

1                                   A bill to be entitled  
 2           An act relating to persons with developmental  
 3           disabilities; amending s. 393.063, F.S.; revising the  
 4           definition of the term "comprehensive transitional  
 5           education program"; amending s. 393.18, F.S.;  
 6           prohibiting the granting of new licenses or the  
 7           renewal of existing licenses for comprehensive  
 8           transitional education programs after a specified  
 9           date; amending s. 393.506, F.S.; revising competency  
 10          assessment and validation requirements for direct  
 11          service providers who administer or supervise the  
 12          self-administration of medication; providing an  
 13          effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Subsection (10) of section 393.063, Florida  
 18           Statutes, is amended to read:

19           393.063 Definitions.—For the purposes of this chapter, the  
 20           term:

21           (10) "Comprehensive transitional education program" means  
 22           the program established in s. 393.18. After July 1, 2018, new  
 23           comprehensive transitional education programs may not be  
 24           licensed. After December 31, 2020, the license for any existing  
 25           comprehensive transitional education programs may not be

26 | renewed.

27 |       Section 2. Section 393.18, Florida Statutes, is amended to  
28 | read:

29 |       393.18 Comprehensive transitional education program.—A  
30 | comprehensive transitional education program serves individuals  
31 | who have developmental disabilities, severe maladaptive  
32 | behaviors, severe maladaptive behaviors and co-occurring complex  
33 | medical conditions, or a dual diagnosis of developmental  
34 | disability and mental illness. Services provided by the program  
35 | must be temporary in nature and delivered in a manner designed  
36 | to achieve the primary goal of incorporating the principles of  
37 | self-determination and person-centered planning to transition  
38 | individuals to the most appropriate, least restrictive community  
39 | living option of their choice which is not operated as a  
40 | comprehensive transitional education program. The supervisor of  
41 | the clinical director of the program licensee must hold a  
42 | doctorate degree with a primary focus in behavior analysis from  
43 | an accredited university, be a certified behavior analyst  
44 | pursuant to s. 393.17, and have at least 1 year of experience in  
45 | providing behavior analysis services for individuals in  
46 | developmental disabilities. The staff must include behavior  
47 | analysts and teachers, as appropriate, who must be available to  
48 | provide services in each component center or unit of the  
49 | program. A behavior analyst must be certified pursuant to s.  
50 | 393.17.

51 (1) Comprehensive transitional education programs must  
52 include the following components:

53 (a) Intensive treatment and education.—This component  
54 provides intensive behavioral and educational programming for  
55 individuals whose conditions preclude placement in a less  
56 restrictive environment due to the threat of danger or injury to  
57 themselves or others. Continuous-shift staff are required for  
58 this component.

59 (b) Intensive training and education.—This component  
60 provides concentrated psychological and educational programming  
61 that emphasizes a transition toward a less restrictive  
62 environment. Continuous-shift staff are required for this  
63 component.

64 (c) Transition.—This component provides educational  
65 programs and any support services, training, and care that are  
66 needed to avoid regression to more restrictive environments  
67 while preparing individuals for more independent living.  
68 Continuous-shift staff are required for this component.

69 (2) Components of a comprehensive transitional education  
70 program are subject to the license issued under s. 393.067 to a  
71 comprehensive transitional education program and may be located  
72 on a single site or multiple sites as long as such components  
73 are located within the same agency region.

74 (3) Comprehensive transitional education programs shall  
75 develop individual education plans for each school-aged person

76 | with maladaptive behaviors, severe maladaptive behaviors and co-  
77 | occurring complex medical conditions, or a dual diagnosis of  
78 | developmental disability and mental illness who receives  
79 | services from the program. Each individual education plan shall  
80 | be developed in accordance with the criteria specified in 20  
81 | U.S.C. ss. 401 et seq., and 34 C.F.R. part 300. Educational  
82 | components of the program, including individual education plans,  
83 | to the extent possible, must be integrated with the programs of  
84 | the referring school district of each school-aged resident.

85 |       (4) The total number of persons in a comprehensive  
86 | transitional education program who are being provided with  
87 | services may not exceed 120 residents, and each residential unit  
88 | within the component centers of a program authorized under this  
89 | section may not exceed 15 residents. However, a program that was  
90 | authorized to operate residential units with more than 15  
91 | residents before July 1, 2015, may continue to operate such  
92 | units.

