

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: CS/SB 760

INTRODUCER: Health Policy Committee and Senators Bradley and Sobel

SUBJECT: Child Protection Teams

DATE: March 24, 2015

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|------------------|
| 1. | <u>Preston</u> | <u>Hendon</u> | <u>CF</u> | Favorable |
| 2. | <u>Harper</u> | <u>Stovall</u> | <u>HP</u> | Fav/CS |
| 3. | _____ | _____ | <u>FP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 760 requires the Department of Health's Statewide Medical Director for Child Protection to be a physician licensed under ch. 458, F.S., or ch. 459, F.S., who is board certified in pediatrics with a subspecialty certification in child abuse from the American Board of Pediatrics.

The bill also requires each district medical director to be a physician licensed under ch. 458, F.S., or ch. 459, F.S., who is board certified in pediatrics. In addition, within 2 years after the date of employment as district medical director, he or she must obtain a subspecialty certification in child abuse from the American Board of Pediatrics or a certificate issued by the Deputy Secretary for Children's Medical Services of the Florida Department of Health in recognition of demonstrated specialized competence in child abuse.

The bill conforms authorization in the Medical Practice Act for a physician with an expert witness certificate to provide expert testimony in criminal child abuse cases with such authorization under existing law.

The bill has an effective date of July 1, 2015.

II. Present Situation:

Child Protection Teams

A child protection team (CPT) is a medically directed, multidisciplinary team that works with local Sheriff's offices and the Department of Children and Families (DCF or department) in cases of child abuse and neglect to supplement investigation activities.¹ Section 39.303, F.S., governs CPTs, providing that the Children's Medical Services Program (CMS) in the Department of Health (DOH) shall develop, maintain, and coordinate the services of multidisciplinary CPTs in each of the service districts of the DCF. Child protection team medical directors are responsible for oversight of the teams in the districts.²

Child protection teams provide expertise in evaluating alleged child abuse and neglect, assessing risk and protective factors, and providing recommendations for interventions to protect children and to enhance a caregiver's capacity to provide a safer environment when possible.³

Child abuse, abandonment and neglect reports to the Child Abuse Hotline that must be referred to CPTs include cases involving:

- Injuries to the head, bruises to the neck or head, burns, or fractures in a child of any age.
- Bruises anywhere on a child five years of age or younger.
- Any report alleging sexual abuse of a child.
- Any sexually transmitted disease in a prepubescent child.
- Reported malnutrition or failure of a child to thrive.
- Reported medical neglect of a child.
- A sibling or other child remaining in a home where one or more children have been pronounced dead on arrival or have been injured and later died as a result of suspected abuse, abandonment or neglect.
- Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment, or neglect is suspected.⁴

Child Protection Team Medical Director(s)

There is currently no statutory requirement related to the qualifications of either the Statewide Medical Director for Child Protection or the district team medical directors. However, the Florida Administrative Code provides that each CPT function under the oversight of a CMS approved provider pediatrician whose title is Child Protection Team Medical Director.⁵

According to the rule, the minimum qualifications for this position are:

- Graduation from an accredited school of medicine with board certification in pediatrics and licensed to practice in Florida.⁶

¹ Florida Department of Health, Children's Medical Services, *Child Protection Teams* (last modified August 30, 2012), available at http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/child_protection_teams.html (last visited Mar. 17, 2015).

² Section 39.303, F.S.

³ *Supra* note, at 1.

⁴ *Supra* note, at 2.

⁵ Chapter 64C-8.002, F.A.C.

⁶ Chapter 64C-8.002(1)(a), F.A.C.

- An approved CMS physician provider.⁷
- Demonstrated interest in the field of child abuse and neglect and satisfactory completion of training deemed necessary by the department for evaluating alleged abuse and neglect.⁸

The State Surgeon General and the Deputy Secretary for Children's Medical Services, in consultation with the Secretary of Children and Families, have the responsibility for the screening, employment, and any necessary termination of child protection team medical directors, both at the state and district level.⁹

Currently, there are 24 local CPT Medical Director positions in the state of Florida (as of February 24, 2015, twenty-three positions are full, one position is vacant, two districts also have an Associate Medical Director, and one district also has a Clinical Director).¹⁰

Specialty Certification for Child Abuse Pediatrics

Child abuse pediatricians are responsible for the diagnosis and treatment of children and adolescents who are suspected victims of child maltreatment. This includes physical abuse, sexual abuse, factitious illness (medical child abuse), neglect, and psychological/emotional abuse. These specialty pediatricians participate in multidisciplinary collaborative work within the medical, child welfare, and law enforcement systems. They are also often called to provide expert testimony in court proceedings.¹¹

The American Board of Medical Specialties approved the child abuse pediatrics specialty in 2006 and the American Board of Pediatrics issued the first certification exams in late 2009.¹² At that time, Dr. Ann S. Botash, M.D.,¹³ stated that "Board certification is really necessary in a field like this... it's helpful in the medical setting when I'm working with other pediatricians who are good practitioners, but don't have the same experience in child abuse treatment that I have."¹⁴ The certification may be a deciding factor in a disagreement between two practitioners, one a specialist and the other a generalist, about a diagnosis of child abuse...¹⁵

Three-year child abuse fellowships are in various stages of development at academic medical centers as a result of the new specialty designation. Most of them are housed within children's hospitals across the country, and similar to other pediatric specialty fellowships, there will be

⁷ Chapter 64C-8.002(1)(b), F.A.C.

