such term shall not include self-run,  
46 self-supported recovery homes.

47 (8) 'Licensed drug and alcohol treatment service provider' means any individual or entity  
48 that is licensed, registered, or certified within this state to treat substance use disorders  
49 or that has a Drug Addiction Treatment Act of 2000 waiver from the Substance Abuse  
50 and Mental Health Services Administration to treat individuals with opioid use disorder  
51 using medications approved for that indication by the federal Food and Drug  
52 Administration.

53 (9) 'Operator' means the lawful owner or lessee of a recovery residence or an individual  
54 employed and designated by the owner or lessee of the recovery residence to have  
55 primary responsibility for oversight of the recovery residence, including, but not limited  
56 to, hiring and termination of recovery residence staff, recovery residence maintenance,  
57 and responding to complaints being investigated by the department. Such term is not  
58 applicable to a Level 1 recovery residence as described in Code Section 26-5-108.

59 (10) 'Peer support worker' means an individual with the lived experience of recovery  
60 from a substance use disorder who provides nonclinical, strength-based support to others  
61 experiencing similar challenges.

62 (11) 'Recovery' means a process of change through which individuals improve their  
63 health and wellness, live a self-directed life, and strive to reach their full potential.

64 (12) 'Recovery residence' means a type of community residence that provides a safe,  
65 healthy, family-like, substance-free living environment that supports individuals in  
66 recovery from substance use disorders. Recovery residences:

67 (A) Emulate a biological family;

68 (B) Are centered on peer support and community integration;

69 (C) Benefit individuals in recovery by reinforcing the skills and choices that help  
70 support sustained recovery from substance use disorders, providing a supportive peer  
71 community to which residents are accountable, and ensuring access to mutual aid  
72 groups, recovery support services, and other needed services and supports; and

73 (D) May be located in single-family homes, multifamily dwellings, and mixed-use  
74 structures.

75 (13) 'Registry' means the list of certified recovery residences maintained by the  
76 department that have applied for certification and have been approved or denied by the  
77 department or for whom the department has revoked certification.

78 (14) 'Resident' means an individual who resides in a recovery residence.

79 (15) 'Staff' means employees, contractors, or volunteers who provide monitoring,  
80 assistance, or other services for the use and benefit of a recovery residence and its  
81 residents. Such term may include, but is not limited to, a house manager, peer support  
82 workers, and on-site counselors.

83 (16) 'Substance-free' means being free from the use of alcohol, illicit drugs, and the illicit  
84 use of prescribed drugs. Such term shall not prohibit medications prescribed, dispensed,  
85 or administered by a licensed healthcare professional, such as pharmacotherapies  
86 specifically approved by the federal Food and Drug Administration for treatment of  
87 substance use disorder as well as other medications approved by the Food and Drug  
88 Administration for the treatment of co-occurring disorders, when such medications are  
89 taken as directed.

90 (17) 'Substance use disorder' means a pattern of use of alcohol or other drugs leading to  
91 impairment that meets the applicable diagnostic criteria delineated in the American  
92 Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*  
93 (DSM-5) or the World Health Organization's *International Classification of Diseases*, in  
94 effect as of July 1, 2023, or as the department may further define such term by rule and  
95 regulation.

- 96 26-5-101.
- 97 (a) The department shall be authorized to contract with or designate a certifying  
98 organization to perform one or more of the functions of the department pursuant to this  
99 article.
- 100 (b) No individual or organization shall operate a recovery residence unless it has received  
101 certification from the department pursuant to this article. Applicants shall submit a  
102 completed application to the department that includes, at a minimum:
- 103 (1) The name of the individual or organization making application for certification;  
104 (2) The proposed name, if any, of the recovery residence;  
105 (3) The address and telephone number of the recovery residence;  
106 (4) The applicant's address and telephone number, if different from the address and  
107 telephone number of the recovery residence;  
108 (5) The applicant's email address or, if an organization, the email address of the person  
109 responsible for the application;  
110 (6) The name and contact information of the applicant's parent organization, if  
111 applicable;  
112 (7) The maximum number of residents to be housed in the recovery residence;  
113 (8) The square footage of space per person per bedroom;  
114 (9) The name, address, and telephone number of the operator of the recovery residence,  
115 if different from the applicant;  
116 (10) The applicant's signature and date signed; and  
117 (11) Any other information required by the department by rules and regulations.
- 118 (c) Applicants shall submit a nonrefundable application fee in an amount to be determined  
119 by the department by rule and regulation.
- 120 (d) The department shall issue a certification upon approval of a recovery residence's  
121 application and inspection conducted pursuant to Code Section 26-5-103. Applications  
122 shall be approved or denied within 30 days of receiving all required documentation and

