

By Senator Rossin

35-645-98

1                                   A bill to be entitled  
2           An act relating to substance abuse services;  
3           amending s. 397.311, F.S.; providing for  
4           methadone maintenance treatment; amending s.  
5           397.501, F.S.; providing for appropriate use of  
6           methods and techniques for controlling  
7           aggressive clients; providing rulemaking  
8           authority relating to the use of such methods  
9           and techniques; providing an effective date.

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

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13           Section 1. Subsection (19) of section 397.311, Florida  
14 Statutes, is amended to read:

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16           397.311 Definitions.--As used in this chapter, except  
17 part VIII:

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18           (19) "Licensed service provider" means a public agency  
19 under this chapter, a private for-profit or not-for-profit  
20 agency under this chapter, a physician licensed under chapter  
21 458 or chapter 459, or any other private practitioner licensed  
22 under this chapter, or a hospital licensed under chapter 395,  
23 which offers substance abuse impairment services through one  
24 or more of the following licensable service components:

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25           (a) Addictions receiving facility, which is a  
26 community-based facility designated by the department to  
27 receive, screen, and assess clients found to be substance  
28 abuse impaired, in need of emergency treatment for substance  
29 abuse impairment, or impaired by substance abuse to such an  
30 extent as to meet the criteria for involuntary admission in s.  
31 397.675, and to provide detoxification and stabilization. An  
addictions receiving facility must be state-owned,

1 state-operated, or state-contracted, and licensed pursuant to  
2 rules adopted by the department's Alcohol, Drug Abuse, and  
3 Mental Health Program Office which include specific  
4 authorization for the provision of levels of care and a  
5 requirement of separate accommodations for adults and minors.  
6 Addictions receiving facilities are designated as secure  
7 facilities to provide an intensive level of care and must have  
8 sufficient staff and the authority to provide environmental  
9 security to handle aggressive and difficult-to-manage behavior  
10 and deter elopement.

11 (b) Detoxification, which uses medical and  
12 psychological procedures and a supportive counseling regimen  
13 to assist clients in managing toxicity and withdrawing and  
14 stabilizing from the physiological and psychological effects  
15 of substance abuse impairment.

16 (c) Residential treatment, which provides a  
17 structured, live-in environment within a nonhospital setting  
18 on a 24-hours-a-day, 7-days-a-week basis, and includes  
19 treatment, rehabilitation, and transitional care.

20 (d) Day and night treatment, which provides a  
21 nonresidential environment with a structured schedule of  
22 treatment and rehabilitation services.

23 (e) Outpatient treatment, which provides individual,  
24 group, or family counseling for clients by appointment during  
25 scheduled operating hours, with an emphasis on assessment and  
26 treatment.

27 (f) Medication and methadone maintenance treatment  
28 that uses methadone or other medication as authorized by state  
29 and federal law, in conjunction with medical, rehabilitative,  
30 and counseling services in the treatment of clients who are  
31 dependent upon opioid drugs ~~treatment, which uses authorized~~

1 ~~drugs to treat clients dependent upon alcohol or other drugs~~  
2 ~~pursuant to a permit or license issued by an appropriate~~  
3 ~~federal authority.~~

4 ~~(g) Methadone maintenance treatment, which means~~  
5 ~~administering a constant therapeutic daily dose of methadone~~  
6 ~~following stabilization, concomitantly with medical,~~  
7 ~~rehabilitative, and counseling services.~~

8 (g)(h) Prevention, which is a process involving  
9 strategies aimed at the individual, the environment, or the  
10 substance, which strategies preclude, forestall, or impede the  
11 development of substance abuse problems and promote  
12 responsible personal and social growth of individuals and  
13 families toward full human potential.

14 (h)(i) Intervention, which consists of structured  
15 services targeted toward individuals or groups at risk and  
16 focused on reducing those factors associated with the onset or  
17 the early stages of substance abuse, and related problems.

18 Section 2. Subsection (3) of section 397.501, Florida  
19 Statutes, is amended to read:

20 397.501 Rights of clients.--Clients receiving  
21 substance abuse services from any service provider are  
22 guaranteed protection of the rights specified in this section,  
23 unless otherwise expressly provided, and service providers  
24 must ensure the protection of such rights.

25 (3) RIGHT TO QUALITY SERVICES.--

26 (a) Each client must be delivered services suited to  
27 his or her needs, administered skillfully, safely, humanely,  
28 with full respect for his or her dignity and personal  
29 integrity, and in accordance with all statutory and regulatory  
30 requirements.

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1           (b) These services must include the use of methods and  
2 techniques to control aggressive client behavior that poses an  
3 immediate threat to the client or to other persons. Such  
4 methods and techniques include the use of restraints, the use  
5 of seclusion, the use of time-out, and other  
6 behavior-management techniques. When authorized, these methods  
7 and techniques may be applied only by persons who are employed  
8 by service providers and trained in the application and use of  
9 these methods and techniques. The department must specify by  
10 rule the methods that may be used and the techniques that may  
11 be applied by service providers to control aggressive client  
12 behavior and must specify by rule the physical-facility  
13 requirements for seclusion rooms, including dimensions, safety  
14 features, methods of observation, and contents.

15           Section 3. This act shall take effect upon becoming a  
16 law.

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19   SENATE SUMMARY

20           Relates to substance abuse services. Provides for  
21           methadone maintenance treatment. Provides for the  
22           appropriate use of methods and techniques for controlling  
23           aggressive clients. Provides for rulemaking authority  
24           relating to specifics of such methods and techniques.  
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