



445832

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/2R

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03/08/2018 05:09 PM

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Senator Rouson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 116 - 238

and insert:

mental health or substance use disorders or co-occurring disorders under the supervision of persons who meet all personnel requirements of this chapter for up to 90 days after being notified of the disqualification or until the department a  
~~qualified professional licensed under chapter 490 or chapter 491~~  
~~or a master's-level-certified addictions professional until the~~  
~~agency~~ makes a final determination regarding the request for an



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12 exemption from disqualification, whichever is earlier.

13 (h) ~~(g)~~ The department may not issue a regular license to  
14 any service provider that fails to provide proof that background  
15 screening information has been submitted in accordance with  
16 chapter 435.

17 (4) EXEMPTIONS FROM DISQUALIFICATION.—

18 (a) The department may grant to any service provider  
19 personnel an exemption from disqualification as provided in s.  
20 435.07.

21 (b) Since rehabilitated substance abuse impaired persons  
22 are effective in the successful treatment and rehabilitation of  
23 individuals with substance use disorders, for service providers  
24 which treat adolescents 13 years of age and older, service  
25 provider personnel whose background checks indicate crimes under  
26 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.  
27 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related  
28 criminal attempt, solicitation, or conspiracy under s. 777.04,  
29 may be exempted from disqualification from employment pursuant  
30 to this paragraph.

31 (c) The department may grant exemptions from  
32 disqualification for service provider personnel to work solely  
33 in substance abuse treatment programs or facilities or in  
34 programs or facilities that treat co-occurring substance use and  
35 mental health disorders. The department may further limit such  
36 ~~grant exemptions from disqualification which would limit service~~  
37 ~~provider personnel~~ to working with adults in substance abuse  
38 treatment facilities.

39 Section 4. Section 397.417, Florida Statutes, is created to  
40 read:



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41 397.417 Behavioral health peer specialists.-

42 (1) An individual is eligible for certification as a peer  
43 specialist if he or she has been in recovery from a substance  
44 use disorder or mental illness for at least 2 years or if he or  
45 she has experience as a family member or caregiver of a person  
46 with a substance use disorder or mental illness.

47 (2) The department shall develop and implement a training  
48 program for individuals seeking certification as peer  
49 specialists. The department may designate one or more  
50 credentialing entities that have met nationally recognized  
51 standards for developing and administering professional  
52 certification programs to certify peer specialists.

53 (3) An individual providing department-funded recovery  
54 support services as a peer specialist shall be certified  
55 pursuant to subsection (2). However, an individual who is not  
56 certified may provide recovery support services as a peer  
57 specialist for up to 1 year if he or she is working toward  
58 certification and is supervised by a qualified professional or  
59 by a certified peer specialist with supervisory training who has  
60 at least 3 years of full-time experience as a peer specialist at  
61 a licensed behavioral health organization.

62 (4) A peer specialist service may be reimbursed as a  
63 recovery service through the department, a behavioral health  
64 managing entity, or the Medicaid program. Medicaid managed care  
65 plans are encouraged to use peer specialists in providing  
66 recovery services.

67 Section 5. Subsection (1) and subsection (6) of section  
68 397.487, Florida Statutes, are amended to read:

69 397.487 Voluntary certification of recovery residences.-



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70           (1) The Legislature finds that a person suffering from  
71 addiction has a higher success rate of achieving long-lasting  
72 sobriety when given the opportunity to build a stronger  
73 foundation by living in a recovery residence while receiving  
74 treatment or after completing treatment. The Legislature further  
75 finds that this state and its subdivisions have a legitimate  
76 state interest in protecting these persons, who represent a  
77 vulnerable consumer population in need of adequate housing. It  
78 is the intent of the Legislature to protect persons who reside  
79 in a recovery residence.

80           (6) All owners, directors, and chief financial officers of  
81 an applicant recovery residence are subject to level 2  
82 background screening as provided under chapter 435 and s.  
83 408.809. A recovery residence is ineligible for certification,  
84 and a credentialing entity shall deny a recovery residence's  
85 application, if any owner, director, or chief financial officer  
86 has been found guilty of, or has entered a plea of guilty or  
87 nolo contendere to, regardless of adjudication, any offense  
88 listed in s. 408.809(4) or s. 435.04(2) unless the department  
89 has issued an exemption under s. 397.4073 or s. 397.4872. In  
90 accordance with s. 435.04, the department shall notify the  
91 credentialing agency of an owner's, director's, or chief  
92 financial officer's eligibility based on the results of his or  
93 her background screening.

94           Section 6. Section 397.4873, Florida Statutes, is amended  
95 to read:

96           397.4873 Referrals to or from recovery residences;  
97 prohibitions; penalties.—

98           (1) A service provider licensed under this part may not



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99 make a referral of a prospective, current, or discharged patient  
100 to, or accept a referral of such a patient from, a recovery  
101 residence unless the recovery residence holds a valid  
102 certificate of compliance as provided in s. 397.487 and is  
103 actively managed by a certified recovery residence administrator  
104 as provided in s. 397.4871.

105 (2) Subsection (1) does not apply to:

106 (a) A licensed service provider under contract with a  
107 managing entity as defined in s. 394.9082.

108 (b) Referrals by a recovery residence to a licensed service  
109 provider when a resident has experienced a recurrence of  
110 substance use and, in the best judgment of the recovery  
111 residence administrator, it appears that the resident may  
112 benefit from clinical treatment services ~~the recovery residence~~  
113 ~~or its owners, directors, operators, or employees do not~~  
114 ~~benefit, directly or indirectly, from the referral.~~

115 (c) Referrals made before January 1, 2019 ~~July 1, 2018~~, by  
116 a licensed service provider to that licensed service provider's  
117 wholly owned subsidiary, provided that applications and  
118 associated fees are submitted by July 1, 2018.

119 (3) A recovery residence or its owners, directors,  
120 operators, employees, or volunteers may not receive a pecuniary  
121 benefit, directly or indirectly, from a licensed service  
122 provider in exchange for a referral made pursuant to subsection  
123 (1) or

125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:

127 Delete lines 30 - 34



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128 and insert:  
129       specialists; providing that a peer specialist may be  
130       reimbursed as a recovery service through the  
131       department, a behavioral health managing entity, or  
132       the Medicaid program; encouraging Medicaid managed  
133       care plans to use peer specialists in providing  
134       recovery services; amending s. 397.487, F.S.; revising  
135       legislative findings relating to voluntary  
136       certification of recovery residences; revising  
137       background