



2019 ASSEMBLY BILL 646

December 5, 2019 - Introduced by Representatives NYGREN, PLUMER, ALLEN, NOVAK, SNYDER, PETERSEN, KITCHENS, FELZKOWSKI, EDMING, KULP, MAGNAFICI, ROHRKASTE, TUSLER, PETRYK, DITTRICH, TRANEL, THIESFELDT, JAGLER, ZIMMERMAN, SPIROS, MURSAU, RAMTHUN, BORN and BILLINGS, cosponsored by Senators DARLING, OLSEN, WANGGAARD and MARKLEIN. Referred to Committee on Substance Abuse and Prevention.

1 **AN ACT** *to amend* 230.34 (1) (a) 3. and 230.34 (1) (a) 4.; and *to create* 46.234 of
2 the statutes; **relating to:** registration of recovery residences and disciplinary
3 action against a state employee who is receiving medication-assisted
4 treatment.

Analysis by the Legislative Reference Bureau

This bill creates a registry for recovery residences and specifies circumstances under which a state employee may not be disciplined for using controlled substances as part of medication-assisted treatment.

Recovery residences

This bill requires the Department of Health Services to establish and maintain a registry of approved recovery residences. DHS must approve a recovery residence for registration if the recovery residence is either certified by a nationally recognized recovery residence certification organization that is approved by DHS or a chapter of a national recovery residence organization that is approved by DHS, and the certification organization or national organization has requirements for recovery residences as described in the bill. DHS may not include a recovery residence in the registry if the recovery residence excludes any resident solely on the basis that the resident participates in medication-assisted treatment. DHS must revoke the registration of a recovery residence if it ceases to be certified by or have chapter status from whichever organization had approved it. A recovery residence is not required to register unless the recovery residence seeks referrals or funds from the

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state or federal funds passing through the state treasury. Upon request for referrals to recovery residences, DHS must provide a list of registered recovery residences but may limit the list of registered recovery residences it provides based on the geographical and other preferences specified by the person requesting referrals. The bill prohibits a recovery residence from using the designation of or holding itself out as “registered” or “state approved” unless the recovery residence is included in the registry under this bill.

State employee discipline

This bill provides that a state employee is not subject to discipline without prior progressive discipline if the person is under the influence of a controlled substance or a controlled substance analog while on duty if the employee is using the controlled substance or controlled substance analog as dispensed, prescribed, or recommended as part of medication-assisted treatment. The bill also provides that a state employee is not subject to discipline without prior progressive discipline for possession of a controlled substance or a controlled substance analog without a prescription while on duty if the employee is using the controlled substance or controlled substance analog as dispensed, prescribed, or recommended as part of medication-assisted treatment.

Under current law, a state employee may be removed, suspended without pay, discharged, demoted, or receive a reduction in pay without receiving prior progressive discipline for being under the influence of or in possession of a controlled substance or controlled substance analog while on duty.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.234 of the statutes is created to read:

2 **46.234 Recovery residences; registration. (1) DEFINITION.** In this section,
3 “recovery residence” means a home-like, residential environment that promotes
4 healthy recovery from a substance use disorder and supports persons recovering
5 from a substance use disorder through the use of peer recovery support.

6 **(2) REGISTRATION.** The department shall establish and maintain a registry of
7 approved recovery residences. Subject to sub. (3), the department shall approve a

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1 recovery residence for inclusion in the registry if the recovery residence requests
2 registration from the department and meets all of the following:

3 (a) The recovery residence is certified by a nationally recognized recovery
4 residence certification organization that is approved by the department or is a
5 chapter of a national recovery residence organization that is approved by the
6 department.

7 (b) The certification organization or national organization under par. (a)
8 requires the recovery residence to do all of the following to obtain or maintain
9 certification or chapter status:

10 1. Operate with integrity, uphold residents' rights, create a culture of
11 empowerment where residents engage in governance and leadership, and develop
12 abilities to apply the social model form of recovery that focuses on learning from the
13 experiences of peers who are also in recovery.

14 2. Provide a home-like, safe, and healthy environment.

15 3. Facilitate active recovery and recovery community engagement, model
16 positive social behaviors and relationship enhancement skills, and cultivate
17 residents' senses of belonging and responsibility toward community.

18 4. Maintain an environment in the residence free from alcohol and illicit drugs.

19 5. Have courtesy rules for residents and be responsive to concerns of neighbors
20 to the residence.

21 6. Display in the residence the code of ethics, grievance procedure, and
22 grievance contact information.

23 **(3) ACCEPTANCE OF MEDICATION-ASSISTED TREATMENT.** The department may not
24 include a recovery residence in the registry if the recovery residence excludes any

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1 resident solely on the basis that the resident is participating in medication-assisted
2 treatment.

3 (4) REGISTRATION REQUIRED FOR REFERRALS OR FUNDING. A recovery residence is
4 not required to register with the department unless the recovery residence seeks
5 referrals under sub. (5) or state or federal funds passing through the state treasury.

6 (5) REFERRALS. Upon request for referrals to recovery residences, the
7 department shall provide a list of recovery residences that are included on the
8 registry under sub. (2). The department may limit the list of registered recovery
9 residences provided under this subsection based on the geographical and other
10 preferences specified by the person requesting referrals.

11 (6) USE OF REGISTERED DESIGNATION. A recovery residence may not use the
12 designation of or hold itself out as “registered” or “state approved” unless the
13 recovery residence is included in the registry under sub. (2).

14 (7) INFORMATION REQUIRED. The recovery residence shall provide at the time of
15 its request for registration for the purpose of inclusion on the registry all of the
16 following information:

- 17 (a) The name of any organization that has certified the recovery residence.
18 (b) The name of any organization under which the recovery residence operates.
19 (c) The address of the recovery residence.
20 (d) The number of residents allowed to reside at the recovery residence.

21 (8) REVOCATION OF REGISTRATION. The department shall revoke the registration
22 of a recovery residence if the recovery residence ceases to be certified by or a chapter
23 of an organization described under sub. (2) (a). The recovery residence shall notify
24 the department as soon as practicable after the recovery residence ceases to be
25 certified or have chapter status under sub. (2) (a).

