

By Senator Passidomo

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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

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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.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
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

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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 include,  
65 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;

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- 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 needs  
93 of an infant being treated within the facility, including, but  
94 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

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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 an  
127 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 required  
134 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

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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.

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.