

1 A bill to be entitled
2 An act relating to substance abuse services; amending
3 s. 394.4572, F.S.; authorizing the Department of
4 Children and Families and the Agency for Health Care
5 Administration to grant exemptions from
6 disqualification for certain service provider
7 personnel; amending s. 397.311, F.S.; providing and
8 revising definitions; amending s. 397.321, F.S.;
9 providing for review by the department of certain
10 decisions made by a department-recognized
11 credentialing entity; authorizing certain persons to
12 request an administrative hearing within a specified
13 timeframe under certain conditions; amending s.
14 397.4073, F.S.; requiring individuals screened on or
15 after a specified date to undergo specified background
16 screening; requiring the department to grant or deny a
17 request for an exemption from qualification within a
18 certain timeframe; authorizing certain applicants for
19 an exemption to work under the supervision of certain
20 persons for a specified period of time while his or
21 her application is pending; authorizing certain
22 persons to be exempt from disqualification from
23 employment; authorizing the department to grant
24 exemptions from disqualification for service provider
25 personnel to work solely in certain treatment

26 | programs, facilities, or recovery residences; amending
27 | s. 397.4075, F.S.; increasing the criminal penalty for
28 | certain unlawful activities relating to personnel;
29 | providing a criminal penalty for inaccurately
30 | disclosing certain facts in an application for
31 | licensure; creating s. 397.417, F.S.; authorizing an
32 | individual to seek certification as a peer specialist
33 | if he or she meets certain requirements; requiring the
34 | department to approve one or more third-party
35 | credentialing entities for specified purposes;
36 | requiring the credentialing entity to demonstrate
37 | compliance with certain standards in order to be
38 | approved by the department; requiring an individual
39 | providing department-funded recovery support services
40 | as a peer specialist to be certified; authorizing an
41 | individual who is not certified to provide recovery
42 | support services as a peer specialist under certain
43 | circumstances; amending s. 397.487, F.S.; revising
44 | legislative findings relating to voluntary
45 | certification of recovery residences; revising
46 | background screening requirements for owners,
47 | directors, and chief financial officers of recovery
48 | residences; providing for review by the department of
49 | certain decisions made by a department-recognized
50 | credentialing entity; authorizing certain recovery

51 residences to request an administrative hearing within
 52 a specified timeframe under certain conditions;
 53 authorizing certain recovery residences to immediately
 54 discharge or transfer residents under certain
 55 circumstances; amending s. 397.4873, F.S.; expanding
 56 the exceptions to limitations on referrals by recovery
 57 residences to licensed service providers; amending s.
 58 397.55, F.S.; revising the requirements for a service
 59 provider, operator of a recovery residence, or certain
 60 third parties to enter into certain contracts with
 61 marketing providers; amending s. 435.07, F.S.;
 62 authorizing the exemption of certain persons from
 63 disqualification from employment; amending s. 817.505,
 64 F.S.; revising provisions relating to payment
 65 practices exempt from prohibitions on patient
 66 brokering; amending ss. 212.055, 397.416, and 440.102,
 67 F.S.; conforming cross-references; providing an
 68 effective date.

69
 70 Be It Enacted by the Legislature of the State of Florida:
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72 Section 1. Subsection (2) of section 394.4572, Florida
 73 Statutes, is amended to read:

74 394.4572 Screening of mental health personnel.—

75 (2) (a) The department or the Agency for Health Care

76 Administration may grant exemptions from disqualification as
 77 provided in chapter 435.

78 (b) The department or the Agency for Health Care
 79 Administration, as applicable, may grant exemptions from
 80 disqualification for service provider personnel to work solely
 81 in mental health treatment programs or facilities, or in
 82 programs or facilities that treat co-occurring substance use and
 83 mental health disorders.

