

1 A bill to be entitled
2 An act relating to a neonatal abstinence syndrome
3 pilot project; creating s. 409.9134, F.S.; defining
4 terms; requiring the Agency for Health Care
5 Administration, in consultation with the Department of
6 Children and Families, to establish a pilot project to
7 license one or more facilities in Medicaid Region 8 to
8 treat infants who suffer from neonatal abstinence
9 syndrome in certain circumstances; providing a start
10 and end date for the pilot project, subject to
11 appropriation; requiring the agency, in consultation
12 with the department, to adopt by rule minimum
13 licensure standards for facilities providing care
14 under this section; requiring certain criteria to be
15 included in licensure standards; authorizing the
16 agency to charge an initial licensure fee and a
17 biennial renewal fee; establishing minimum
18 requirements for a facility to obtain licensure and
19 participate in the pilot project; prohibiting a
20 facility licensed under this section from treating an
21 infant for longer than 6 months; requiring background
22 screening of certain facility personnel; subjecting
23 facilities licensed under this section to specific
24 licensing requirements; providing that facilities
25 licensed under this section are not required to obtain

26 a certificate of need; requiring the Department of
 27 Health to contract with a state university to study
 28 certain components of the pilot project and establish
 29 certain baseline data for studies on the
 30 neurodevelopmental outcomes of infants with neonatal
 31 abstinence syndrome; requiring the Department of
 32 Health to report results of the study to specified
 33 legislative officials by a certain date; requiring
 34 facilities licensed under this section, hospitals
 35 meeting certain criteria, and Medicaid managed medical
 36 assistance plans to provide financial and medical data
 37 to the university under certain conditions; providing
 38 an effective date.

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40 Be It Enacted by the Legislature of the State of Florida:

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42 Section 1. Section 409.9134, Florida Statutes, is created
 43 to read:

44 409.9134 Pilot project for the treatment of infants with
 45 neonatal abstinence syndrome.—

46 (1) For purposes of this section, the term:

47 (a) "Infant" includes both a newborn and an infant, as
 48 those terms are defined in s. 383.145.

49 (b) "Neonatal abstinence syndrome" means the postnatal
 50 opioid withdrawal experienced by an infant who is exposed in

51 utero to opioids or agents used to treat maternal opioid
52 addiction.

53 (2) The Agency for Health Care Administration, in
54 consultation with the department, shall establish a pilot
55 project to license one or more facilities in Medicaid Region 8
56 to treat infants who suffer from neonatal abstinence syndrome,
57 providing a community-based care option, rather than
58 hospitalization, after an infant has been stabilized. Subject to
59 specific appropriation, the pilot project shall begin on July 1,
60 2018, and expire on June 30, 2020.

61 (3) The agency, in consultation with the department, shall
62 adopt by rule minimum licensure standards for facilities
63 licensed to provide care under this section.

64 (a) Licensure standards adopted by the agency must
65 include, at a minimum:

66 1. Requirements for the physical plant and maintenance of
67 facilities;

68 2. Compliance with local building and fire safety codes;

69 3. The number, training, and qualifications of essential
70 personnel employed by and working under contract with the
71 facility;

72 4. Staffing requirements intended to ensure adequate
73 staffing to protect the safety of infants being treated in the
74 facility;

75 5. Sanitation requirements for the facility;

76 6. Requirements for programs, basic services, and care
77 provided to infants treated by the facility and their parents;

78 7. Requirements for the maintenance of medical records,
79 data, and other relevant information related to infants treated
80 by the facility; and

81 8. Requirements for application for initial licensure and
82 licensure renewal.

83 (b) The agency may charge an initial licensure fee and a
84 biennial renewal fee, each not to exceed \$1,000.

85 (4) In order to obtain a license and participate in the
86 pilot project a facility must, at a minimum:

87 (a) Be a private, not-for-profit Florida corporation;

88 (b) Be a Medicaid provider;

89 (c) Have an on-call medical director;

90 (d) Demonstrate an ability to provide 24-hour nursing and
91 nurturing care to infants with neonatal abstinence syndrome;

92 (e) Demonstrate an ability to provide for the medical
93 needs of an infant being treated within the facility, including,
94 but not limited to, pharmacotherapy and nutrition management;

95 (f) Maintain a transfer agreement with a nearby hospital
96 that is not more than a 30-minute drive from the licensed
97 facility;

98 (g) Demonstrate an ability to provide comfortable
99 residential-type accommodations for an eligible mother to
100 breastfeed her infant or to reside within the facility while her

101 infant is being treated at that facility, if not contraindicated
102 and if funding is available for residential services. The
103 facility may request at any time that the mother's breast milk
104 be tested for contaminants or that the mother submit to a drug
105 test. The mother shall vacate the facility if she refuses to
106 allow her breast milk to be tested or to consent to a drug test
107 or if the facility determines that the mother poses a risk to
108 her infant;

109 (h) Be able to provide or make available parenting
110 education, breastfeeding education, counseling, and other
111 resources to the parents of infants being treated at the
112 facility including, if necessary, a referral for addiction
113 treatment services;

114 (i) Contract and coordinate with Medicaid managed medical
115 assistance plans as appropriate to ensure that services for both
116 the infant and the parent or the infant's representative are
117 timely and unduplicated;

118 (j) Identify, and refer parents to, social service
119 providers, such as Healthy Start, Early Steps, and Head Start
120 programs, prior to discharge, if appropriate; and

121 (k) Adhere to all applicable standards established by the
122 agency by rule pursuant to subsection (3).

123 (5) A facility licensed under this section may not accept
124 an infant for treatment if the infant has a serious or life-
125 threatening condition other than neonatal abstinence syndrome.

126 (6) A facility licensed under this section may not treat
127 an infant for longer than 6 months.

128 (7) The agency shall require level 2 background screening
129 for facility personnel as required in s. 408.809(1)(e) pursuant
130 to chapter 435 and s. 408.809.

131 (8) Facilities licensed under this section are subject to
132 the requirements of part II of chapter 408.

133 (9) Facilities licensed under this section are not
134 required to obtain a certificate of need.

135 (10)(a) The Department of Health shall contract with a
136 state university to study the risks, benefits, cost
137 differentials, and the transition of infants to the social
138 service providers identified in paragraph (4)(j) for the
139 treatment of infants with neonatal abstinence syndrome in
140 hospital settings and facilities licensed under the pilot
141 project. By December 21, 2019, the Department of Health shall
142 report to the President of the Senate and the Speaker of the
143 House of Representatives the study results and recommendations
144 for the continuation or expansion of the pilot project.

145 (b) The contract must also require the establishment of
146 baseline data for longitudinal studies on the neurodevelopmental
147 outcomes of infants with neonatal abstinence syndrome, and may
148 require the evaluation of outcomes and length of stay in
149 facilities for nonpharmacologic and pharmacologic treatment of
150 neonatal abstinence syndrome.

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151 (c) Facilities licensed under this section, licensed
152 hospitals providing services for infants born with neonatal
153 abstinence syndrome, and Medicaid medical assistance plans shall
154 provide relevant financial and medical data consistent with the
155 Health Insurance Portability and Accountability Act of 1996
156 (HIPAA) and related regulations to the contracted university for
157 research and studies authorized pursuant to this subsection.

158 Section 2. This act shall take effect upon becoming a law.