93 |       (5) Any licensee that has executed a settlement agreement  
94 | with the agency that is enforceable by the court must comply  
95 | with the terms of the settlement agreement or be subject to  
96 | discipline as provided by law or rule.

97 |       (6) The agency may approve the proposed admission or  
98 | readmission of individuals into a comprehensive transitional  
99 | education program for up to 2 years subject to a specific review  
100 | process. The agency may allow an individual to reside in this

101 setting for a longer period of time if, after a clinical review  
102 is conducted by the agency, it is determined that remaining in  
103 the program for a longer period of time is in the best interest  
104 of the individual.

105 (7) After July 1, 2018, new comprehensive transitional  
106 education programs may not be licensed. After December 31, 2020,  
107 the license for any existing comprehensive transitional  
108 education programs may not be renewed.

109 Section 3. Section 393.506, Florida Statutes, is amended  
110 to read:

111 393.506 Administration of medication.—

112 (1) A direct service provider who is not currently  
113 licensed to administer medication may supervise the self-  
114 administration of medication or may administer oral,  
115 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or  
116 topical prescription medications to a client as provided in this  
117 section.

118 (2) In order to supervise the self-administration of  
119 medication or to administer medications as provided in  
120 subsection (1), a direct service provider must satisfactorily  
121 complete a training course of not less than 4 hours in  
122 medication administration and be found competent to supervise  
123 the self-administration of medication by a client or to  
124 administer medication to a client in a safe and sanitary manner.

125 (a) Competency must be assessed and validated at least

126 | annually if oral or enteral medication administration is  
127 | performed in the an onsite setting with an actual client and  
128 | must include personally observing the direct service provider  
129 | satisfactorily:

130 |       1.(a) Supervising the oral or enteral self-administration  
131 | of medication by a client; and

132 |       2.(b) Orally or enterally administering medication to a  
133 | client.

134 |

135 | As a prerequisite to revalidation, a direct service provider  
136 | must annually and satisfactorily complete a 2-hour course in  
137 | medication administration and error prevention provided by the  
138 | agency or its designee.

139 |       (b) Competency must be assessed and validated during the  
140 | initial medication administration training course if otic,  
141 | transdermal, or topical medication administration is performed  
142 | in the onsite setting. The competency assessment must include  
143 | personally observing the direct service provider satisfactorily  
144 | simulating otic, transdermal, or topical medication  
145 | administration.

146 |       (c) Competency must be assessed and validated and need not  
147 | be revalidated if ophthalmic, rectal, or inhaled medication  
148 | administration is performed in the onsite setting. The  
149 | competency assessment must include the performance of  
150 | ophthalmic, rectal, or inhaled medication administration on an

151 actual client in the onsite setting.

152 (3) A direct service provider may supervise the self-  
153 administration of medication by a client or may administer  
154 medication to a client only if the client, or the client's  
155 guardian or legal representative, has given his or her informed  
156 consent to self-administering medication under the supervision  
157 of an unlicensed direct service provider or to receiving  
158 medication administered by an unlicensed direct service  
159 provider. Such informed consent must be based on a description  
160 of the medication routes and procedures that the direct service  
161 provider is authorized to supervise or administer. Only a  
162 provider who has received appropriate training and has been  
163 validated as competent may supervise the self-administration of  
164 medication by a client or may administer medication to a client.

165 (4) The determination of competency and annual validation  
166 described ~~required~~ in this section shall be conducted by a  
167 registered nurse licensed pursuant to chapter 464 or a physician  
168 licensed pursuant to chapter 458 or chapter 459.

169 (5) The agency shall establish by rule standards and  
170 procedures that a direct service provider must follow when  
171 supervising the self-administration of medication by a client  
172 and when administering medication to a client. Such rules must,  
173 at a minimum, address requirements for labeling medication,  
174 documentation and recordkeeping, the storage and disposal of  
175 medication, instructions concerning the safe administration of

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176 medication or supervision of self-administered medication,  
177 informed-consent requirements and records, and the training  
178 curriculum and validation procedures.

179 Section 4. This act shall take effect July 1, 2018.