84 Section 2. Subsections (30) through (49) of section
 85 397.311, Florida Statutes, are renumbered as subsections (31)
 86 through (50), respectively, subsection (8) and present
 87 subsection (37) of that section are amended, and subsection (30)
 88 is added to that section, to read:

89 397.311 Definitions.—As used in this chapter, except part
 90 VIII, the term:

91 (8) "Clinical supervisor" means a person who meets the
 92 requirements of a qualified professional whose functions include
 93 managing ~~manages~~ personnel who provide direct clinical services
 94 or maintaining lead responsibility for the overall coordination
 95 and provision of clinical services treatment.

96 (30) "Peer specialist" means a person who has been in
 97 recovery from a substance use disorder or mental illness for at
 98 least 2 years who uses his or her personal experience to provide
 99 services in behavioral health settings to support others in
 100 their recovery, or a person who has at least 2 years of

101 experience as a family member or caregiver of an individual who
 102 has a substance use disorder or mental illness. The term does
 103 not include a qualified professional or a person otherwise
 104 certified under chapter 394 or this chapter.

105 (38)-(37) "Recovery residence" means a residential dwelling
 106 unit, the community housing component of a licensed day or night
 107 treatment facility with community housing, or other form of
 108 group housing, which that is offered or advertised through any
 109 means, including oral, written, electronic, or printed means, by
 110 any person or entity as a residence that provides a peer-
 111 supported, alcohol-free, and drug-free living environment.

112 Section 3. Subsection (15) of section 397.321, Florida
 113 Statutes, is amended to read:

114 397.321 Duties of the department.—The department shall:

115 (15) Recognize a statewide certification process for
 116 addiction professionals and identify and endorse one or more
 117 entities agencies responsible for such certification of service
 118 provider personnel. Any decision by a department-recognized
 119 credentialing entity to deny, revoke, or suspend a
 120 certification, or otherwise impose sanctions on an individual
 121 who is certified, is reviewable by the department. Upon
 122 receiving an adverse determination, the person aggrieved may
 123 request an administrative hearing pursuant to ss. 120.569 and
 124 120.57(1) within 30 days after completing any appeals process
 125 offered by the credentialing entity or the department, as

126 applicable.

127 Section 4. Paragraphs (a), (f), and (g) of subsection (1)
128 and subsection (4) of section 397.4073, Florida Statutes, are
129 amended to read:

130 397.4073 Background checks of service provider personnel.—

131 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
132 EXCEPTIONS.—

133 (a) For all individuals screened on or after July 1, 2019,
134 background checks shall apply as follows:

135 1. All owners, directors, chief financial officers, and
136 clinical supervisors of service providers are subject to level 2
137 background screening as provided under s. 408.809 and chapter
138 435. Inmate substance abuse programs operated directly or under
139 contract with the Department of Corrections are exempt from this
140 requirement.

141 2. All service provider personnel who have direct contact
142 with children receiving services or with adults who are
143 developmentally disabled receiving services are subject to level
144 2 background screening as provided under s. 408.809 and chapter
145 435.

146 3. All peer specialists who have direct contact with
147 individuals receiving services are subject to level 2 background
148 screening as provided under s. 408.809 and chapter 435.

149 (f) Service provider personnel who request an exemption
150 from disqualification must submit the request within 30 days

151 after being notified of the disqualification. The department
152 shall grant or deny the request within 60 days after receipt of
153 a complete application.

154 (g) If 5 years or more have elapsed since an applicant for
155 an exemption from disqualification has completed or has been
156 lawfully released from confinement, supervision, or a
157 nonmonetary condition imposed by a court for the applicant's
158 most recent disqualifying offense, the applicant may work with
159 adults with substance use disorders or co-occurring disorders
160 under the supervision of persons who meet all personnel
161 requirements of this chapter for up to 90 days after being
162 notified of his or her disqualification or until the department
163 makes a final determination regarding his or her request for an
164 exemption from disqualification, whichever is earlier ~~the most~~
165 ~~recent disqualifying offense, service provider personnel may~~
166 ~~work with adults with substance use disorders under the~~
167 ~~supervision of a qualified professional licensed under chapter~~
168 ~~490 or chapter 491 or a master's level certified addictions~~
169 ~~professional until the agency makes a final determination~~
170 ~~regarding the request for an exemption from disqualification.~~

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

175 (4) EXEMPTIONS FROM DISQUALIFICATION.—

176 (a) The department may grant to any service provider
 177 personnel an exemption from disqualification as provided in s.
 178 435.07.