⁸ Chapter 64C-8.002(1)(c), F.A.C.

⁹ *Supra* note, at 2.

¹⁰ Children's Medical Services, *Child Protection Teams: CPT Statewide Directory*, (updated Feb. 24, 2015) available at <http://www.floridahealth.gov/alternatesites/cms-kids/home/contact/cpt.pdf> (last visited Mar. 18, 2015).

¹¹ Council of Pediatric Subspecialties. *Pediatric Child Abuse* (Updated Nov. 5, 2013), available at <http://pedsubs.org/SubDes/ChildAbuse.cfm> (last visited Mar. 17, 2015).

¹² The American Board of Pediatrics, *Workforce Databook 2013-2014*, available at <https://www.abp.org/sites/abp/files/pdf/workforcebook.pdf> (last visited Mar. 18, 2015).

¹³ Professor of pediatrics at the State University of New York (SUNY) Upstate Medical University and Director of the University Hospital's Child Abuse Referral and Evaluation (CARE) program in Syracuse, NY.

¹⁴ Emily Berry, *New Specialty Certification for Child Abuse Pediatrics* (Nov. 6, 2009). Health Leaders Media, available at <http://www.healthleadersmedia.com/content/PHY-241751/New-Specialty-Certification-for-Child-Abuse-Pediatrics.html> (last visited Mar. 17, 2015).

¹⁵ *Id.*

both clinical and research training and a requirement for a scholarly project, which will help advance the field.¹⁶

Florida Pediatricians with Child Abuse Subspecialty

As of December 31, 2013, Florida has 12 Child Abuse Pediatrics Diplomates, out of 324 nationwide.¹⁷ As of that same date, Florida has had a total of 2,793 physicians certified in General Pediatrics by the American Board of Pediatrics. Florida has a child population of over 4 million.¹⁸

According to the DOH, of the 12 certified diplomates in Florida, 9 are currently functioning as Child Protection Team Medical Directors.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 39.303, F.S., to require the Statewide Medical Director for Child Protection to be a physician licensed under ch. 458, F.S., or ch. 459, F.S., who is board certified in pediatrics with a subspecialty certification in child abuse from the American Board of Pediatrics.

This will ensure that the Statewide Director who is responsible for supervising other pediatricians on child protection teams will hold the same or similar credentials.

The bill also requires each district medical director to be a physician licensed under ch. 458, F.S., or ch. 459, F.S., who is board certified in pediatrics. In addition, within 2 years after the date of employment as district medical director, he or she must obtain a subspecialty certification in child abuse from the American Board of Pediatrics or a certificate issued by the Deputy Secretary for Children's Medical Services in recognition of demonstrated specialized competence in child abuse.

This will ensure that all district medical directors have a recognized degree of competence.

Section 2 amends s. 458.3175(2), F.S., to authorize a physician with an expert witness certificate to provide expert testimony in a criminal child abuse case. This conforms with the authorizations in existing law in ss. 827.03 and 960.03, F.S., which were added in 2012 in ch. 2012-155, Laws of Florida.

Sections 3 – 4 reenact ss. 39.3031 and 391.026(2), F.S., to incorporate the amendment to s. 39.303, F.S.

Sections 5 – 7 reenact ss. 766.102(12), 827.03(3)(a), 827.03(3)(b), and 960.03(3)(a), F.S., to incorporate the amendment to s. 458.3175, F.S.

¹⁶ Giardino, A., Hanson, N., Hill, K.S, and Leventhal, J.M. Child Abuse Pediatrics: New Specialty, Renewed Mission. *Pediatrics* 2011; 128(1):156-159.

¹⁷ *Supra* note 12.

¹⁸ *Id.*

¹⁹ Department of Health, *Senate Bill 760 Analysis*, (February 17, 2015) (on file with the Senate Committee on Health Policy).

Section 8 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Pediatricians will incur costs to obtain the required subspecialty certification. The exam fee for the subspecialty certification in Child Abuse is \$2,900 and the certification period is 10 years. To maintain the subspecialty certification in Child Abuse, the physician must enroll in maintenance of certification requirements every 5 years.

C. Government Sector Impact:

The DOH indicates that it will incur costs associated with the issuance of certificates and verification of qualifications. The DOH may be required to administer an examination as a means of determining competence. According to the Florida Certification Board, non-recurring costs for credential development for an examination are estimated to be \$70,000 and annual recurring costs are estimated to be \$25,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not list specific criteria needed for the Deputy Secretary for Children's Medical Services to issue a certificate in recognition of demonstrated specialized competence in child abuse to a district medical director. Clarification may be needed to advise the DOH whether

regulatory responsibilities that are typically associated with the certification of a profession are intended.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.303 and 458.3175.

This bill reenacts the following sections of the Florida Statutes: 39.3031, 391.026(2), 766.102(12), 827.03(3)(a), 827.03(3)(b), and 960.03(3)(a).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on March 23, 2015:

The CS conforms provisions relating to activities an expert witness certificate issued by the DOH authorizes under ch. 458, F.S., with existing law. The CS reenacts the following sections of the Florida Statutes: 766.102(12), 827.03(3)(a), 827.03(3)(b), and 960.03(3)(a).

- B. **Amendments:**

None.