

1 A bill to be entitled
 2 An act relating to intermediate care facilities;
 3 amending s. 400.962, F.S.; requiring certain
 4 facilities that have been granted a certificate-of-
 5 need exemption to demonstrate and maintain compliance
 6 with specified criteria; amending s. 408.036, F.S.;
 7 providing an exemption from a certificate-of-need
 8 requirement for certain intermediate care facilities;
 9 prohibiting the Agency of Health Care Administration
 10 from granting an exemption to an applicant unless a
 11 certain condition is met; providing that a specific
 12 legislative appropriation is not required for such
 13 exemption; providing an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Subsection (6) is added to section 400.962,
 18 Florida Statutes, to read:

19 400.962 License required; license application.—

20 (6) An applicant that has been granted a certificate-of-
 21 need exemption under s. 408.036(3)(o) must also demonstrate and
 22 maintain compliance with the following criteria:

23 (a) The total number of beds per home within the facility
 24 may not exceed eight, with each resident having his or her own
 25 bedroom and bathroom. Each eight-bed home must be colocated on

26 the same property with two other eight-bed homes and must serve
27 individuals with severe maladaptive behaviors and co-occurring
28 psychiatric diagnoses.

29 (b) A minimum of 16 beds within the facility must be
30 designated for individuals with severe maladaptive behaviors who
31 have been assessed using the Agency for Persons with
32 Disabilities' Global Behavioral Service Need Matrix with a score
33 of Level 4 through Level 6, or assessed using the criteria
34 deemed appropriate by the Agency for Health Care Administration
35 regarding the need for a specialized placement in an
36 intermediate care facility for the developmentally disabled.

37 (c) The applicant has not had a facility license denied,
38 revoked, or suspended within the 36 months preceding the request
39 for exemption.

40 (d) The applicant must have at least 10 years of
41 experience serving individuals with severe maladaptive behaviors
42 in the state.

43 (e) The applicant must implement a state-approved staff
44 training curriculum and monitoring requirements specific to the
45 individuals whose behaviors require higher intensity, frequency,
46 and duration of services.

47 (f) The applicant must make available medical and nursing
48 services 24 hours per day, 7 days per week.

49 (g) The applicant must demonstrate a history of using
50 interventions that are least restrictive following a behavioral

51 hierarchy.

52 (h) The applicant must maintain a policy prohibiting the
53 use of mechanical restraints.

54 Section 2. Paragraph (o) is added to subsection (3) of
55 section 408.036, Florida Statutes, to read:

56 408.036 Projects subject to review; exemptions.—

57 (3) EXEMPTIONS.—Upon request, the following projects are
58 subject to exemption from subsection (1):

59 (o) For a new intermediate care facility for the
60 developmentally disabled that has a total of 24 beds, comprised
61 of three eight-bed homes, for use by individuals exhibiting
62 severe maladaptive behaviors and co-occurring psychiatric
63 diagnoses requiring increased levels of behavioral, medical, and
64 therapeutic oversight. The applicant must not have had a license
65 denied, revoked, or suspended within the 36 months preceding the
66 request for exemption and must have at least 10 years of
67 experience serving individuals with severe maladaptive behaviors
68 in this state. The agency may not grant an exemption to an
69 applicant that has been granted an exemption under this
70 paragraph unless the facility, awarded by exemption, has been
71 licensed and operational for a period of at least 2 years. The
72 exemption under this paragraph does not require a specific
73 legislative appropriation.

74 Section 3. This act shall take effect July 1, 2020.