123 completing the required inspection. The certification shall automatically terminate two  
124 years after issuance, if not renewed or if an extension is not granted.

125 26-5-102.

126 The department shall:

127 (1) Establish a voluntary certification process for recovery residences;

128 (2) Establish an exception clause for 'squatters' rights' for certified recovery residences;

129 (3) Mandate a minimum amount of annual continuing education training to maintain  
130 certification;

131 (4) Require that the first year of certification is provisional and require 18 hours of  
132 continuing education in the first year of certification;

133 (5) Require the certified recovery residence to post the certification where easily visible  
134 for the public to see;

135 (6) Require the certified recovery residence to use a data-capturing electronic system to  
136 track outcomes and ensure evidence based data are provided; and

137 (7) Require the certified recovery residence to use an electronic form of invoicing to bill  
138 clients and retain records of payments.

139 26-5-103.

140 (a) Upon receiving a completed application, the department shall conduct an on-site  
141 inspection of the recovery residence for the purpose of ensuring the residence is in  
142 compliance with the requirements of this article and meets the standards for certification.

143 (b) The department shall inspect each certified recovery residence at least biennially to  
144 ensure continued compliance with the requirements of this article and may conduct  
145 additional inspections to confirm correction of any deficiencies or for the purpose of  
146 investigating a complaint.

147 (c) If the department identifies a deficiency in an application, the applicant shall have 30  
148 days from the date of the notification of the deficiency to correct the deficiency, unless an  
149 extension is granted by the department.

150 (d) If the department identifies a deficiency following inspection of a recovery residence,  
151 during either the application process or any subsequent inspection, or as a result of a  
152 verified complaint from a resident or staff member, the department or its contractor shall  
153 require the applicant or operator, if different from the applicant, to submit a plan of  
154 correction to correct the deficiency within a specified time period. The plan of correction  
155 shall include the steps that will be taken by the recovery residence or its operator to correct  
156 the deficiency and the time frame within which such corrections will be made. The  
157 department shall establish the deadline for submission of the plan of correction based on  
158 each recovery residence's specific circumstances and the deficiencies which are required  
159 to be corrected.

160 26-5-104.

161 (a) A certification issued to an approved recovery residence applicant shall specify the  
162 following:

163 (1) The name of the holder of the certification, which may be the individual applicant or  
164 the name of the parent organization;

165 (2) The address to which the certification applies;

166 (3) The maximum number of persons to reside in the recovery residence; and

167 (4) The expiration date.

168 (b) Certifications shall be publicly displayed in the recovery residence.

169 (c) Certifications issued pursuant to this article shall not be transferred to an address other  
170 than the one specified on the certification.

171 26-5-105.

172 (a) As used in this Code section, the term:

173 (1) 'Conviction' means a finding or verdict of guilty or a plea of guilty regardless of  
174 whether an appeal of the conviction has been sought.

175 (2) 'Crime' means:

176 (A) Serious offenses related to healthcare fraud;

177 (B) Patient brokering;

178 (C) Criminal use of confidential personal information; and

179 (D) Abuse, neglect, or exploitation of vulnerable persons.

180 (3)(A) 'Criminal record' means any of the following:

181 (i) Conviction of a crime;

182 (ii) Arrest, charge, and sentencing for a crime where:

183 (I) A plea of nolo contendere was entered to the charge;

184 (II) First offender treatment without adjudication of guilt pursuant to the charge  
185 was granted; or

186 (III) Adjudication or sentence was otherwise withheld or not entered on the charge;

187 or

188 (iii) Arrest and being charged for a crime if the charge is pending, unless the time for  
189 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.

