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DATE: June 1, 1998

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
Family Law and Children
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3227

RELATING TO: Substance Abuse Services

SPONSOR(S): Committee on Family Law and Children and Representative Wise

COMPANION BILL(S): SB 392

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) FAMILY LAW AND CHILDREN YEAS 6 NAYS 0
- (2) HEALTH CARE STANDARDS AND REGULATORY REFORM YEAS 9 NAYS 0
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

Passed the House of Representatives on 4/16/98. Substituted for SB 392 and passed the Senate on 4/23/98. REFER TO CH. LAW 98-262.

II. SUMMARY:

CS/HB 3227 redefines the term "qualified professional" for purposes of providing substance abuse assessment or treatment services under chapter 397.311, F.S. It adds professionals licensed under chapters 490 or 491, F.S., to the definition of "qualified professional," and requires a bachelor's degree for those qualified professionals who are certified.

A grandfather clause is provided for a specified period for persons with certain qualifications and experience. Certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional.

The Department of Health indicates that there is no fiscal impact on state and local government, or the private sector.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Subsection 397.311(25), F.S., defines "qualified professional" as: a physician licensed under chapter 458, F.S., (physicians) or chapter 459, F.S., (osteopathic physicians); or a person who has at least an earned master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years' experience in the assessment or treatment of substance abuse or who is certified through a department-recognized certification process for substance abuse treatment services. This definition does not apply to inmate substance abuse programs under part VIII of chapter 397, F.S.

Currently, chapter 490 and 491, F.S., licensees are included in this definition; however, they are not specifically referenced.

There is no provision in the current definition for persons certified in other states to meet Florida requirements to be employed in Florida.

Pursuant to Section 397.321(16), F.S., the Department of Children and Families must recognize a statewide certification process for addiction professionals and identify and endorse one or more agencies responsible for such certification of service provider personnel. Currently, the only agency recognized by the Department is the Certification Board for Addiction Professionals. Chapter 65D-16.003(7), Florida Administrative Code, specifies that a Certified Addiction Professional (CAP) is an individual certified by the Certification Board of Addiction Professionals of Florida, or by a certification process which is substantially equivalent thereto.

The Certification Board for Addiction Professionals of Florida has adopted the following criteria for classification as a Certified Addiction Professional (CAP):

- * Bachelor's degree in any field;
- * 6,000 hours of direct services/work experience (within the past 7 years);
- * 300 hours of direct supervision;
- * 300 hours of education, which must include:
 - * 135 hours in counseling, 45 of which must be in ethics;
 - * 165 hours in addictions (within the past 10 years), 4 of which must be in HIV/AIDS education;
- * Passage of both a national written examination and an oral examination; and
- * Payment of required fees.

In 1995, the Certification Board for Addiction Professionals of Florida changed the certification process to require a bachelor's degree. The Board reports that there are currently 119 people who were certified prior to 1995, and do not have a bachelor's degree.

With regard to substance abuse treatment and services, qualified professionals may perform the following services:

- release a client involuntarily admitted to a licensed service provider - Chapter 397.6758, F.S.;

- release a client who is in protective custody and no longer meets specified criteria - Chapter 397.6773, F.S.;
- assess the need for further services within 5 days after an emergency admission to a nonresidential component of a licensed service provider, and decide whether to release or retain the client based on specified criteria - Chapter 397.6797, F.S.;
- assess a minor after involuntary admission to an addictions receiving facility - Chapter 397.6798, F.S.;
- be court-ordered to examine a person who appears to meet the criteria for involuntary admission pursuant to the court - Chapter 397.6818, F.S.;
- assess a client for involuntary assessment and stabilization - Chapter 397.6819, F.S.;
- decide whether to release or retain the client after involuntary assessment - Chapter 397.6822, F.S.;
- assess a person subject to court-ordered involuntary treatment - Chapter 397.693, F.S.;
- make findings and recommendations to be included in a petition for involuntary treatment - Chapter 397.6951, F.S.;
- have assessments heard by a court in a hearing regarding a petition for involuntary treatment - Chapter 397.6957, F.S.;
- determine that a client admitted for involuntary treatment is ready for early release subject to specified criteria - Chapter 397.6971, F.S.

B. EFFECT OF PROPOSED CHANGES:

The bill amends subsection (25) of section 397.311, F.S., to include persons licensed under chapter 490, F.S., and chapter 491, F.S., in the definition of the term "qualified professional". It deletes present language specifying type of degree and years of experience and creates minimum qualifications for certification by persons seeking licensure from other states.

The bill allows a person who holds a master's degree in a social or behavioral science in a human services discipline, with a minimum of 2 years' experience in the assessment or treatment of substance abuse, to perform the duties of a qualified professional with respect to substance abuse treatment services, until January 1, 2001.

An individual who was certified through a process recognized by the former Department of Health and Rehabilitative Services before January 1, 1995, may perform the duties of a qualified professional with respect to substance abuse treatment services and need not meet the certification requirements contained s. 397.311, F.S.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 397.311(25), F.S., and Chapters 490 and 491, F.S.

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Licensed substance abuse providers who contract with a state agency could incur an indeterminate amount of additional costs during the implementation of this bill if they chose to pay for the certification of current employees or if they must hire additional qualified staff to carry out the clinical and supervisory functions of their agency during the transition period. The initial cost of certification is currently \$225 per person, and the annual fee thereafter is \$125 per member.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Licensed substance abuse providers could incur an indeterminate amount of costs during the implementation of this bill if they chose to pay for the certification of current employees or if they must hire additional qualified staff to carry out the clinical and supervisory functions of their agency during the transition period. The initial cost for certification is currently \$225 per person, and the annual fee thereafter is \$125 per member.

2. Direct Private Sector Benefits:

There would be an increase in revenue for the Certification Board of Addictions Professionals of Florida because master's level persons would be required to obtain certification in order to continue as qualified professionals under chapter 397, F.S. The Board also reports that there would be an associated increase in cost to complete the required background investigations on the applicants.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

None.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

The Florida Alcohol and Drug Abuse Association reports that CS/HB 3227 encourages a movement toward certification of substance abuse treatment personnel.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment was adopted by the Committee on Family Law and Children on February 17, 1998. The amendment:

- adds professionals licensed under chapter 490 or chapter 491 to the definition of "qualified professional."

- deletes persons who hold a master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years' experience in the assessment or treatment of substance abuse from the definition of "qualified professional," and allows these persons until January 1, 2001 to be certified.
- requires all persons who are certified to hold at least a bachelor's degree.
- requires persons who are certified in substance abuse treatment services by a state-recognized certification process in another state to be certified in this state within one year of employment.
- exempts persons who were certified through a certification process recognized by the former Department of Health and Rehabilitative Services prior to January 1, 1995 from current certification requirements.
- provides an effective date of January 1, 1999.

VIII. SIGNATURES:

COMMITTEE ON Family Law and Children:

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