179 (b) Since rehabilitated substance abuse impaired persons
 180 are effective in the successful treatment and rehabilitation of
 181 individuals with substance use disorders, for service providers
 182 which treat adolescents 13 years of age and older, service
 183 provider personnel whose background checks indicate crimes under
 184 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.
 185 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related
 186 criminal attempt, solicitation, or conspiracy under s. 777.04,
 187 may be exempted from disqualification from employment pursuant
 188 to this paragraph.

189 (c) The department may grant exemptions from
 190 disqualification for service provider personnel to work solely
 191 in substance use disorder treatment programs, facilities, or
 192 recovery residences or in programs or facilities that treat co-
 193 occurring substance use and mental health disorders. The
 194 department may further limit such ~~grant~~ exemptions from
 195 disqualification ~~which would limit service provider personnel to~~
 196 working with adults in substance abuse treatment facilities.

197 Section 5. Section 397.4075, Florida Statutes, is amended
 198 to read:

199 397.4075 Unlawful activities relating to personnel;
 200 penalties.—It is a felony of the third ~~misdemeanor of the first~~

201 degree, punishable as provided in s. 775.082 or s. 775.083, for
202 any person willfully, knowingly, or intentionally to:

203 (1) Inaccurately disclose by false statement,
204 misrepresentation, impersonation, or other fraudulent means, or
205 fail to disclose, in any application for licensure or voluntary
206 or paid employment, any fact which is material in making a
207 determination as to the person's qualifications to be an owner,
208 a director, a volunteer, or other personnel of a service
209 provider;

210 (2) Operate or attempt to operate as a service provider
211 with personnel who are in noncompliance with the minimum
212 standards contained in this chapter; or

213 (3) Use or release any criminal or juvenile information
214 obtained under this chapter for any purpose other than
215 background checks of personnel for employment.

216 Section 6. Section 397.417, Florida Statutes, is created
217 to read:

218 397.417 Peer Specialists.-

219 (1) An individual may seek certification as a peer
220 specialist if he or she has been in recovery from a substance
221 use disorder or mental illness for at least 2 years, or if he or
222 she has at least 2 years of experience as a family member or
223 caregiver of a person with a substance use disorder or mental
224 illness.

225 (2) The department shall approve one or more third-party

226 credentialing entities for the purposes of certifying peer
227 specialists, approving training programs for individuals seeking
228 certification as peer specialists, approving continuing
229 education programs, and establishing the minimum requirements
230 and standards that applicants must achieve to maintain
231 certification. To obtain approval, the third-party credentialing
232 entity must demonstrate compliance with nationally recognized
233 standards for developing and administering professional
234 certification programs to certify peer specialists.

235 (3) An individual providing department-funded recovery
236 support services as a peer specialist shall be certified
237 pursuant to subsection (2). An individual who is not certified
238 may provide recovery support services as a peer specialist for
239 up to 1 year if he or she is working toward certification and is
240 supervised by a qualified professional or by a certified peer
241 specialist who has at least 3 years of full-time experience as a
242 peer specialist at a licensed behavioral health organization.

243 Section 7. Subsections (1) and (6) of section 397.487,
244 Florida Statutes, are amended, paragraph (e) is added to
245 subsection (8), and subsection (11) is added to that section, to
246 read:

247 397.487 Voluntary certification of recovery residences.—

248 (1) The Legislature finds that a person suffering from
249 addiction has a higher success rate of achieving long-lasting
250 sobriety when given the opportunity to build a stronger

251 foundation by living in a recovery residence while receiving
252 treatment or after completing treatment. The Legislature further
253 finds that this state and its subdivisions have a legitimate
254 state interest in protecting these persons, who represent a
255 vulnerable consumer population in need of adequate housing. It
256 is the intent of the Legislature to protect persons who reside
257 in a recovery residence.

