

By Senator Artiles

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1 A bill to be entitled
2 An act relating to substance abuse programs; amending
3 s. 397.406, F.S.; specifying that the Agency for
4 Health Care Administration, and not the Department of
5 Children and Families, shall make rules providing for
6 the licensure and regulation of certain substance
7 abuse programs; requiring the agency to establish
8 criteria defining levels of care; requiring the agency
9 to provide the definitions to treatment providers and
10 insurance companies; requiring certain adoption of the
11 definitions; amending s. 397.753, F.S.; conforming
12 provisions to changes made by the act; providing an
13 effective date.

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

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17 Section 1. Section 397.406, Florida Statutes, is amended to
18 read:

19 397.406 Licensure and regulation of government-operated
20 substance abuse programs.—Substance abuse programs operated
21 directly or under contract by the department, the Department of
22 Corrections, the Department of Juvenile Justice, any other state
23 agency, or any local correctional agency or authority, which
24 programs constitute any service provider licensable components
25 as defined in this chapter, are subject to licensure, auditing,
26 and regulation in accordance with rules ~~jointly~~ developed by the
27 Agency for Health Care Administration ~~department and the state~~
28 ~~or local agency operating the program~~. The agency ~~department~~ has
29 authority to exempt such government-operated programs from

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30 specific licensure provisions of this part, including, but not
31 limited to, licensure fees and personnel background checks, and
32 to enforce the regulatory requirements governing such programs.
33 The agency shall define by rule "residential," "partial
34 hospitalization," "intensive outpatient," and "outpatient"
35 levels of care and establish criteria for each, including
36 standards to evaluate the appropriate use for each level of
37 care. These definitions shall be adopted by treatment providers
38 and insurance companies for clarity and consistency.

39 Section 2. Subsection (3) of section 397.753, Florida
40 Statutes, is amended to read:

41 397.753 Definitions.—As used in this part:

42 (3) "Inmate substance abuse services" means any service
43 component as defined in s. 397.311 provided directly by the
44 Department of Corrections and licensed and regulated by the
45 Agency for Health Care Administration ~~Department of Children and~~
46 ~~Families~~ pursuant to s. 397.406, or provided through contractual
47 arrangements with a service provider licensed pursuant to part
48 II; or any self-help program or volunteer support group
49 operating for inmates.

50 Section 3. This act shall take effect July 1, 2017.