190 (B) Such term shall not include an owner, operator, director, or chief financial officer  
191 for whom at least five years have elapsed from the date of any of the events described  
192 in subparagraph (A) of this paragraph.

193 (4) 'GCIC' means the Georgia Crime Information Center established under Article 2 of  
194 Chapter 3 of Title 35.

195 (5) 'GCIC information' means criminal history record information as defined in Code  
196 Section 35-3-30.



197 (6) 'Records check application' means fingerprints in such form and of such quality as  
198 prescribed by the Georgia Crime Information Center and under standards adopted by the  
199 Federal Bureau of Investigation and a records search fee to be established by the  
200 department by rule and regulation, payable in such form as the department may direct to  
201 cover the cost of obtaining criminal background information pursuant to this Code  
202 section.

203 (b)(1) Prior to approving any certification for a recovery residence and periodically as  
204 established by the department by rules and regulations, the department shall require all  
205 owners, operators, directors, and chief financial officers to submit a records check  
206 application. The department shall establish a uniform method of obtaining such records  
207 check applications.

208 (2)(A) Unless the department contracts pursuant to subparagraph (B) of this paragraph,  
209 the department shall transmit to the GCIC the fingerprints and records search fee from  
210 each fingerprint records check application in accordance with Code Section 35-3-35.  
211 Upon receipt thereof, the GCIC shall promptly transmit the fingerprints to the Federal  
212 Bureau of Investigation for a search of bureau records and an appropriate report and  
213 shall promptly conduct a search of its records and records to which it has access.  
214 Within ten days after receiving fingerprints acceptable to the GCIC and the fee, the  
215 GCIC shall notify the department in writing of any criminal record or if there is no such  
216 finding. After a search of Federal Bureau of Investigation records and fingerprints and  
217 upon receipt of the bureau's report, the department shall make a determination about the  
218 criminal record of an owner, operator, director, or chief financial officer and shall  
219 notify such owner, operator, director, or chief financial officer in writing as to the  
220 department's determination as to whether such owner, operator, director, or chief  
221 financial officer has or does not have a criminal record.

222 (B) The department may either perform criminal background checks under agreement  
223 with the GCIC or contract with the GCIC and appropriate law enforcement agencies

224 which have access to the GCIC and the Federal Bureau of Investigation information to  
225 have those agencies perform for the department criminal background checks for  
226 owners, operators, directors, and chief financial officers. The department or the  
227 appropriate law enforcement agencies may charge reasonable fees for performing  
228 criminal background checks.

229 (3) The department's determination regarding the criminal record of an owner, operator,  
230 director, or chief financial officer, or any action by the department revoking or refusing  
231 to grant a certificate based on such determination, shall constitute a contested case for  
232 purposes of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except  
233 that any hearing required to be held pursuant thereto may be held reasonably  
234 expeditiously after such determination or action by the department.

235 (4) Neither the GCIC, the department, any law enforcement agency, nor the employees  
236 of any such entities shall be responsible for the accuracy of information nor have any  
237 liability for defamation, invasion of privacy, negligence, or any other claim in connection  
238 with any dissemination of information or determination based thereon pursuant to this  
239 Code section.

240 (c) All information received from the Federal Bureau of Investigation or the GCIC shall  
241 be for the exclusive purpose of approving or denying the granting of a certification to a  
242 recovery residence and shall not be released or otherwise disclosed to any other person or  
243 agency. All such information collected by the department shall be maintained by the  
244 department pursuant to laws regarding and the rules or regulations of the Federal Bureau  
245 of Investigation and the GCIC, as is applicable. Penalties for the unauthorized release or  
246 disclosure of any such information shall be as prescribed pursuant to laws regarding and  
247 rules or regulations of the Federal Bureau of Investigation and the GCIC, as is applicable.

248 (d) The requirements of this Code section are supplemental to any requirements for a  
249 certification application or other requirements imposed by this article.

250 (e) The department shall promulgate written rules and regulations reasonable and  
251 necessary to implement the provisions of this Code section.

