

## Recovery House Frequently-Asked Questions

### Helpful links:

- **Recovery house law** (Act 59 of 2017):  
<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2017&sessInd=0&act=59>
- **DDAP recovery house regulations** (28 Pa. Code Chapter 717):  
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-50/2058.html>
- **DDAP licensing website:** <https://www.ddap.pa.gov/Licensing/Pages/Licensing.aspx>
- **Current funding opportunity for recovery houses:**  
<https://www.ddap.pa.gov/DDAPFunding/Pages/Funding-Opportunities.aspx>

### Questions about Funding and Contracting

#### 1. I'm currently working on my licensure application. Can a Single County Authority (SCA) still contract with my recovery house?

As of July 1, 2022, SCAs cannot execute new contracts with unlicensed houses. SCAs receive reports on licensing status of recovery houses across the state, including those who have submitted applications but are not yet licensed, from DDAP on a weekly basis.

#### 2. I'm currently working on my licensure application. Can an SCA still fund my recovery house?

In a listserv communication on June 9, 2022, DDAP advised that as of July 1, 2022, SCAs can only fund unlicensed recovery houses as long as the recovery house shows a good faith effort to apply for licensure. SCAs receive reports on licensing status of recovery houses across the state, including those who have submitted applications but are not yet licensed, from DDAP on a weekly basis.

In a listserv communication dated September 29, 2022, DDAP advised that SCAs may only fund recovery houses that have obtained licenses from DDAP as of January 1, 2023. SCAs were instructed to transition individuals who remain in unlicensed recovery houses to another licensed recovery home or arrange for other suitable housing as of January 1, 2023.

#### 3. The drug and alcohol recovery house law (Act 59 of 2017) states that only licensed recovery houses “may be eligible to receive Federal or State funding to deliver drug and alcohol recovery housing services.” My organization funds houses with public money, but there are no licensed recovery houses in my county. Can we pay for an unlicensed

**house?**

Act 59 of 2017 does not provide for an exception to the requirement that only licensed recovery houses are eligible to receive public funds, but the organization may consider contracting with a recovery house in another county. There is no distinction in Act 59 or 2017 nor 28 Pa. Code Chapter 717 regarding the county where a recovery house is located.

**4. The drug and alcohol recovery house law (Act 59 of 2017) states that “individuals whose treatment is funded with Federal or State funding shall only be referred to” a licensed recovery house. What is considered “Federal or State funding”?**

Federal or State funding may include Medicare and Medicaid funding. It may also include treatment funding for un- or underinsured clients received from the SCA, or through a grant from a state agency.

**5. Can public funds pay for rent to private landlords?**

Under 71 P.S. § 613.11, a drug and alcohol recovery house is defined as “housing for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol- free environment that may include peer support and other recovery support services.” Not every place that a person in recovery lives is a recovery house that needs to be licensed, and not every landlord for a person in recovery is operating a recovery house, but any house that meets the definition, no matter what it calls itself, is considered a recovery house under the statute. Given that unlicensed recovery houses are ineligible to receive public funds, a resident’s rent in an unlicensed recovery house cannot be funded from Federal, State, or county dollars.

## **Questions about Referrals**

**1. The drug and alcohol recovery house law (Act 59 of 2017) states that “all referrals from State agencies or State-funded facilities shall be to licensed” recovery houses. What is considered a “State-funded facility”?**

State agencies and State-funded facilities may include an SUD treatment facility that receives funding from their SCA, Managed Care Organization, or a grant from a state agency. It also includes state and state-funded agencies that make referrals for residential settings, such as the criminal justice, juvenile justice, and child welfare systems.

**2. Can an individual choose to live in an unlicensed recovery house, even if they are required to be referred to a licensed recovery house under the law?**

Yes, an individual can choose on their own to live in an unlicensed recovery house as long as the recovery house does not receive funds from a Federal, State, or county agency.

### **3. Can referrals be made to an out-of-county recovery house?**

Yes. There is no distinction in Act 59 of 2017 or 28 Pa. Code Chapter 717 regarding the county where a recovery house is located.

### **4. Are state or county courts required to refer to licensed recovery houses?**

Under Act 59 of 2017, “a State or county court shall give first consideration to a certified drug and alcohol recovery house when residential recommendations are made for individuals under their supervision.” 71 P.S. § 613.12(a)(4).

## **Questions about Fines**

### **Can somebody be fined for making a referral to an unlicensed recovery house?**

Act 59 of 2017 gives DDAP the authority to issue fines only to unlicensed recovery houses that receive public funds. See 71 P.S. § 613.16. Although the law also requires that “All referrals from State agencies or State-funded facilities shall be” to licensed recovery houses, and that “Individuals whose treatment is funded with Federal or State funding shall only be referred” to a licensed recovery house, the law does not give DDAP the authority to fine other entities.

## **Questions about Definitions**

### **How do the regulations apply to “sober homes,” “3/4 houses,” or Transitional Living Facilities (TLFs)?**

Act 59 of 2017 defines “Drug and alcohol recovery house” as “Housing for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol -free environment that may include peer support and other recovery support services.” See 71 P.S. § 613.11. Not every location where a person in recovery resides is a recovery house, but any house that meets the definition, no matter what it calls itself, is considered a recovery house under the statute. Facilities that are licensed as TLFs must obtain drug and alcohol recovery house license in order to receive funds from Federal, State, or county agencies or referrals from State agencies or State-funded facilities.