258 (6) All owners, directors, and chief financial officers of
259 an applicant recovery residence are subject to level 2
260 background screening as provided under s. 408.809 and chapter
261 435. A recovery residence is ineligible for certification, and a
262 credentialing entity shall deny a recovery residence's
263 application, if any owner, director, or chief financial officer
264 has been found guilty of, or has entered a plea of guilty or
265 nolo contendere to, regardless of adjudication, any offense
266 listed in s. 408.809(4) or s. 435.04(2) unless the department
267 has issued an exemption under s. 397.4073 or s. 397.4872. In
268 accordance with s. 435.04, the department shall notify the
269 credentialing agency of an owner's, director's, or chief
270 financial officer's eligibility based on the results of his or
271 her background screening.

272 (8) Onsite followup monitoring of a certified recovery
273 residence may be conducted by the credentialing entity to
274 determine continuing compliance with certification requirements.
275 The credentialing entity shall inspect each certified recovery

276 residence at least annually to ensure compliance.

277 (e) Any decision by a department-recognized credentialing
278 entity to deny, revoke, or suspend a certification, or otherwise
279 impose sanctions on a recovery residence, is reviewable by the
280 department. Upon receiving an adverse determination, the
281 recovery residence may request an administrative hearing
282 pursuant to ss. 120.569 and 120.57(1) within 30 days after
283 completing any appeals process offered by the credentialing
284 entity or the department, as applicable.

285 (11) Notwithstanding any landlord and tenant rights and
286 obligations under chapter 83, a recovery residence that is
287 certified under this section and has a discharge policy approved
288 by a department-recognized credentialing entity may immediately
289 discharge or transfer a resident in accordance with that policy
290 under any of the following circumstances:

291 (a) The discharge or transfer is necessary for the
292 resident's welfare.

293 (b) The resident's needs cannot be met at the recovery
294 residence.

295 (c) The health and safety of other residents or recovery
296 residence employees is at risk or would be at risk if the
297 resident continues to live at the recovery residence.

298 Section 8. Paragraph (d) is added to subsection (2) of
299 section 397.4873, Florida Statutes, and subsection (1) of that
300 section is republished, to read:

301 397.4873 Referrals to or from recovery residences;
 302 prohibitions; penalties.—

303 (1) A service provider licensed under this part may not
 304 make a referral of a prospective, current, or discharged patient
 305 to, or accept a referral of such a patient from, a recovery
 306 residence unless the recovery residence holds a valid
 307 certificate of compliance as provided in s. 397.487 and is
 308 actively managed by a certified recovery residence administrator
 309 as provided in s. 397.4871.

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

311 (d) The referral of a patient to, or acceptance of a
 312 referral of such a patient from, a recovery residence that has
 313 no direct or indirect financial or other referral relationship
 314 with the licensed service provider and that is democratically
 315 operated by its residents pursuant to a charter from an entity
 316 recognized or sanctioned by Congress, and where the residence or
 317 any resident of the residence does not receive a benefit,
 318 directly or indirectly, for the referral.

319 Section 9. Paragraph (d) of subsection (1) of section
 320 397.55, Florida Statutes, is amended to read:

321 397.55 Prohibition of deceptive marketing practices.—

322 (1) The Legislature recognizes that consumers of substance
 323 abuse treatment have disabling conditions and that such
 324 consumers and their families are vulnerable and at risk of being
 325 easily victimized by fraudulent marketing practices that

326 adversely impact the delivery of health care. To protect the
327 health, safety, and welfare of this vulnerable population, a
328 service provider, an operator of a recovery residence, or a
329 third party who provides any form of advertising or marketing
330 services to a service provider or an operator of a recovery
331 residence may not engage in any of the following marketing
332 practices:

333 (d) Entering into a contract with a marketing provider who
334 agrees to generate referrals or leads for the placement of
335 patients with a service provider or in a recovery residence
336 through a call center or a web-based presence, unless the
337 contract requires such agreement and the marketing provider
338 ~~service provider or the operator of the recovery residence~~
339 discloses the following to the prospective patient so that the
340 patient can make an informed health care decision:

341 1. Information about the specific licensed service
342 providers or recovery residences that are represented by the
343 marketing provider and pay a fee to the marketing provider,
344 including the identity of such service providers or recovery
345 residences; and

346 2. Clear and concise instructions that allow the
347 prospective patient to easily access lists of licensed service
348 providers and recovery residences on the department website.

