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576-01834-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to a neonatal abstinence syndrome pilot project; creating s. 409.9134, F.S.; defining terms; requiring the Agency for Health Care Administration, in consultation with the Department of Children and Families, to establish a pilot project to license one or more facilities to treat infants who suffer from neonatal abstinence syndrome in certain circumstances; providing a start and end date for the pilot project; requiring the agency, in consultation with the department, to adopt by rule minimum licensure standards for facilities providing care under this section; requiring certain criteria to be included in licensure standards; authorizing the agency to establish by rule an initial licensure fee and a biennial renewal fee; establishing minimum requirements for a facility to obtain and maintain licensure and to participate in the pilot project; prohibiting a facility licensed under this section from accepting certain infants for treatment or from treating an infant for longer than 6 months; specifying when a facility may require a mother or visitor to vacate its premises; allowing certain health care professionals to prevent the removal of an infant from the facility under certain conditions; requiring background screening of certain facility personnel; subjecting facilities licensed under this



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28 section to specified licensing requirements; providing
29 that facilities licensed under this section are not
30 required to obtain a certificate of need; requiring
31 the Department of Health to contract with a state
32 university to study certain components of the pilot
33 project and establish certain baseline data for
34 studies on the neurodevelopmental outcomes of infants
35 with neonatal abstinence syndrome; requiring the
36 Department of Health to report results of the study to
37 the Legislature by a certain date; requiring
38 facilities licensed under this section, hospitals
39 meeting certain criteria, and Medicaid managed medical
40 assistance plans to provide to the contracted
41 university relevant financial and medical data meeting
42 certain standards, under certain conditions; requiring
43 the agency to begin rulemaking and apply for certain
44 Medicaid waivers after the act becomes a law;
45 providing specific appropriations; providing an
46 effective date.

47

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

49

50 Section 1. Section 409.9134, Florida Statutes, is created
51 to read:

52 409.9134 Pilot project for the treatment of infants with
53 neonatal abstinence syndrome.—

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

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



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57 (b) "Neonatal abstinence syndrome" means the postnatal
58 opioid withdrawal experienced by an infant who is exposed in
59 utero to opioids or agents used to treat maternal opioid
60 addiction.

61 (c) "Stabilized" means that, within reasonable medical
62 probability, no material deterioration of the infant's condition
63 is likely to result from, or occur during, the transfer of the
64 infant from the hospital to a facility licensed under this
65 section for ongoing treatment as provided in this section.

66 (2) The Agency for Health Care Administration, in
67 consultation with the department, shall establish a pilot
68 project to license one or more facilities in the state to treat
69 infants who suffer from neonatal abstinence syndrome, providing
70 a community-based care option, rather than hospitalization,
71 after an infant has been stabilized. The pilot project shall
72 begin on January 1, 2019, and expire on June 30, 2021.

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

76 (a) Licensure standards adopted by the agency must include,
77 at a minimum:

78 1. Requirements for the physical plant and maintenance of
79 facilities;

80 2. Compliance with local building and firesafety codes;

81 3. The number, training, and qualifications of essential
82 personnel employed by and working under contract with the
83 facility;

84 4. Staffing requirements intended to ensure adequate
85 staffing to protect the safety of infants being treated in the



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86 facility;

87 5. Sanitation requirements for the facility;

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

91 7. Requirements for the maintenance of medical records,
92 data, and other relevant information related to infants treated
93 by the facility; and

94 8. Requirements for application for initial licensure and
95 licensure renewal.

96 (b) The agency may establish by rule an initial licensure
97 fee and a biennial renewal fee, each not to exceed \$3,000.

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

100 (a) Be a private, nonprofit Florida corporation;

101 (b) Have an on-call medical director;

102 (c) Adhere to all applicable standards established by the
103 agency by rule pursuant to subsection (3); and

104 (d) Provide the agency with a plan to:

105 1. Provide 24-hour nursing and nurturing care to infants
106 with neonatal abstinence syndrome;

107 2. Provide for the medical needs of an infant being treated
108 at the facility, including, but not limited to, pharmacotherapy
109 and nutrition management;

110 3. Maintain a transfer agreement with a nearby hospital
111 that is not more than a 30-minute drive from the licensed
112 facility;

113 4. Provide comfortable, residential-type accommodations for
114 an eligible mother to breastfeed her infant or to reside at the



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115 facility while her infant is being treated at that facility, if
116 not contraindicated and if funding is available for residential
117 services for the mother;

118 5. Provide or make available parenting education,
119 breastfeeding education, counseling, and other resources to the
120 parents of infants being treated at the facility, including, if
121 necessary, a referral for addiction treatment services;

122 6. Contract and coordinate with Medicaid managed medical
123 assistance plans as appropriate to ensure that services for both
124 the infant and the parent or the infant's representative are
125 timely and unduplicated;

126 7. Identify, and refer parents to, social service
127 providers, such as Healthy Start or the MomCare network, Healthy
128 Families, Early Steps, and Head Start programs, before
129 discharge, if appropriate; and

130 8. Apply to enroll as a Medicaid provider by no later than
131 30 days after receiving a license.

