

115TH CONGRESS  
2D SESSION

# S. 2828

To develop and identify indicators of potentially fraudulent and disreputable recovery housing operators, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

Mr. RUBIO (for himself and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To develop and identify indicators of potentially fraudulent and disreputable recovery housing operators, 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 “Sober Home Fraud  
5 Detection Act”.

6 **SEC. 2. BEST PRACTICES FOR IDENTIFYING FRAUD IN RE-**  
7 **COVERY HOUSING PRACTICES.**

8 (a) DEFINITION.—In this Act, the term “recovery  
9 housing” means a shared living environment free from al-

1cohol and illicit drug use and centered on peer support  
2and connection to services that promote sustained recovery  
3from substance use disorders.

4(b) IDENTIFICATION OF FRAUDULENT RECOVERY  
5HOUSING OPERATORS.—

6(1) IN GENERAL.—The Secretary of Health and  
7Human Services (referred to in this Act as the “Sec-  
8retary”), in consultation with the individuals and en-  
9tities described in paragraph (2), shall identify or fa-  
10cilitate the development of common indicators that  
11could be used to identify potentially fraudulent or  
12disreputable recovery housing operators.

13(2) CONSULTATION.—In carrying out the activi-  
14ties described in paragraph (1), the Secretary shall  
15consult with—

16(A) relevant divisions of the Department of  
17Health and Human Services, including the Sub-  
18stance Abuse and Mental Health Services Ad-  
19ministration, the Office of Inspector General,  
20and the Centers for Medicare & Medicaid Serv-  
21ices;

22(B) the Attorney General;

23(C) the Secretary of Housing and Urban  
24Development;

- 1 (D) State health departments, State Med-  
2 icaid plans, and State insurance commissioners;  
3 (E) health insurance issuers;  
4 (F) national accrediting entities and rep-  
5 utable recovery housing operators;  
6 (G) the Government Accountability Office;  
7 and  
8 (H) other stakeholders identified by the  
9 Secretary.

10 (c) REQUIREMENTS.—

11 (1) PRACTICES FOR IDENTIFICATION AND RE-  
12 PORTING.—In carrying out the activities described in  
13 subsection (b), the Secretary shall consider how law  
14 enforcement, public and private payers, and the pub-  
15 lic can best identify and report fraudulent or dis-  
16 reputable recovery housing operators.

17 (2) FACTORS TO BE CONSIDERED.—In carrying  
18 out the activities described in subsection (b), the  
19 Secretary shall also consider identifying or devel-  
20 oping indicators regarding—

21 (A) unusual billing practices;

22 (B) average lengths of patient stays that  
23 are longer than the norm;

24 (C) excessive levels of drug testing (in  
25 terms of cost or volume);

1 (D) unusually high levels of recidivism;

2 (E) if the recovery housing operator is lo-  
3 cated in a geographic area identified by the  
4 Secretary as having a high level of health care  
5 fraud; and

6 (F) any other factors identified by the Sec-  
7 retary.

8 (d) DISSEMINATION.—The Secretary shall make the  
9 indicators identified or developed under subsection (b)  
10 publicly available on the websites of the Department of  
11 Health and Human Services, the Department of Justice,  
12 and the Department of Housing and Urban Development,  
13 and shall disseminate the indicators identified or devel-  
14 oped under subsection (b) to—

15 (1) State agencies, which may include the provi-  
16 sion of technical assistance to State agencies seeking  
17 to adopt or implement policies to better identify po-  
18 tentially fraudulent recovery housing operators;

19 (2) health insurance issuers;

20 (3) the Administrator of the Centers for Medi-  
21 care & Medicaid Services;

22 (4) the Secretary of Labor;

23 (5) the Secretary of Housing and Urban Devel-  
24 opment;

1           (6) State and local law enforcement agencies;  
2           and

3           (7) the public, as appropriate.

4           (e) UPDATES.—The Secretary shall update the indi-  
5 cators identified under this section as necessary.

6           (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
7 tion shall be construed to provide the Secretary with the  
8 ability to require States to adhere to minimum standards  
9 regarding State oversight of recovery housing.

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