349 Section 10. Subsection (2) of section 435.07, Florida
350 Statutes, is amended to read:

351 435.07 Exemptions from disqualification.—Unless otherwise
352 provided by law, the provisions of this section apply to
353 exemptions from disqualification for disqualifying offenses
354 revealed pursuant to background screenings required under this
355 chapter, regardless of whether those disqualifying offenses are
356 listed in this chapter or other laws.

357 (2) Persons employed, or applicants for employment, by
358 treatment providers who treat adolescents 13 years of age and
359 older who are disqualified from employment solely because of
360 crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s.
361 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any
362 related criminal attempt, solicitation, or conspiracy under s.
363 777.04, may be exempted from disqualification from employment
364 pursuant to this chapter without application of the waiting
365 period in subparagraph (1)(a)1.

366 Section 11. Subsection (3) of section 817.505, Florida
367 Statutes, is amended to read:

368 817.505 Patient brokering prohibited; exceptions;
369 penalties.—

370 (3) This section shall not apply to the following payment
371 practices:

372 (a) Any discount, payment, waiver of payment, or payment
373 practice expressly authorized ~~not prohibited~~ by 42 U.S.C. s.
374 1320a-7b(b)(3) ~~42 U.S.C. s. 1320a-7b(b)~~ or regulations adopted
375 ~~promulgated~~ thereunder.

376 (b) Any payment, compensation, or financial arrangement
377 within a group practice as defined in s. 456.053, provided such
378 payment, compensation, or arrangement is not to or from persons
379 who are not members of the group practice.

380 (c) Payments to a health care provider or health care
381 facility for professional consultation services.

382 (d) Commissions, fees, or other remuneration lawfully paid
383 to insurance agents as provided under the insurance code.

384 (e) Payments by a health insurer who reimburses, provides,
385 offers to provide, or administers health, mental health, or
386 substance abuse goods or services under a health benefit plan.

387 (f) Payments to or by a health care provider or health
388 care facility, or a health care provider network entity, that
389 has contracted with a health insurer, a health care purchasing
390 group, or the Medicare or Medicaid program to provide health,
391 mental health, or substance abuse goods or services under a
392 health benefit plan when such payments are for goods or services
393 under the plan. However, nothing in this section affects whether
394 a health care provider network entity is an insurer required to
395 be licensed under the Florida Insurance Code.

396 (g) Insurance advertising gifts lawfully permitted under
397 s. 626.9541(1)(m).

398 (h) Commissions or fees paid to a nurse registry licensed
399 under s. 400.506 for referring persons providing health care
400 services to clients of the nurse registry.

401 (i) Payments by a health care provider or health care
402 facility to a health, mental health, or substance abuse
403 information service that provides information upon request and
404 without charge to consumers about providers of health care goods
405 or services to enable consumers to select appropriate providers
406 or facilities, provided that such information service:

407 1. Does not attempt through its standard questions for
408 solicitation of consumer criteria or through any other means to
409 steer or lead a consumer to select or consider selection of a
410 particular health care provider or health care facility;

411 2. Does not provide or represent itself as providing
412 diagnostic or counseling services or assessments of illness or
413 injury and does not make any promises of cure or guarantees of
414 treatment;

415 3. Does not provide or arrange for transportation of a
416 consumer to or from the location of a health care provider or
417 health care facility; and

418 4. Charges and collects fees from a health care provider
419 or health care facility participating in its services that are
420 set in advance, are consistent with the fair market value for
421 those information services, and are not based on the potential
422 value of a patient or patients to a health care provider or
423 health care facility or of the goods or services provided by the
424 health care provider or health care facility.

