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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2016	.	
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The Committee on Health Policy (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 394.88, Florida Statutes, is created to  
read:

394.88 Adolescent and child residential treatment  
programs.—

(1) The purpose of an adolescent and child residential  
treatment program is to offer room and board and to provide, or



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11 arrange for the provision of, specialized treatment, specialized  
12 therapies as defined in s. 393.063, and services for  
13 rehabilitation or habilitation as defined in s. 393.063, for  
14 adolescents and children with emotional, psychological,  
15 developmental, or behavioral problems or disorders, or substance  
16 abuse problems. In an adolescent and child residential treatment  
17 program, adolescents and children are assisted in acquiring the  
18 social and behavioral skills necessary for a healthy adjustment  
19 to school, family life, and community.

20 (2) As used in this section, the term:

21 (a) "Adolescent and child residential treatment program" or  
22 "program" means a privately owned and operated 24-hour group  
23 living environment for four or more adolescents or children  
24 unrelated to the owner or provider.

25 (b) "Program resident" or "resident" means an adolescent or  
26 child at least 6 and no more than 18 years of age who enrolls  
27 and participates in a program.

28 (3) An adolescent and child residential treatment program  
29 must be licensed by the Agency for Health Care Administration in  
30 accordance with part II of chapter 408. The department, in  
31 consultation with the agency and the Agency for Persons with  
32 Disabilities, shall establish by rule requirements for  
33 licensure, administration, and operation of programs and program  
34 facilities consistent with this section.

35 (4) (a) A program must employ a licensed psychiatrist or a  
36 psychologist licensed under chapter 490 as the director of the  
37 program. The director is responsible for the operation of the  
38 program, the program facility, and the day-to-day supervision of  
39 program residents. The director or a member of program staff



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40 appointed by the director as his or her substitute must be  
41 present at the program facility at all times. The director shall  
42 maintain on site a current list of all program residents.

43 (b) Program staff must include, in addition to the  
44 director, physicians licensed under chapter 458 or chapter 459,  
45 psychologists licensed under chapter 490 or chapter 491, mental  
46 health counselors licensed under chapter 491, or advanced  
47 registered nurse practitioners licensed under part 1 of chapter  
48 464 and certified under s. 464.012 who have been trained in  
49 providing medical services and treatment to adolescents and  
50 children to serve as professional program staff providing  
51 treatment to residents. Such professional program staff must be  
52 specifically trained in providing medical services and treatment  
53 to adolescents and children diagnosed with mental health and  
54 substance abuse problems and to residents with disabilities if  
55 the program serves these populations. A program must have a  
56 minimum of two such professional staff members on duty at all  
57 times and must maintain a professional staff-to-resident ratio  
58 of no less than 1 to 4 during awake hours. All program staff,  
59 professional and non-professional, and all providers who may be  
60 contracted to provide services to residents must undergo a level  
61 2 background screening before engaging in any activity that  
62 brings them into contact with a resident. The department may  
63 establish by rule further staffing requirements to ensure  
64 resident safety and service delivery consistent with this  
65 section.

66 (5) A program must ensure that a treatment plan exists for  
67 each resident. The treatment plan must be reviewed and signed at  
68 the time a resident enrolls and periodically after enrollment,



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69 as provided in the treatment plan, by the director of the  
70 program and the resident's parent or legal guardian. The  
71 department may establish by rule further requirements relating  
72 to the treatment and care of residents consistent with this  
73 section.

74 (6) A program must maintain written documentation of  
75 compliance with the following local requirements, as applicable:

76 (a) Zoning ordinances.

77 (b) Business license requirements.

78 (c) Building codes.

79 (d) Firesafety codes and standards.

80 (e) Health codes.

81 (f) Approval from appropriate governmental agencies for new  
82 program services or increased consumer capacity.

83  
84 A program facility that provides services to residents with  
85 disabilities must be located where schools, churches, recreation  
86 facilities, and other community facilities are available. The  
87 department may establish by rule further requirements relating  
88 to the program facility, including, but not limited to, interior  
89 and exterior building dimensions, housing and kitchen standards,  
90 meal plan guidelines, medication management, resident privacy  
91 and accountability for his or her personal effects, and  
92 cleanliness and safety standards, consistent with this section.

93 (7) A program must:

94 (a) Provide a curriculum approved by the Department of  
95 Education to residents. A program that provides its own school  
96 must be recognized and approved by the State Board of Education,  
97 the Southern Association of Colleges and Schools, or another



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98 educational accreditation organization.

99 (b) Conduct individual, group, couple, and family  
100 counseling sessions or other appropriate treatment, including  
101 skills development therapy, at least weekly, or more often if  
102 required by a resident's treatment plan. The program must  
103 document the time, date, and nature of such services, including  
104 the signature of the counselor providing them, in the individual  
105 record for each resident.

106 Section 2. Section 394.89, Florida Statutes, is created to  
107 read:

108 394.89 Adolescent and child outdoor programs.-

109 (1) The purpose of an adolescent and child outdoor program  
110 is to offer wilderness hiking and camping experiences through  
111 program field group activities and expeditions as a form of  
112 rehabilitation and treatment for adolescents or children with  
113 emotional, psychological, developmental, or behavioral problems  
114 or disorders, or substance abuse problems. In an adolescent and  
115 child outdoor program, adolescents and children are assisted in  
116 acquiring the social and behavioral skills necessary for a  
117 healthy adjustment to school, family life, and community.

