

COMMITTEE ON HEALTH & HUMAN SERVICES
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1361
(Reference to Senate engrossed bill)

1 Page 2, line 32, after "title" insert ": civil penalties"

2 Page 3, line 9, strike the second "OR" insert a comma; after "ISSUED" insert "OR
3 THE SOBER LIVING HOME CEASES OPERATIONS"

4 Page 4, line 10, after the period strike remainder of line

5 Strike lines 11 through 21, insert "THE SOBER LIVING HOME SHALL OBTAIN AND
6 MAINTAIN CURRENT DOCUMENTATION FROM THE LOCAL JURISDICTION VERIFYING
7 COMPLIANCE WITH ALL LOCAL ZONING, BUILDING, FIRE AND LICENSING ORDINANCES
8 AND RULES AND SHALL PROVIDE THE DOCUMENTATION TO THE DEPARTMENT ON REQUEST
9 AND IN THE APPLICATION FOR A LICENSE, A LICENSE RENEWAL OR ANY PROPOSED
10 CHANGE IN THE MAXIMUM NUMBER OF RESIDENTS OR ANY CONSTRUCTION OR
11 MODIFICATION OF THE SOBER LIVING HOME. THE DEPARTMENT SHALL IDENTIFY ON
12 EACH LICENSE THE MAXIMUM NUMBER OF RESIDENTS WHO ARE ALLOWED TO LIVE IN THE
13 SOBER LIVING HOME, INCLUDING ANY MANAGER OR OTHER STAFF LIVING ON THE
14 PREMISES."

15 Between lines 38 and 39, insert:

16 "F. IF A LICENSED HEALTH CARE INSTITUTION IS AFFILIATED WITH AN
17 UNLICENSED SOBER LIVING HOME OR OTHER FACILITY, BUILDING OR STRUCTURE FOUND
18 TO BE ENGAGING IN FRAUDULENT, ABUSIVE OR MISLEADING PRACTICES, THE HEALTH
19 CARE INSTITUTION IS SUBJECT TO CIVIL PENALTIES PURSUANT TO SECTION
20 36-431.01 UP TO AND INCLUDING LICENSE SUSPENSION OR REVOCATION.

21 G. EACH DAY A VIOLATION OCCURS UNDER THIS SECTION CONSTITUTES A
22 SEPARATE VIOLATION."

23 Page 5, line 2, strike ", SUBSECTIONS A AND E"

24 Line 3, after the period insert "THE DIRECTOR MAY TEMPORARILY REQUIRE
25 SUBSTANTIAL COMPLIANCE IF THE SOBER LIVING HOME IS REQUIRED TO RESOLVE A
26 VIOLATION THROUGH A PLAN OF CORRECTION, BUT ONLY IF THE VIOLATION IS OF A
27 TECHNICAL REQUIREMENT IN THE RULES ADOPTED PURSUANT TO THIS ARTICLE, THE
28 SOBER LIVING HOME CONFORMS WITH GENERALLY ACCEPTED INDUSTRY STANDARDS AND

1 THE VIOLATION DOES NOT ENDANGER THE HEALTH, SAFETY OR WELFARE OF THE
2 RESIDENTS OF THE SOBER LIVING HOME OR THE GENERAL PUBLIC."

3 Page 5, line 27, strike "OR LICENSE RENEWAL"

4 Line 37, strike the comma insert "AND"

5 Line 38, strike "AND STANDARDS AND LOCAL FIRE ORDINANCES OR RULES"

6 Line 40, strike "APPROVING" insert "ISSUING"; strike "A LICENSE RENEWAL,"
7 insert "APPROVING"

8 Page 6, line 2, strike "PROMPTLY"

9 Line 6, strike "WITHIN THIRTY CALENDAR DAYS"

10 Line 8, after "DEPARTMENT" insert "OR ITS THIRD-PARTY CONTRACTOR"

11 Line 9, after "COMPLAINT" insert "AND SHALL CONDUCT A PHYSICAL, ON-SITE
12 INSPECTION IF REQUESTED BY LOCAL LAW ENFORCEMENT OR IF THE DIRECTOR
13 DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THE SOBER LIVING HOME
14 IS NOT ADHERING TO THE REQUIREMENTS OF THIS ARTICLE"; after the period
15 strike remainder of line

