

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: February 24, 1998 Revised: _____

Subject: Substance Abuse Services

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 892 combines two definitions in chapter 397, F.S., the substance abuse treatment law, clarifying the intent of “medication treatment” and “methadone maintenance treatment” for clients who are dependent on opioid drugs. The bill provides rulemaking authority to the Department of Children and Family Services regarding methods used by licensed substance abuse provider agencies to control aggressive client behavior.

This bill substantially amends sections 397.311 and 397.501, Florida Statutes.

II. Present Situation:

In providing treatment services to persons with a substance abuse impairment, s. 397.311(19), F.S., specifies nine service components that may be provided by a substance abuse provider licensed under chapter 397, F.S. Because “methadone maintenance treatment” and “medication” are defined as two service components in s. 397.311(19), F.S., the Department of Children and Family Services (hereafter referred to as the department) believes that the licensure law is confusing and misleading about medication treatment and methadone maintenance treatment as service components regulated by the department under chapter 397, F.S.

Section 397.311(19)(f), F.S., states that “medication treatment” means using authorized drugs to treat clients dependent upon alcohol or other drugs pursuant to a permit or license issued by an appropriate federal authority. According to the department’s Substance Abuse Program Office, this definition is misleading because methadone and levo-alpha-acetylmethadol (LAAM) are the only drugs used to treat clients who are dependent upon opioids (e.g., heroin, dilaudid, percodan) and require a federal permit or license. Any licensed physician may prescribe drugs other than methadone or LAAM in treating dependence upon alcohol or other drugs. Physicians who

prescribe methadone or LAAM must obtain special approval from the Federal Food and Drug Administration, special registration from the Drug Enforcement Administration as a “Narcotic Treatment Program,” and be licensed by the Florida Methadone Authority. Section 397.311(19)(g), F.S., includes a separate definition for “methadone maintenance treatment” but does not specify that methadone is a medication treatment for which a permit or license must be issued by the federal authority. Rather, it only defines methadone maintenance treatment as a constant therapeutic daily dose of methadone following stabilization concomitantly with medical, rehabilitative, and counseling services.

According to the department’s General Counsel, chapter 397, F.S., does not provide sufficient statutory authority to support the administrative rules currently in chapter 65D-16, Florida Administrative Code, pertaining to methods used by persons who work in licensed substance abuse treatment programs to control aggressive client behavior. Section 65D-16.004(12), Florida Administrative Code, includes aggression control techniques for programs that choose to use verbal, psychological and physical intervention methods for managing client behavior. Section 65D-16.007, Florida Administrative Code, provides specific requirements for using seclusion rooms and physical and mechanical restraint techniques in addictions receiving facilities, the secure substance abuse facilities. For both client and staff safety, many substance abuse treatment programs need skilled staff who are trained in treating and managing aggressive client behavior.

III. Effect of Proposed Changes:

Section 397.311(19)(f), F.S., is amended to clarify that medication and methadone maintenance treatment, using methadone or other medication as authorized by state and federal law, are used in conjunction with medical, rehabilitative, and counseling services in the treatment of clients who are dependent upon opioid drugs.

Section 397.501(3), F.S., right to quality services, is amended requiring that substance abuse services licensed under chapter 397, F.S., must use methods and techniques to control aggressive client behavior as specified in the Florida Administrative Code. The bill specifies that staff who use these methods and techniques must be trained in their application. The department is directed to develop administrative rules pertaining to physical facility requirements for seclusion rooms that include dimensions, safety features, methods of observation and contents.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Senate Bill 892 does not impose any new licensure requirements on licensed substance abuse providers that would require additional resources.

C. Government Sector Impact:

Because SB 892 does not impose new licensure requirements on licensed substance abuse providers, there are no new costs associated with this bill. Publicly funded providers currently use aggression control techniques at their own discretion.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.