252 (f) If any owner, operator, director, or chief financial officer of a certified recovery  
253 residence is arrested for, found guilty of, or enters a plea of nolo contendere to, regardless  
254 of adjudication, any crime while acting in that capacity, the certified recovery residence  
255 shall take steps to remove such individual from that position and shall notify the  
256 department within three business days after such removal. The department shall revoke the  
257 certification of any recovery residence that fails to comply with this subsection.

258 26-5-106.

259 At least 60 days prior to the expiration of certification, a certified recovery residence shall  
260 submit a renewal application and any required fee to the department in a format required  
261 by the department. Upon inspection and determination by the department that the recovery  
262 residence continues to meet the requirements of this article, the department shall reissue  
263 a certification for a period of two years.

264 26-5-107.

265 (a) The department shall allow applicants to submit initial and renewal applications  
266 through an online portal that includes the ability to upload supporting documentation and  
267 electronically pay any required fees.

268 (b) The department shall publish and maintain a registry on the department's website of  
269 all certified recovery residences which shall be accessible to governmental entities,  
270 licensed drug and alcohol treatment service providers, and the public. Such registry shall  
271 be updated at least monthly.

272 26-5-108.

273 Certified recovery residences shall be categorized as follows:

274 (1) Level 1 – A Level 1 peer-run recovery residence provides no on-site paid staff or  
275 operator of the recovery residence. Level 1 recovery residences are self-governed and  
276 democratically run. No on-site services are provided at a Level 1 recovery residence, and  
277 there are no paid staff within the residence.

278 (2) Level 2 – A Level 2 recovery residence provides an on-site house manager or  
279 managers who are often compensated by free or reduced recovery residence fees.  
280 Residents participate in the governance of the residence in concert with the recovery  
281 residence staff and operator. Level 2 recovery residences provide community or house  
282 meetings, peer recovery supports, and involvement in self-help or off-site treatment  
283 services.

284 (3) Level 3 – A Level 3 recovery residence provides a paid house manager,  
285 administrative support, and a certified peer recovery support service provider. Resident  
286 participation in recovery residence governance varies, with most limited to senior resident  
287 participation. Level 3 recovery residences provide community or house meetings, peer  
288 recovery supports, mutual support groups and clinical services in the community, peer  
289 or professional life skills training on site, and peer recovery support services. They may  
290 also provide other programmatic services, delivered by either peer or paid staff, but do  
291 not offer clinical services on site.

292 (4) Level 4 – A Level 4 recovery residence is much more structured than other levels of  
293 support. Resident stays in a Level 4 recovery residence are typically briefer than in other  
294 recovery residences, and residents may transfer from a Level 4 recovery residence to a  
295 Level 1, 2, or 3 recovery residence. Level 4 recovery residences provide on-site clinical  
296 services delivered by paid and licensed or otherwise credentialed staff, administrative  
297 support, mutual support group meetings, life skills training, and peer recovery support  
298 services.

299 26-5-109.

300 (a) Notwithstanding any other provision of law or any rights or obligations under state law  
301 to the contrary, a certified recovery residence may terminate a resident's tenancy in the  
302 recovery residence in accordance with the recovery residence's approved termination or  
303 relapse policy and the signed resident agreement. In the case of a resident who is  
304 terminated from a Level 3 or Level 4 recovery residence, the recovery residence should  
305 make a reasonable effort to link such individual to more appropriate support or care, to the  
306 extent such support or care is available, and subject to the willingness of the terminated  
307 resident to accept such support or care.

308 (b)(1) A resident whose tenancy is terminated pursuant to subsection (a) of this Code  
309 section, or who has voluntarily left the recovery residence permanently, shall have 30  
310 days from the date of termination or the date of voluntary departure to make a written  
311 request to the certified recovery residence for the return of any personal property left in  
312 such residence by the tenant on his or her departure.

313 (2) Upon receipt of a request as specified in paragraph (1) of this subsection, the certified  
314 recovery residence shall return any personal property belonging to the resident within 60  
315 days from the date of the request.

316 (3) The recovery residence shall not be bound to indefinitely retain the personal property  
317 of a resident whose tenancy is terminated or who has voluntarily permanently left the  
318 residence, nor shall it be responsible for the relocation, storage, or safeguarding of such  
319 property. Certified recovery residences shall specify the length of time it will retain  
320 personal property beyond the 30 day period specified in paragraph (1) of this subsection  
321 in the documentation provided to prospective or new residents at the time of their  
322 application to the certified recovery residence, but such time period shall not be less than  
323 any amount of time required by law.

