Recovery Residence Taskforce

Preliminary Findings

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HB 3306 Overview

- **House Bill 3306** (2023) amended W. Va. Code §16-59-2(c)(20) to have the West Virginia Department of Health and Human Resources’ (DHHR) Office of Drug Control Policy (ODCP) create a “Sober Living Home/Recovery Residence Taskforce” (Taskforce).

- The purpose of the Taskforce is to:
  - Review existing West Virginia law, the laws of other states, and any developed case law regarding sober living homes/recovery residences
  - Make recommendations to the Legislature regarding any revisions needed to West Virginia law regarding sober living homes/recovery residences
Recovery Residence Taskforce Key Stakeholders

- Executive Director of the West Virginia Prosecuting Attorneys Institute
- Cabinet Secretary of Department of Homeland Security
- West Virginia Attorney General
- Director of the West Virginia Alliance of Recovery Residences
- State Health Officer
- Commissioner of DHHR’s Bureau for Behavioral Health
- West Virginia [DHHR] Inspector General
Topics for Examination

- Insurance Fraud (W. Va. Code §§33-41-1 et seq.)
- Human Trafficking (W. Va. Code §§61-14-1 et seq.)
- Success of Programs
- Other Relevant Issues
  - Patient Brokering (W. Va. Code §§16-61-1 et seq.)
  - Supplemental Nutrition Assistance Program (SNAP) Fraud
  - Appropriate Entity to Address Issues
  - Confusion About Current Laws
  - Location of Residences
**Timeline**

**March 2023**
- HB 3306 signed by Governor Justice

**June 2023**
- HB 3306 went into effect

**October 1, 2023**
- Preliminary Findings submitted to the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA)

**May 2023**
- 1st Meeting of the Recovery Residence Taskforce

**June – September 2023**
- Regular Meetings of the Recovery Residence Taskforce

**December 15, 2023**
- Recommendations presented to the LOCHHRA
Steps Taken

- The Taskforce has met monthly and sometimes twice per month since May 2023.
- Florida Chief Assistant State Attorney, Alan Johnson, spoke with the Taskforce about the measures Florida has taken regarding recovery residences.
- ODCP employees spoke with individuals from Arizona, Pennsylvania, New Jersey, Utah, and New York about the current status of laws in those states.
- Presentation on Advanced Recovery Management System (ARMS) to track recovery capitol by Jessica Best with the Recovery Outcomes Institute.
- DHHR employees met with the Offices of the Insurance Commissioner about insurance fraud issues at recovery residences that office has investigated.
- Task Force meetings were opened to the public to broaden scope of findings and recommendations.
- Findings have been documented and formal recommendations will be presented in December 2023.
Findings

Insurance Fraud

- Since 2019, the Offices of Insurance Commissioner has only assisted with three investigations related to recovery residences.
- The Medicaid Fraud Control Unit (MFCU) of the West Virginia Office of the Attorney General investigates allegations of Medicaid fraud.
- Insurance fraud may be appropriately addressed with the current laws and policies.
Human Trafficking

- Reports of uncertified, mostly faith-based residences that require residents to produce and sell items (e.g., t-shirts, bracelets, mugs, etc.) in the community.
- Reports of uncertified residences that force residents to travel to other states and ask for monetary donations.
- Reports of uncertified residences that own thrift shops and ask residents to work in the shop for no pay.
- Some residences engaging in these practices accept residents that do not have a substance use disorder (SUD).
Success of Programs

- Recovery is a dynamic process which makes comparing outcome measures across programs a challenge.
- Individuals present at recovery residences with varying degrees of recovery capital.
- Length of stay and completion rates are not always indicative of recovery residences.
- Recovery capital includes all resources someone has access to and the capacity of the individual to use these resources to support their recovery including social, physical, human, and cultural capital.
- ARMS is a system that promotes recovery support services that facilitate resident transition from active addiction to healthy, pro-social networks and tracks recovery capital gains.
- There are currently 10 operators in West Virginia utilizing ARMS.
Findings

Making and Receiving Improper Referrals

- There have been anecdotal reports of uncertified recovery residences receiving improper referrals.
- W. Va. Code §16-59-3(b) prevents certain entities from referring people to an uncertified recovery residence, but it does not provide who will investigate and enforce violations of improper referrals.
- The current statute does not have any penalties for accepting improper referrals.
- West Virginia does not currently have a system for tracking/recording recovery residence referrals.
Findings

Patient Brokering

● There are residences that require residents to receive treatment at certain facilities or who will only provide transportation to certain facilities.
● There are behavioral health treatment facilities that are closely affiliated with recovery residences and largely serve those residents.
● Informed Consent/Resident Rights are underdeveloped or not utilized in some locations.
SNAP Fraud

- Recovery residence operators have been reported as using resident SNAP benefits inappropriately.
  - Using benefits for personal food items
  - Not following proper protocols for acquiring food
- Reports of operators refusing to return SNAP benefits at time of discharge.
- WVARR requires a procedure for operators to use SNAP benefits appropriately.
Findings

Appropriate Entity to Address Issues

● There is not a single place for someone to contact for issues with recovery residences.

● Currently, issues may be reported to DHHR, WVARR, MFCU, various law enforcement entities, or other organizations.
Confusion About Current Laws

- The Taskforce received feedback that some of the laws related to recovery residences are not clear about which entity will investigate and prosecute alleged violations.
- Defining and delineating treatment versus recovery will be a vital step in clarifying laws and roles around recovery residences.
Contact

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