425 (j) Any activity permitted under s. 429.195(2).

426 Section 12. Paragraph (e) of subsection (5) of section
427 212.055, Florida Statutes, is amended to read:

428 212.055 Discretionary sales surtaxes; legislative intent;
429 authorization and use of proceeds.—It is the legislative intent
430 that any authorization for imposition of a discretionary sales
431 surtax shall be published in the Florida Statutes as a
432 subsection of this section, irrespective of the duration of the
433 levy. Each enactment shall specify the types of counties
434 authorized to levy; the rate or rates which may be imposed; the
435 maximum length of time the surtax may be imposed, if any; the
436 procedure which must be followed to secure voter approval, if
437 required; the purpose for which the proceeds may be expended;
438 and such other requirements as the Legislature may provide.
439 Taxable transactions and administrative procedures shall be as
440 provided in s. 212.054.

441 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
442 in s. 125.011(1) may levy the surtax authorized in this
443 subsection pursuant to an ordinance either approved by
444 extraordinary vote of the county commission or conditioned to
445 take effect only upon approval by a majority vote of the
446 electors of the county voting in a referendum. In a county as
447 defined in s. 125.011(1), for the purposes of this subsection,
448 "county public general hospital" means a general hospital as
449 defined in s. 395.002 which is owned, operated, maintained, or
450 governed by the county or its agency, authority, or public

451 health trust.

452 (e) A governing board, agency, or authority shall be
453 chartered by the county commission upon this act becoming law.
454 The governing board, agency, or authority shall adopt and
455 implement a health care plan for indigent health care services.
456 The governing board, agency, or authority shall consist of no
457 more than seven and no fewer than five members appointed by the
458 county commission. The members of the governing board, agency,
459 or authority shall be at least 18 years of age and residents of
460 the county. No member may be employed by or affiliated with a
461 health care provider or the public health trust, agency, or
462 authority responsible for the county public general hospital.
463 The following community organizations shall each appoint a
464 representative to a nominating committee: the South Florida
465 Hospital and Healthcare Association, the Miami-Dade County
466 Public Health Trust, the Dade County Medical Association, the
467 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
468 County. This committee shall nominate between 10 and 14 county
469 citizens for the governing board, agency, or authority. The
470 slate shall be presented to the county commission and the county
471 commission shall confirm the top five to seven nominees,
472 depending on the size of the governing board. Until such time as
473 the governing board, agency, or authority is created, the funds
474 provided for in subparagraph (d)2. shall be placed in a
475 restricted account set aside from other county funds and not

476 | disbursed by the county for any other purpose.

477 | 1. The plan shall divide the county into a minimum of four
478 | and maximum of six service areas, with no more than one
479 | participant hospital per service area. The county public general
480 | hospital shall be designated as the provider for one of the
481 | service areas. Services shall be provided through participants'
482 | primary acute care facilities.

483 | 2. The plan and subsequent amendments to it shall fund a
484 | defined range of health care services for both indigent persons
485 | and the medically poor, including primary care, preventive care,
486 | hospital emergency room care, and hospital care necessary to
487 | stabilize the patient. For the purposes of this section,
488 | "stabilization" means stabilization as defined in s. 397.311 ~~s.~~
489 | ~~397.311(45)~~. Where consistent with these objectives, the plan
490 | may include services rendered by physicians, clinics, community
491 | hospitals, and alternative delivery sites, as well as at least
492 | one regional referral hospital per service area. The plan shall
493 | provide that agreements negotiated between the governing board,
494 | agency, or authority and providers shall recognize hospitals
495 | that render a disproportionate share of indigent care, provide
496 | other incentives to promote the delivery of charity care to draw
497 | down federal funds where appropriate, and require cost
498 | containment, including, but not limited to, case management.
499 | From the funds specified in subparagraphs (d)1. and 2. for
500 | indigent health care services, service providers shall receive