324 (4) If a resident appeals termination pursuant to subsection (c) of this Code section, the  
325 time periods provided for in paragraphs (1) through (3) of this subsection shall be stayed  
326 during the pendency of the appeal.

327 (c) A resident whose tenancy has been terminated by a certified recovery residence can file  
328 a complaint with the department within 30 days of the termination to appeal such  
329 termination. The resident may not remain on the premises of the certified recovery  
330 residence during the pendency of the appeal.

331 26-5-110.

332 The department shall develop a training and technical assistance program for the benefit  
333 of certified recovery residences to:

334 (1) Assist owners, operators, house managers, and other staff with:

335 (A) Developing an understanding of the statutes and regulations applicable to recovery  
336 residences in this state;

337 (B) Completing the application process for certification; and

338 (C) Providing information regarding the day-to-day operation of certified recovery  
339 residences;

340 (2) Assist newly certified recovery residences with any questions or issues that might  
341 arise;

342 (3) Encourage consistency in standards among certified recovery residences;

343 (4) Improve the quality and effectiveness of recovery residences and their ability to serve  
344 diverse communities; and

345 (5) Promote a collaborative relationship between certified recovery residences and the  
346 department.

347 26-5-111.

348 (a) Except as otherwise provided for in this article, and notwithstanding any other law or  
349 rule or regulation to the contrary, any state, county, or local zoning ordinance enacted in  
350 this state:

351 (1) Shall treat a recovery residence as a residential use of property which shall have all  
352 rights and responsibilities accorded to a residential use property; and

353 (2) Shall not subject the recovery residence to any restrictions, prohibitions, or other  
354 provisions, including provisions related to building or fire codes, that are not also  
355 applicable to residential uses in similar types of structures, whether single-family  
356 detached, single-family attached, or multifamily structures, in the same zoning district if  
357 occupied by a single family.

358 (b) When the number of tenants in a recovery residence does not exceed the number of  
359 unrelated people allowed by a jurisdiction's zoning laws, the recovery residence shall be  
360 allowed to locate within such jurisdiction.

361 26-5-112.

362 (a) Certified recovery residences shall collect outcome data regarding their residents in the  
363 following areas in order to assess the effectiveness of the level of care provided by the  
364 recovery residence:

365 (1) Abstinence from substance use;

366 (2) Change in employment or education status;

367 (3) Change in earnings;

368 (4) Housing stability;

369 (5) Admissions and readmissions to treatment;

370 (6) Criminal justice involvement;

371 (7) Child welfare involvement;

372 (8) Civic engagement;

373 (9) Access to needed physical health services, behavioral health services, and social  
374 services;

375 (10) Access to private or public health insurance;

376 (11) Length of stay in the recovery residence; and

377 (12) Number of terminations due to relapse.

378 (b) Certified recovery residences shall report outcome data to the department on a  
379 quarterly basis in such form and in such manner as the department may provide by rule and  
380 regulation. All such data submitted shall be de-identified to remove any personally  
381 identifiable information.

382 (c) The department, in collaboration with the Department of Behavioral Health and  
383 Developmental Disabilities, may conduct an environmental scan and needs assessment  
384 study to determine the recovery housing needs of this state and the location and adequacy  
385 of available recovery residences to meet that need. Such study may assess the adequacy  
386 of recovery housing in each of the following areas:

387 (1) Adequacy relative to population in all areas of the state;

388 (2) Adequacy of low-cost or subsidized recovery residences; and

389 (3) Adequacy for underserved and difficult-to-serve populations, including parents with  
390 children; pregnant women; re-entry populations; persons living with HIV; ethnic, racial,  
391 and other minorities; and physically disabled persons.

392 (d) The department shall analyze data collected pursuant to this Code section and shall  
393 issue an annual report to the Governor and the General Assembly assessing the  
394 effectiveness of certified recovery residences within this state. The department shall make  
395 such annual report available on its website for use by the public.

396 26-5-113.