## **Questions about Licensure Applications and the Inspection Process**

### **1. In the online application, can I incrementally upload information and save my application?**

The online application system will allow you to save your work as many times as you

wish before submission. Once all the information is completed and the required documentation is attached, you may submit the application.

**2. Can I submit certain required documentation after submitting my application?**

All required documentation must be attached before submitting the application.

**3. How long will it take to review my application?**

We are unable to provide timeframes regarding the application review process because the process is dependent on many variables, such as whether the information is complete and meets all regulatory requirements, whether there are physical plant deficiencies that must be corrected, and other factors. DDAP will work to complete the application review as quickly as possible.

**4. Can PARR-certified recovery houses be “grandfathered” into DDAP licensure?**

No. In order to be eligible for state and federal funding and/or referrals, a recovery house must follow the DDAP recovery house licensure process.

**5. What is the inspection process?**

A Licensing Specialist from DDAP will review all required policies and procedures to ensure compliance with the regulations. While onsite, a Licensing Specialist will complete a walk-through of the home, review the medication storage area, and compare practices to the policies and procedures that were originally submitted to and approved by DDAP. The Licensing Specialist may also monitor residents of the recovery house during medication times.

**6. I’m having trouble fulfilling certain physical plant requirements due to supply chain problems. Can the initial walk-through occur in the meantime?**

DDAP is aware that certain supply chain issues have delayed the ability for recovery houses to be compliant of all regulations, such as fire ladder installation. All physical plant requirements must be addressed before the walk-through is scheduled.

## **Questions about Medication**

**1. Are recovery houses required to accept residents with medical marijuana cards?**

Yes. DDAP recognizes that medical marijuana presents a complex issue for recovery houses. A licensed recovery house can permit possession and use of medical marijuana. Recovery houses are required to have policies that prohibit use of “illicit drugs” by staff, 28 Pa. Code § 717.17, and residents, 28 Pa. Code § 717.28. “Illicit” is defined as “Unlawful for the person to possess under the laws of the Commonwealth of Pennsylvania,” 28 Pa. Code § 717.3. It is lawful under the laws of Pennsylvania for patients in the Medical Marijuana Program

to possess medical marijuana and therefore it is not considered an “illicit drug” under recovery house licensure regulations. Recovery houses must store medical marijuana and other controlled substances in a locked container. See 28 Pa. Code § 717.24.

**2. Are recovery houses required to accept residents on FDA-approved medications for opioid use disorder (MOUD)?**

Yes. Residents of licensed recovery houses have the right to attend a treatment facility of their choice and a recovery house may not prohibit a resident from attending a specific treatment facility. 28 Pa. Code § 717.19(6). This includes treatment facilities that offer FDA-approved medication to treat opioid use disorder (MOUD). Recovery houses must store MOUD and other controlled substances in a locked container. See 28 Pa. Code § 717.24.

**3. Can we exclude individuals from residency who are taking certain medications? Or can we limit the dosage of medication that an individual is taking before they begin residency?**

Licensed recovery houses that receive funds or referrals from the Department, or a Federal, State or other county agency may not discriminate against individuals who receive MOUD or any other form of treatment. Recovery houses are not treatment providers that can require or recommend medication procedures. It is best to coordinate this with the resident’s treatment provider if there are concerns with medication or other clinical services.

**4. Can we require residents to undergo medication level checks at hospitals?**

As stated above, it is best to coordinate this with the individual resident treatment provider if there are concerns with medication or other clinical services.

## **Miscellaneous Questions**

**1. Do the regulations set specific rules for how the houses must be run?**

The regulations at 28 Pa. Code Ch. 717 provide regulatory standards for licensure and include requirements for areas such as fiscal management, personnel management, training, resident rights, records, financial management, physical plant standards, safety and emergency procedures, and unusual incident reports. As long as they meet regulatory standards, licensees have the flexibility to set many of their own standards to meet the needs of the residents.

**2. Can recovery houses prohibit people with certain criminal convictions from residency?**

Neither Act 59 of 2017 nor the regulations set any requirements or prohibitions for using criminal convictions as a consideration in a residency decision.

**3. Can a resident be removed due to mental health concerns?**

The regulations provide a right to be free from disability discrimination based on disability. See 28 Pa. Code § 717.19(a)(2). In addition, if a recovery house decides to end residency, it must provide written notice to the resident that includes the reason for ending residence. The resident has the opportunity to request reconsideration before the decision to end residence takes effect. See 28 Pa. Code § 717.23.

**4. We have a recovery house for mothers and children. Is there a different square footage requirement for the bedrooms with children?**

When measuring square footage for compliance with 28 Pa. Code § 717.29(d), DDAP only counts adult residents. A child living with an adult resident does not require additional square footage.

**5. Where can I submit questions about funding and grants for recovery houses?**

Questions about DDAP funding and grant opportunities can be submitted to [RA-DAGRANTSMGMT@pa.gov](mailto:RA-DAGRANTSMGMT@pa.gov). Questions about funding as it relates to the regulations can be directed to [RA-DAAPI\\_DIVISION@pa.gov](mailto:RA-DAAPI_DIVISION@pa.gov). Other funding questions may be more appropriate for the SCA.