

Notes of Recovery Residence Taskforce October 24, 2023

- **Meeting Details**

- Date and Time: Tuesday, October 24, 2023
- Location: Zoom
- Attendees: Dora Radford, Nick Stuchell, Christina Mullins, Chloe Cook, Dawn Frohna, Phil Shimer, Kristin Tiedeman, Rachel Thaxton, Jostin Holmes, Brent Wolfingbarger, Emily Birkhead, Sandra Harrah, Phil Shimer, Sandra Harrah, James Philips, Bob Hansen

- **Recommendation 1 - Designate an entity to handle investigation and prosecution of recovery residence crimes under state law**

- Counsel for ODCP reviewed the intent behind this recommendation
 - The group supported clarifying language to reflect that this does not mean the Task Force is recommending a new unit or outside authority be created to investigate and prosecute.
 - Discussion was had on the language reflecting that this recommendation is not intended to change already existing prosecutorial authority.
 - Counsel clarified that this recommendation intended to have a group to receive referrals, perform investigations, and then pass on to appropriate authority.
 - Discussion was had on making this recommendation more specific.
 - Counsel recommended any entity to be included in this recommendation would need to be engaged ahead of being added.
 - There were concerns expressed about naming WVARR for this task.
 - Deputy Secretary Mullins added that these types of issues often fall to OHFLAC.
 - Discussion was had on changing this language to specify that any entity should be a state entity.
 - Prior to the next meeting, WVARR would discuss these proposed revisions to help guide revisions.
 - WVARR expressed concern about being designated as this authority because the scope of its authority would need to be addressed.
 - Prior to the next meeting, WVARR would investigate NARR's role in Florida to examine a proposed structure in which WVARR would act in this capacity.
 - Nick, Rachel, Jostin, and Emily would attempt to meet with NARR's Florida rep to discuss this issue prior to the next meeting.

Recommendation 2 - Make Receiving an improper referral actionable

- Counsel for ODCP reviewed the intent behind this recommendation
 - The group discussed existing law and expansion of the same as follows:
 - SB 1012 created a civil penalty for this provision of \$1000.
 - The group discussed the issue that some programs have a online referral system that precludes tracking origins of referrals
 - In light of this and other issues, this recommendation would require a mechanism to track where referrals are coming from including geographic area
 - Discussion was had on the feasibility of striking the second part of this recommendation pursuant to existing law
 - Counsel would re-review law
 - Counsel clarified that this recommendation intended to focus on enforcement and who has the authority to issue fines.
 - WVARR reported developing a way to address the need and implementation of a system to address referrals effectively
 - WVARR would investigate other mechanisms of addressing this issue
 - The ARMS program could track referrals if all providers participated in the software system
 - However, at present all operators would have a different system for tracking
 - An additional concern was efficacy in documenting and tracking referrals accurately
 - Another source of referral that were difficult to track were self referrals
 - A barrier is that uncertified recovery residences would still be difficult to track
 - Discussion was had on the possibility of recommending a mandated universal tracking system for these referrals
 - BBH reported that they were currently developing this initiative
 - In addition discussions had been initiated with the West Virginia Health Information Network to address this concern

Recommendation 3 - Mandate recovery residence operator requirements

- Counsel for ODCP reviewed the intent behind this recommendation
 - WVARR's research had previously identified the need to add exemptions to any initiative of this nature to be equitable to all individuals including those in recovery.
 - In addition this would require close attention to developing definitions of the type of background checks and payment for the same.
 - WVARR would send counsel for ODCP notes from previous discussion of this issue.
 - Counsel reported that any language surrounding limiting liability on this issue would receive push back from legislators.
 - Discussion was had on substituting training for this recommendation.
 - Discussion was had on the positive or negative impact of this recommendation on recovery residences
 - WVARR indicated that It would be unclear the sum effect of this recommendation and the outcome could be unpredictable
 - The group discussed data and data-driven examination.

- Several complications were noted in undertaking that process.
- Discussion was had on the impact of defining the recovery residence population as a vulnerable population and applying the same requirement of any other protected population.
 - Counsel advised that individuals with a SUD are a protected class.
- Discussion was had on the approximate cost of a background check as this may affect taking up this recommendation.
 - It was identified that there was a \$57 dollar cost.
- Discussion was had on changing exclusions to only abuse and neglect areas.
 - This change would preclude anyone with a child abuse and neglect case which has been a significant barrier in the past and how taken much effort to address.
 - WVARR and ODCP recommended that this process go through WV CARES requirements.
- ODCP expressed that this recommendation could be geared toward operators, not every recovery residence employee.
- Prior to the next meeting, WVARR would share their findings on these issues and discuss further prior to the next meeting.

Recommendation 4 - Form on advocacy group for recovery residents under the Recovery Community Organizations

- This recommendation could be seen as a recovery ombudsman but would be a large group instead of an individual.
- Group members expressed support of this recommendation.
- This recommendation would require development of a list of resident rights which could be developed by expanding the NARR list of rights.
- Discussion was had on if this recommendation was intended to be or should be limited to state funded RCOs.
- This recommendation would not take the complaint process from WVARR but would instead bolster the existing process.