397 (a) The department may deny any certification applied for under this article that does not  
398 fulfill the minimum requirements which the department shall prescribe by rules and



399 regulations and may suspend or revoke a certification which has been issued if an applicant  
400 or a certified recovery residence violates any of such rules and regulations; provided,  
401 however, that, before any order is entered denying a certification applied for or suspending  
402 or revoking a certification previously granted, the applicant or certified recovery residence,  
403 as the case may be, shall be afforded an opportunity for a hearing as provided for in  
404 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

405 (b) Notice of a proposed suspension or revocation of a certification shall be provided in  
406 writing by the department to any certified recovery residence so affected within 90 days  
407 after the open enrollment period has closed or the grounds are discovered. Within ten days  
408 from receipt of such notice, the certified recovery residence so affected may request a  
409 hearing before the department. Upon receipt of such request for hearing in proper form,  
410 the department shall schedule a hearing within a reasonable time, but not later than 90 days  
411 after receiving such request.

412 (c) Denial, suspension, or revocation of a recovery residence's certification should be a  
413 'last resort' measure with regard to violations that do not impact the health, welfare, or  
414 safety of residents, staff, or others on the premises of a recovery residence.

415 26-5-114.

416 (a) The department shall establish a toll-free telephone number or an online complaint  
417 form, or both, to receive complaints from residents, staff, and the general public regarding  
418 certified recovery residences.

419 (b) The department shall receive and review complaints that:

420 (1) Are based on the complainant's first-hand knowledge regarding the allegations;  
421 (2) Concern the health of residents and safety of the certified recovery residence;  
422 (3) Concern management of the recovery residence, including, but not limited to, house  
423 environment, financial procedures, staffing, house rules, improper handling of resident  
424 terminations, and recovery support environment; or

425 (4) Concern illegal activities or threats.  
426 (c)(1) Complaints received by the department pursuant to this Code section regarding  
427 illegal activities or threats shall be immediately referred to law enforcement in the  
428 jurisdiction where the certified recovery residence is located.  
429 (2) The department shall investigate complaints relating to paragraphs (1) through (3)  
430 of subsection (b) of this Code section which are received via the toll-free telephone  
431 number or online complaint form, or via referral from a certifying organization, and may  
432 take any action necessary to conduct such investigation, including, but not limited to,  
433 interviewing the operator, house manager, staff, and residents of the certified recovery  
434 residence and conducting an inspection of the premises.  
435 (d) If, upon completion of the investigation, the department determines that the complaint  
436 is well-founded, the department shall notify the operator of the actions required to bring  
437 the certified recovery residence into compliance with this article.  
438 (e) A certified recovery residence that has been notified by the department pursuant to  
439 subsection (d) of this Code section of actions required to bring the certified recovery  
440 residence into compliance with this article shall file a plan of correction with the  
441 department within the time required by the department based on the nature of the  
442 complaint. The plan shall outline all steps the certified recovery residence will take to  
443 correct any deficiencies identified and shall include the time period within which such  
444 deficiencies will be corrected.  
445 (f) The outcome of any complaint investigation shall be subject to review in accordance  
446 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'  
447 (g) When making a complaint pursuant to this Code section, an individual shall be  
448 required to disclose his or her identity to the department; provided, however, that, during  
449 any investigation of the complaint, the department, to the extent practicable, shall not  
450 disclose the identity of the complainant.

451 26-5-115.

452 (a) Records of residents maintained by certified recovery residences are confidential and  
453 shall not be released without the signed consent of the individual who is the subject of the  
454 record. Such records may be subject to the Health Insurance Portability and Accountability  
455 Act of 1996, 42 U.S.C. Section 290dd-2, 42 C.F.R. Part 2, and applicable state statutes and  
456 regulations regarding the confidentiality of such records.

457 (b) The department shall not maintain any personally identifiable information regarding  
458 any resident of a certified recovery residence in connection with its role under this article.

459 26-5-116.

460 The promulgation of reasonable and necessary rules and regulations, the conduct of  
461 administrative hearings, and judicial review of the department's actions shall be subject to  
462 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

463

## **SECTION 2.**

464 All laws and parts of laws in conflict with this Act are repealed.