

By the Committee on Health Policy; and Senator Ring

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1 A bill to be entitled
2 An act relating to adolescent and child treatment
3 programs; creating s. 394.88, F.S.; providing purpose
4 of adolescent and child residential treatment
5 programs; defining terms; requiring licensure by the
6 Agency for Health Care Administration; requiring the
7 Department of Children and Families to adopt rules for
8 the licensure, administration, and operation of
9 programs and program facilities; providing staffing
10 requirements; requiring a treatment plan for each
11 resident; requiring a review of treatment plans;
12 requiring written documentation of compliance with
13 certain local requirements; providing location
14 requirements for program facilities under certain
15 circumstances; authorizing the department to establish
16 certain requirements; requiring a program to provide a
17 curriculum; requiring a program to conduct certain
18 counseling sessions; creating s. 394.89, F.S.;
19 providing purpose of adolescent and child outdoor
20 programs; defining terms; requiring licensure by the
21 agency; requiring the department to adopt rules for
22 the licensure, administration, and operation of
23 programs; providing regulations and licensing
24 requirements for programs; providing administrative
25 requirements for programs; requiring programs to have
26 an educational component approved by the Department of
27 Education under certain circumstances; providing
28 requirements and qualifications for program staff;
29 requiring the program supervisor to maintain a current
30 list and enrollment records of all participants;
31 requiring program supervisors to develop a written
32 plan for each field group activity and expedition;

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33 providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Section 394.88, Florida Statutes, is created to
38 read:

39 394.88 Adolescent and child residential treatment
40 programs.-

41 (1) The purpose of an adolescent and child residential
42 treatment program is to offer room and board and to provide, or
43 arrange for the provision of, specialized treatment, specialized
44 therapies as defined in s. 393.063, and services for
45 rehabilitation or habilitation as defined in s. 393.063, for
46 adolescents and children with emotional, psychological,
47 developmental, or behavioral problems or disorders, or substance
48 abuse problems. In an adolescent and child residential treatment
49 program, adolescents and children are assisted in acquiring the
50 social and behavioral skills necessary for a healthy adjustment
51 to school, family life, and community.

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

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

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

60 (3) An adolescent and child residential treatment program
61 must be licensed by the Agency for Health Care Administration in

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62 accordance with part II of chapter 408. The department, in
63 consultation with the agency and the Agency for Persons with
64 Disabilities, shall establish by rule requirements for
65 licensure, administration, and operation of programs and program
66 facilities consistent with this section.

67 (4) (a) A program must employ a licensed psychiatrist or a
68 psychologist licensed under chapter 490 as the director of the
69 program. The director is responsible for the operation of the
70 program, the program facility, and the day-to-day supervision of
71 program residents. The director or a member of program staff
72 appointed by the director as his or her substitute must be
73 present at the program facility at all times. The director shall
74 maintain on site a current list of all program residents.

75 (b) Program staff must include, in addition to the
76 director, physicians licensed under chapter 458 or chapter 459,
77 psychologists licensed under chapter 490 or chapter 491, mental
78 health counselors licensed under chapter 491, or advanced
79 registered nurse practitioners licensed under part 1 of chapter
80 464 and certified under s. 464.012 who have been trained in
81 providing medical services and treatment to adolescents and
82 children to serve as professional program staff providing
83 treatment to residents. Such professional program staff must be
84 specifically trained in providing medical services and treatment
85 to adolescents and children diagnosed with mental health and
86 substance abuse problems and to residents with disabilities if
87 the program serves these populations. A program must have a
88 minimum of two such professional staff members on duty at all
89 times and must maintain a professional staff-to-resident ratio
90 of no less than 1 to 4 during awake hours. All program staff,

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91 professional and non-professional, and all providers who may be
92 contracted to provide services to residents must undergo a level
93 2 background screening before engaging in any activity that
94 brings them into contact with a resident. The department may
95 establish by rule further staffing requirements to ensure
96 resident safety and service delivery consistent with this
97 section.

98 (5) A program must ensure that a treatment plan exists for
99 each resident. The treatment plan must be reviewed and signed at
100 the time a resident enrolls and periodically after enrollment,
101 as provided in the treatment plan, by the director of the
102 program and the resident's parent or legal guardian. The
103 department may establish by rule further requirements relating
104 to the treatment and care of residents consistent with this
105 section.

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

108 (a) Zoning ordinances.

109 (b) Business license requirements.

110 (c) Building codes.

111 (d) Firesafety codes and standards.

112 (e) Health codes.

