

**STORAGE NAME:** h3227.flc

**DATE:** February 12, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
Family Law and Children  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3227

**RELATING TO:** Substance abuse services.

**SPONSOR(S):** Representative Wise

**COMPANION BILL(S):** SB 392

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) Family Law and Children
  - (2)
  - (3)
  - (4)
  - (5)
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I. SUMMARY:

In relation to the provision of substance abuse assessment or treatment services, eliminates from the definition of "qualified professional," persons who have at least an earned master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years experience in the assessment or treatment of substance abuse.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Subsection 397.311(25) currently defines "qualified professional" as: a physician licensed under chapter 458 (physicians) or chapter 459 (osteopathic physicians); or a person who has at least an earned master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years experience in the assessment or treatment of substance abuse or who is certified through a department-recognized certification process for substance abuse treatment services. This definition does not apply to inmate substance abuse programs under part VIII of chapter 397.

Pursuant to F.S. 397.321(16), the Department of Children and Families must recognize a statewide certification process for addiction professionals and identify and endorse one or more agencies responsible for such certification of service provider personnel. Currently, the only agency recognized by the Department is the Certification Board for Addictions Professionals. Chapter 65D-16.003(7), Florida Administrative Code, specifies that a Certified Addiction Professional (CAP) is an individual certified by the Certification Board of Addiction Professionals of Florida, or by a certification process which is substantially equivalent thereto.

The Certification Board of Addiction Professionals of Florida has adopted the following criteria for classification as a Certified Addiction Professional (CAP):

- \* Bachelor's degree in any field
- \* 6,000 hours of direct services/work experience (within the past 7 years)
- \* 300 hours of direct supervision
- \* 300 hours of education, which must include:
  - \* 135 hours in counseling, 45 of which must be in ethics
  - \* 165 hours in addictions (within the past 10 years), 4 of which must be in HIV/AIDS education
- \* Passage of both a national written examination, and an oral examination
- \* Payment of required fees

In 1995, the Certification Board of Addiction Professionals of Florida changed the certification process to require a bachelor's degree. The Board reports that there are currently 119 people who were certified prior to 1995, and do not have a bachelor's degree.

In regards to substance abuse treatment and services, qualified professionals may do the following things:

- release a client involuntarily admitted to a licensed service provider - F.S. 397.6758;
- release a client who is in protective custody and no longer meets specified criteria - F.S. 397.6773;
- assess the need for further services within 5 days after an emergency admission to a nonresidential component of a licensed service provider, and decide whether to release or retain the client based on specified criteria - F.S. 397.6797;
- assess a minor after involuntary admission to an addictions receiving facility - F.S. 397.6798;

- be court ordered to examine a person who appears to meet the criteria for involuntary admission pursuant to the court - F.S. 397.6818;
- assess a client for involuntary assessment and stabilization - F.S. 397.6819;
- decide whether to release or retain the client after involuntary assessment - F.S. 397.6822;
- assess a person subject to court-ordered involuntary treatment - F.S. 397.693;
- make findings and recommendations to be included in a petition for involuntary treatment - F.S. 397.6951;
- have assessments heard by a court in a hearing regarding a petition for involuntary treatment - F.S. 397.6957;
- determine that a client admitted for involuntary treatment is ready for early release subject to specified criteria - F.S. 397.6971.

**B. EFFECT OF PROPOSED CHANGES:**

HB 3227 removes persons who have at least an earned master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years experience in the assessment or treatment of substance abuse, from the definition of "qualified professional" in regards to substance abuse services.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

HB 3227 amends F.S. section 397.311(25).

**E. SECTION-BY-SECTION RESEARCH:**

This section need be completed only in the discretion of the Committee.

**III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

Licensed substance abuse providers who contract with a state agency could incur an indeterminate amount of additional costs during the implementation of this bill if they chose to pay for the certification of current employees or if they must hire additional qualified staff to carry out the clinical and supervisory functions of their agency during the transition period. The initial cost of certification is currently \$225 per person, and the annual fee thereafter is \$125 per member.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

Licensed substance abuse providers could incur an indeterminate amount of costs during the implementation of this bill if they chose to pay for the certification of current employees or if they must hire additional qualified staff to carry out the clinical and supervisory functions of their agency during the transition period. The initial cost for certification is currently \$225 per person, and the annual fee thereafter is \$125 per member.

2. Direct Private Sector Benefits:

There would be an increase in revenue for the Certification Board of Addictions Professionals of Florida because master's level persons would be required to obtain certification in order to continue as qualified professionals under chapter 397, F.S. The Board also reports that there would be an associated increase in cost to complete the required background investigations on the applicants.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

**D. FISCAL COMMENTS:**

N/A

**IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take any action requiring the expenditure of funds.

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

**C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

**V. COMMENTS:**

The Florida Alcohol and Drug Abuse Association reports that HB 3227 encourages a movement toward certification of substance abuse treatment personnel.

There is a concern amongst providers that those persons currently included in the definition of "qualified professional" who will be eliminated from the definition pursuant to HB 3227, need to be granted some type of provisional certification, or be grandfathered into the new definition of "qualified professional."

Rule 65D-16.009, F.A.C., which applies to drug abuse treatment and prevention programs, does not use the term "qualified professional." According to the Department of Children and Family Services, when the Florida Statutes were amended in 1993 to include the term "qualified professional," the rule wasn't subsequently amended. The rule uses the term "qualified supervisor," for which no definition is given. The Department suggests that HB 3227 may impact licensed substance abuse programs which employ uncertified master's level staff as supervisors.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

N/A

**VII. SIGNATURES:**

COMMITTEE ON Family Law and Children:  
Prepared by:

Legislative Research Director:

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Stephanie Olin

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