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

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

137 (7) The facility may require the mother or visitors to
138 vacate the facility at any time if:

139 (a) The facility requests that the mother's breast milk be
140 tested for contaminants and she refuses to allow her breast milk
141 to be tested;

142 (b) The facility requests that the mother be drug tested
143 and the mother refuses to consent to a drug test;



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144 (c) The facility determines that the mother poses a risk to
145 her infant; or

146 (d) The facility determines that the mother or a visitor is
147 threatening, intimidating, or posing a risk to any infant in the
148 facility, any other mother or visitor in the facility, or
149 facility staff.

150
151 If the facility requires the mother or other visitor to vacate
152 its premises, a licensed health care professional who is an
153 employee or contracted staff at the facility may refuse to allow
154 the mother, parent, caregiver, or legal custodian to remove the
155 infant from the facility and may detain the infant at the
156 facility pursuant to s. 39.395, if the provisions of that
157 section are met.

158 (8) The agency shall require each licensed facility to meet
159 and maintain the representations made in the facility's plan
160 submitted for licensure pursuant to paragraph (4) (d) or
161 substantially similar provisions that do not degrade the
162 facility's ability to provide the same level of service. The
163 agency shall require level 2 background screening pursuant to
164 chapter 435 and s. 408.809 for facility personnel as required in
165 s. 408.809(1) (e).

166 (9) Facilities licensed under this section are subject to
167 part II of chapter 408.

168 (10) Facilities licensed under this section are not
169 required to obtain a certificate of need.

170 (11) (a) The Department of Health shall contract with a
171 state university to study the risks, benefits, cost
172 differentials, and the transition of infants to the social



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173 service providers identified in paragraph (4) (d) for the
174 treatment of infants with neonatal abstinence syndrome in
175 hospital settings and facilities licensed under the pilot
176 project. By June 30, 2020, the Department of Health shall report
177 to the President of the Senate and the Speaker of the House of
178 Representatives the study results and recommendations for the
179 continuation or expansion of the pilot project.

180 (b) The contract must also require the establishment of
181 baseline data for longitudinal studies on the neurodevelopmental
182 outcomes of infants with neonatal abstinence syndrome, and may
183 require the evaluation of outcomes and length of stay in
184 facilities for nonpharmacologic and pharmacologic treatment of
185 neonatal abstinence syndrome.

186 (c) Facilities licensed under this section, licensed
187 hospitals providing services for infants born with neonatal
188 abstinence syndrome, and Medicaid managed medical assistance
189 plans shall provide relevant financial and medical data
190 consistent with the Health Insurance Portability and
191 Accountability Act of 1996 (HIPAA) and related regulations to
192 the contracted university for research and studies authorized
193 pursuant to this subsection.

194 Section 2. Upon this act becoming law, the Agency for
195 Health Care Administration shall begin the process of adopting
196 rules pursuant to s. 409.9134, Florida Statutes, and shall begin
197 the process of applying for any Medicaid waivers, or other
198 similar permissions, necessary to ensure that facilities
199 licensed pursuant to s. 409.9134, Florida Statutes, are able to
200 enroll as providers in the Medicaid program.

201 Section 3. For the 2018-2019 fiscal year, the sum of



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202 \$200,000 is appropriated from the Health Care Trust Fund to the
203 Agency for Health Care Administration for the purpose of
204 implementing s. 409.9134, Florida Statutes.

205 Section 4. For the 2018-2019 fiscal year, the sum of
206 \$140,000 in nonrecurring funds is appropriated from the Maternal
207 and Child Health Block Grant Trust Fund to the Department of
208 Health for the purpose of contracting with a state university to
209 conduct the study required pursuant to s. 409.9134(11), Florida
210 Statutes.

211 Section 5. For the 2019-2020 fiscal year, the sum of
212 \$70,000 in nonrecurring funds is appropriated from the Maternal
213 and Child Health Block Grant Trust Fund to the Department of
214 Health for the purpose of completing the study required pursuant
215 to s. 409.9134(11), Florida Statutes.

216 Section 6. This act shall take effect upon becoming a law.