118 (2) As used in this section, the term:

119 (a) "Adolescent and child outdoor program" or "program"  
120 means a privately owned and operated 24-hour group wilderness  
121 hiking and camping experience for four or more adolescents or  
122 children unrelated to the owner or provider. A program may be  
123 established independently or as an adjunct and subsidiary of an  
124 adolescent and child residential treatment program established  
125 pursuant to s. 394.88.

126 (b) "Program participant" or "participant" means an



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127 adolescent or child at least 6 and no more than 18 years of age  
128 who enrolls and participates in a program. The term does not  
129 include the parent or contracting agent that enrolls the  
130 adolescent or child in the program.

131 (3) (a) An adolescent and child outdoor program must be  
132 licensed by the Agency for Health Care Administration in  
133 accordance with part II of chapter 408. The department, in  
134 consultation with the agency and the Agency for Persons with  
135 Disabilities, shall establish by rule requirements for  
136 licensure, administration, and operation of programs consistent  
137 with this section. All local, state, and federal regulations and  
138 professional licensing requirements must be met by a program as  
139 a condition of licensure by the agency. The agency must review  
140 and approve a program's training plan specifying the program's  
141 goals and methodologies. The training plan must include  
142 provisions governing a participant's conduct and the  
143 consequences for his or her conduct while enrolled in the  
144 program.

145 (b) A program must provide an educational component  
146 approved by the Department of Education to a participant who is  
147 absent from his or her school or educational setting for more  
148 than 30 days. Before enrolling a participant, the program  
149 supervisor must coordinate with the local school board to  
150 provide an educational component as part of the participant's  
151 program experience. To offer educational credit to participants,  
152 the program must be recognized and approved by the State Board  
153 of Education.

154 (4) (a) A program must employ a licensed psychiatrist or a  
155 psychologist licensed under chapter 490 as its program



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156 supervisor. The program supervisor is responsible for and has  
157 authority over the policies and activities of the program. The  
158 program supervisor shall coordinate office and support services,  
159 supervise the operations of the program, and ensure that all  
160 program staff are adequately trained. The program supervisor  
161 shall maintain on file at all times enrollment records of all  
162 participants and a current list of participants, including each  
163 participant's group field activity or expedition and his or her  
164 geographic location. The list must be updated every 24 hours.  
165 The program supervisor must develop and sign a written plan for  
166 each group field activity and expedition. Plans must not expose  
167 participants to unreasonable risks.

168 (b) Each group field activity or expedition must have field  
169 staff working directly with the participants. A program must  
170 have field support staff members who are responsible for the  
171 delivery of supplies to the field, mail delivery,  
172 communications, and first aid support.

173 (c) Each program must provide its participants access to a  
174 multidisciplinary team of licensed health care providers and  
175 licensed mental health counselors who have been trained in  
176 providing medical services and treatment to adolescents and  
177 children and which includes, at a minimum, the following:

- 178 1. A physician licensed under chapter 458 or chapter 459.  
179 2. At least one of the following:  
180 a. A psychologist licensed under chapter 490 or chapter  
181 491.  
182 b. A licensed clinical social worker.  
183 c. A mental health counselor licensed under chapter 491.  
184 d. A licensed marriage and family therapist.



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185 e. A certified school counselor.

186 (d) All program staff, professional and non-professional,  
187 and all providers who may be contracted to provide services to  
188 participants must undergo a level 2 background screening before  
189 engaging in any activity that brings them into contact with a  
190 participant. The department may establish by rule further  
191 staffing requirements consistent with this section.

192 Section 3. This act shall take effect July 1, 2016.

193  
194 ===== T I T L E A M E N D M E N T =====

195 And the title is amended as follows:

196 Delete everything before the enacting clause  
197 and insert:

198 A bill to be entitled  
199 An act relating to adolescent and child treatment  
200 programs; creating s. 394.88, F.S.; providing purpose  
201 of adolescent and child residential treatment  
202 programs; defining terms; requiring licensure by the  
203 Agency for Health Care Administration; requiring the  
204 Department of Children and Families to adopt rules for  
205 the licensure, administration, and operation of  
206 programs and program facilities; providing staffing  
207 requirements; requiring a treatment plan for each  
208 resident; requiring a review of treatment plans;  
209 requiring written documentation of compliance with  
210 certain local requirements; providing location  
211 requirements for program facilities under certain  
212 circumstances; authorizing the department to establish  
213 certain requirements; requiring a program to provide a





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214 curriculum; requiring a program to conduct certain  
215 counseling sessions; creating s. 394.89, F.S.;  
216 providing purpose of adolescent and child outdoor  
217 programs; defining terms; requiring licensure by the  
218 agency; requiring the department to adopt rules for  
219 the licensure, administration, and operation of  
220 programs; providing regulations and licensing  
221 requirements for programs; providing administrative  
222 requirements for programs; requiring programs to have  
223 an educational component approved by the Department of  
224 Education under certain circumstances; providing  
225 requirements and qualifications for program staff;  
226 requiring the program supervisor to maintain a current  
227 list and enrollment records of all participants;  
228 requiring program supervisors to develop a written  
229 plan for each field group activity and expedition;  
230 providing an effective date.