

# Recovery Residence Taskforce

## Preliminary Findings

Nicholas Stuchell, General Counsel

West Virginia Department of Health and Human Resources

Office of Drug Control Policy



**WEST VIRGINIA OFFICE OF  
DRUG CONTROL POLICY**  
WV Department of Health & Human Resources

# 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



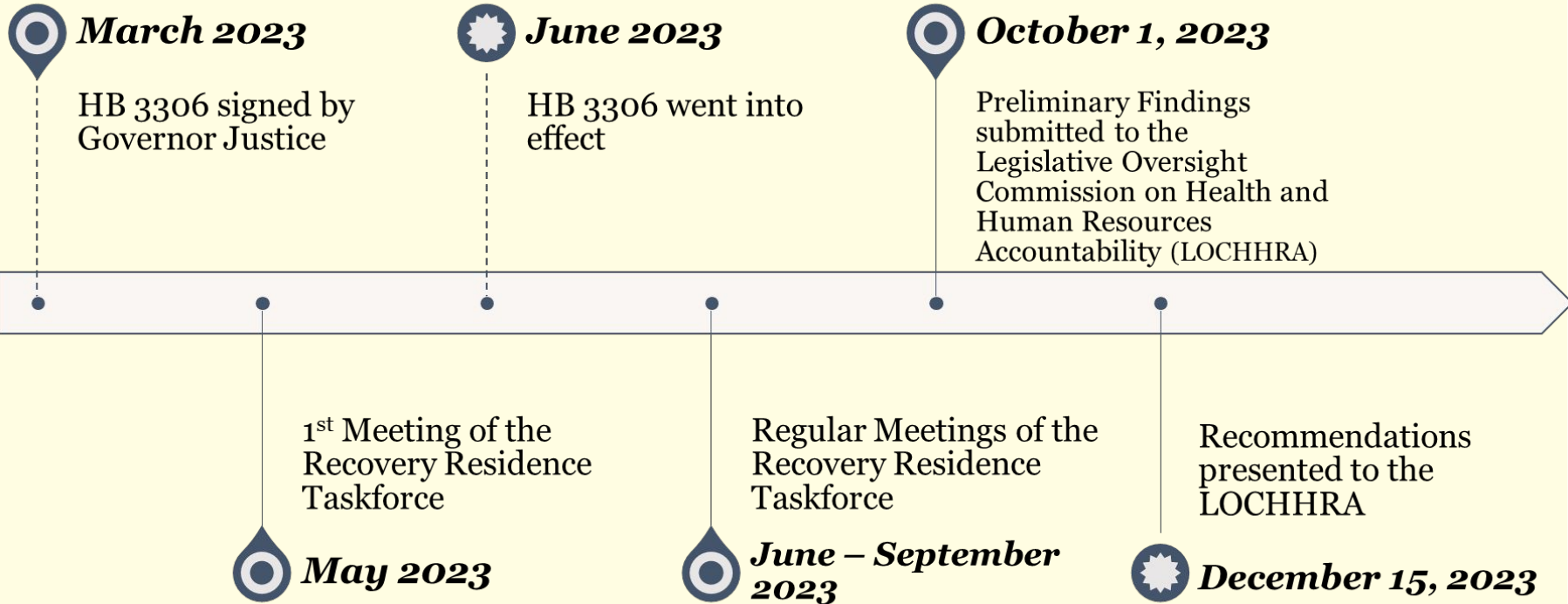
- Executive Director of the West Virginia Prosecuting Attorneys Institute
- Cabinet Secretary of Department of Homeland Security
- West Virginia Attorney General
- Director of the West Virginia Alliance of Recovery Residences
- State Health Officer
- Commissioner of DHHR's Bureau for Behavioral Health
- 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
  - Making and Receiving Improper Referrals (W. Va. Code §16-59-3)
  - 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



# 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.

# Findings



## 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).



# Findings



## 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.

# Findings



## 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.

# Findings



## 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



Nicholas Stuchell

General Counsel, Bureau for Behavioral Health and  
Office of Drug Control Policy

West Virginia Department of Health and Human Resources

350 Capitol Street, Room 350

Charleston, WV 25301

Website: [dhhr.wv.gov/Office-of-Drug-Control-Policy](http://dhhr.wv.gov/Office-of-Drug-Control-Policy)

Phone: (304) 352-5621

Email: [Nicholas.R.Stuchell@wv.gov](mailto:Nicholas.R.Stuchell@wv.gov)