16 Strike lines 10 through 15

17 Line 18, after "DIRECTOR" strike remainder of line insert ":

18 1. EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, SHALL
19 IMPOSE THE FOLLOWING PENALTIES:"

20 Line 19, strike "1." insert "(a)"

21 Line 29, strike "2." insert "(b)"

22 Line 30, after "BOTH" insert a period strike remainder of line

23 Strike lines 31 and 32, insert:

24 "2. MAY REQUIRE A PERSON TO RESOLVE A VIOLATION THROUGH A PLAN OF
25 CORRECTION INSTEAD OF IMPOSING THE PENALTIES AND SANCTIONS PRESCRIBED IN
26 PARAGRAPH 1, SUBDIVISIONS (a) AND (b) OF THIS SUBSECTION, BUT ONLY IF THE
27 VIOLATION IS OF A TECHNICAL REQUIREMENT IN THE RULES ADOPTED PURSUANT TO
28 THIS ARTICLE, THE SOBER LIVING HOME CONFORMS WITH GENERALLY ACCEPTED
29 INDUSTRY STANDARDS AND THE VIOLATION DOES NOT ENDANGER THE HEALTH, SAFETY
30 OR WELFARE OF THE RESIDENTS OF THE SOBER LIVING HOME OR THE GENERAL
31 PUBLIC."

32 Page 7, strike lines 41 through 45

33 Page 8, strike lines 1 through 5, insert:

1 "K. IF A POLITICAL SUBDIVISION OF THIS STATE REQUESTS AN UPDATE FROM
2 THE DEPARTMENT ON THE STATUS OF INVESTIGATING A COMPLAINT FILED BY THE
3 POLITICAL SUBDIVISION RELATING TO A SOBER LIVING HOME, THE DEPARTMENT SHALL
4 NOTIFY THE POLITICAL SUBDIVISION OF THE STATUS WITHIN FIVE BUSINESS DAYS
5 AFTER THE REQUEST. IF REQUESTED BY THE POLITICAL SUBDIVISION, THE
6 DEPARTMENT SHALL PROVIDE TO THE POLITICAL SUBDIVISION THE FINDINGS OF ITS
7 INVESTIGATION, INCLUDING COPIES OF INVESTIGATIVE REPORTS WITHOUT PERSONAL
8 IDENTIFYING INFORMATION OF THE SOBER LIVING HOME RESIDENTS."

9 Page 9, strike lines 7 through 12, insert:

10 "C. IF A LOCAL JURISDICTION PROVIDES CONTACT INFORMATION FOR
11 NOTIFICATIONS RELATING TO SOBER LIVING HOMES TO THE DEPARTMENT, THE
12 DEPARTMENT SHALL NOTIFY THE LOCAL JURISDICTION OF ALL APPROVALS AND DENIALS
13 FOR LICENSURE AND RENEWAL AND ALL REQUESTS FOR CHANGES AFFECTING A SOBER
14 LIVING HOME LICENSE ISSUED PURSUANT TO THIS ARTICLE IN THAT JURISDICTION
15 WITHIN THIRTY CALENDAR DAYS AFTER THE APPROVAL OR DENIAL. THE DEPARTMENT
16 IS NOT OBLIGATED TO PROVIDE THE NOTIFICATIONS UNDER THIS SUBSECTION TO
17 LOCAL JURISDICTIONS THAT DO NOT PROVIDE THEIR CONTACT INFORMATION TO THE
18 DEPARTMENT."

19 Strike lines 28 through 30

20 Renumber to conform

21 Page 10, strike lines 1 through 3

22 Renumber to conform

23 Amend title to conform

STEVE MONTENEGRO
CHAIRMAN

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