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

115
116 A program facility that provides services to residents with
117 disabilities must be located where schools, churches, recreation
118 facilities, and other community facilities are available. The
119 department may establish by rule further requirements relating

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120 to the program facility, including, but not limited to, interior
121 and exterior building dimensions, housing and kitchen standards,
122 meal plan guidelines, medication management, resident privacy
123 and accountability for his or her personal effects, and
124 cleanliness and safety standards, consistent with this section.

125 (7) A program must:

126 (a) Provide a curriculum approved by the Department of
127 Education to residents. A program that provides its own school
128 must be recognized and approved by the State Board of Education,
129 the Southern Association of Colleges and Schools, or another
130 educational accreditation organization.

131 (b) Conduct individual, group, couple, and family
132 counseling sessions or other appropriate treatment, including
133 skills development therapy, at least weekly, or more often if
134 required by a resident's treatment plan. The program must
135 document the time, date, and nature of such services, including
136 the signature of the counselor providing them, in the individual
137 record for each resident.

138 Section 2. Section 394.89, Florida Statutes, is created to
139 read:

140 394.89 Adolescent and child outdoor programs.-

141 (1) The purpose of an adolescent and child outdoor program
142 is to offer wilderness hiking and camping experiences through
143 program field group activities and expeditions as a form of
144 rehabilitation and treatment for adolescents or children with
145 emotional, psychological, developmental, or behavioral problems
146 or disorders, or substance abuse problems. In an adolescent and
147 child outdoor program, adolescents and children are assisted in
148 acquiring the social and behavioral skills necessary for a

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149 healthy adjustment to school, family life, and community.

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

151 (a) "Adolescent and child outdoor program" or "program"
152 means a privately owned and operated 24-hour group wilderness
153 hiking and camping experience for four or more adolescents or
154 children unrelated to the owner or provider. A program may be
155 established independently or as an adjunct and subsidiary of an
156 adolescent and child residential treatment program established
157 pursuant to s. 394.88.

158 (b) "Program participant" or "participant" means an
159 adolescent or child at least 6 and no more than 18 years of age
160 who enrolls and participates in a program. The term does not
161 include the parent or contracting agent that enrolls the
162 adolescent or child in the program.

163 (3) (a) An adolescent and child outdoor program must be
164 licensed by the Agency for Health Care Administration in
165 accordance with part II of chapter 408. The department, in
166 consultation with the agency and the Agency for Persons with
167 Disabilities, shall establish by rule requirements for
168 licensure, administration, and operation of programs consistent
169 with this section. All local, state, and federal regulations and
170 professional licensing requirements must be met by a program as
171 a condition of licensure by the agency. The agency must review
172 and approve a program's training plan specifying the program's
173 goals and methodologies. The training plan must include
174 provisions governing a participant's conduct and the
175 consequences for his or her conduct while enrolled in the
176 program.

177 (b) A program must provide an educational component

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178 approved by the Department of Education to a participant who is
179 absent from his or her school or educational setting for more
180 than 30 days. Before enrolling a participant, the program
181 supervisor must coordinate with the local school board to
182 provide an educational component as part of the participant's
183 program experience. To offer educational credit to participants,
184 the program must be recognized and approved by the State Board
185 of Education.

186 (4) (a) A program must employ a licensed psychiatrist or a
187 psychologist licensed under chapter 490 as its program
188 supervisor. The program supervisor is responsible for and has
189 authority over the policies and activities of the program. The
190 program supervisor shall coordinate office and support services,
191 supervise the operations of the program, and ensure that all
192 program staff are adequately trained. The program supervisor
193 shall maintain on file at all times enrollment records of all
194 participants and a current list of participants, including each
195 participant's group field activity or expedition and his or her
196 geographic location. The list must be updated every 24 hours.
197 The program supervisor must develop and sign a written plan for
198 each group field activity and expedition. Plans must not expose
199 participants to unreasonable risks.

200 (b) Each group field activity or expedition must have field
201 staff working directly with the participants. A program must
202 have field support staff members who are responsible for the
203 delivery of supplies to the field, mail delivery,
204 communications, and first aid support.

205 (c) Each program must provide its participants access to a
206 multidisciplinary team of licensed health care providers and

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207 licensed mental health counselors who have been trained in
208 providing medical services and treatment to adolescents and
209 children and which includes, at a minimum, the following:

210 1. A physician licensed under chapter 458 or chapter 459.

211 2. At least one of the following:

212 a. A psychologist licensed under chapter 490 or chapter
213 491.

214 b. A licensed clinical social worker.

215 c. A mental health counselor licensed under chapter 491.

216 d. A licensed marriage and family therapist.

217 e. A certified school counselor.

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

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