501 reimbursement at a Medicaid rate to be determined by the
502 governing board, agency, or authority created pursuant to this
503 paragraph for the initial emergency room visit, and a per-member
504 per-month fee or capitation for those members enrolled in their
505 service area, as compensation for the services rendered
506 following the initial emergency visit. Except for provisions of
507 emergency services, upon determination of eligibility,
508 enrollment shall be deemed to have occurred at the time services
509 were rendered. The provisions for specific reimbursement of
510 emergency services shall be repealed on July 1, 2001, unless
511 otherwise reenacted by the Legislature. The capitation amount or
512 rate shall be determined before program implementation by an
513 independent actuarial consultant. In no event shall such
514 reimbursement rates exceed the Medicaid rate. The plan must also
515 provide that any hospitals owned and operated by government
516 entities on or after the effective date of this act must, as a
517 condition of receiving funds under this subsection, afford
518 public access equal to that provided under s. 286.011 as to any
519 meeting of the governing board, agency, or authority the subject
520 of which is budgeting resources for the retention of charity
521 care, as that term is defined in the rules of the Agency for
522 Health Care Administration. The plan shall also include
523 innovative health care programs that provide cost-effective
524 alternatives to traditional methods of service and delivery
525 funding.

526 3. The plan's benefits shall be made available to all
 527 county residents currently eligible to receive health care
 528 services as indigents or medically poor as defined in paragraph
 529 (4) (d).

530 4. Eligible residents who participate in the health care
 531 plan shall receive coverage for a period of 12 months or the
 532 period extending from the time of enrollment to the end of the
 533 current fiscal year, per enrollment period, whichever is less.

534 5. At the end of each fiscal year, the governing board,
 535 agency, or authority shall prepare an audit that reviews the
 536 budget of the plan, delivery of services, and quality of
 537 services, and makes recommendations to increase the plan's
 538 efficiency. The audit shall take into account participant
 539 hospital satisfaction with the plan and assess the amount of
 540 poststabilization patient transfers requested, and accepted or
 541 denied, by the county public general hospital.

542 Section 13. Section 397.416, Florida Statutes, is amended
 543 to read:

544 397.416 Substance abuse treatment services; qualified
 545 professional.—Notwithstanding any other provision of law, a
 546 person who was certified through a certification process
 547 recognized by the former Department of Health and Rehabilitative
 548 Services before January 1, 1995, may perform the duties of a
 549 qualified professional with respect to substance abuse treatment
 550 services as defined in this chapter, and need not meet the

551 certification requirements contained in s. 397.311(35) ~~s.~~
 552 ~~397.311(34)~~.

553 Section 14. Paragraphs (d) and (g) of subsection (1) of
 554 section 440.102, Florida Statutes, are amended to read:

555 440.102 Drug-free workplace program requirements.—The
 556 following provisions apply to a drug-free workplace program
 557 implemented pursuant to law or to rules adopted by the Agency
 558 for Health Care Administration:

559 (1) DEFINITIONS.—Except where the context otherwise
 560 requires, as used in this act:

561 (d) "Drug rehabilitation program" means a service provider
 562 as defined in s. 397.311 ~~which, established pursuant to s.~~
 563 ~~397.311(43), that~~ provides confidential, timely, and expert
 564 identification, assessment, and resolution of employee drug
 565 abuse.

566 (g) "Employee assistance program" means an established
 567 program capable of providing expert assessment of employee
 568 personal concerns; confidential and timely identification
 569 services with regard to employee drug abuse; referrals of
 570 employees for appropriate diagnosis, treatment, and assistance;
 571 and followup services for employees who participate in the
 572 program or require monitoring after returning to work. If, in
 573 addition to the above activities, an employee assistance program
 574 provides diagnostic and treatment services, these services shall
 575 in all cases be provided by service providers as defined in s.

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576 | 397.311 ~~pursuant to s. 397.311(43).~~

577 | Section 15. This act shall take effect July 1, 2019.