

By Senator Harrell

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1 A bill to be entitled
2 An act relating to intermediate care facilities;
3 amending s. 400.962, F.S.; requiring certain
4 facilities that have been granted a certificate-of-
5 need exemption to demonstrate and maintain compliance
6 with specified criteria; amending s. 408.036, F.S.;
7 providing an exemption from a certificate-of-need
8 requirement for certain intermediate care facilities;
9 prohibiting the Agency for Health Care Administration
10 from granting an additional exemption to a facility
11 unless a certain condition is met; providing that a
12 specific legislative appropriation is not required for
13 such exemption; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (6) is added to section 400.962,
18 Florida Statutes, to read:

19 400.962 License required; license application.—

20 (6) An applicant that has been granted a certificate-of-
21 need exemption under s. 408.036(3)(o) must also demonstrate and
22 maintain compliance with the following criteria:

23 (a) The total number of beds per home within the facility
24 may not exceed eight, with each resident having his or her own
25 bedroom and bathroom. Each eight-bed home must be colocated on
26 the same property with two other eight-bed homes and must serve
27 individuals with severe maladaptive behaviors and co-occurring
28 psychiatric diagnoses.

29 (b) A minimum of 16 beds within the facility must be

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30 designated for individuals with severe maladaptive behaviors who
31 have been assessed using the Agency for Persons with
32 Disabilities' Global Behavioral Service Need Matrix with a score
33 of at least Level 3 and up to Level 6, or assessed using the
34 criteria deemed appropriate by the Agency for Health Care
35 Administration regarding the need for a specialized placement in
36 an intermediate care facility for the developmentally disabled.

37 (c) The applicant has not had a facility license denied,
38 revoked, or suspended within the 36 months preceding the request
39 for exemption.

40 (d) The applicant must have at least 10 years of experience
41 serving individuals with severe maladaptive behaviors in the
42 state.

43 (e) The applicant must implement a state-approved staff
44 training curriculum and monitoring requirements specific to the
45 individuals whose behaviors require higher intensity, frequency,
46 and duration of services.

47 (f) The applicant must make available medical and nursing
48 services 24 hours per day, 7 days per week.

49 (g) The applicant must demonstrate a history of using
50 interventions that are least restrictive and that follow a
51 behavioral hierarchy.

52 (h) The applicant must maintain a policy prohibiting the
53 use of mechanical restraints.

54 Section 2. Paragraph (o) is added to subsection (3) of
55 section 408.036, Florida Statutes, to read:

56 408.036 Projects subject to review; exemptions.—

57 (3) EXEMPTIONS.—Upon request, the following projects are
58 subject to exemption from subsection (1):

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59 (o) For a new intermediate care facility for the
60 developmentally disabled as defined in s. 408.032 which has a
61 total of 24 beds, comprising three eight-bed homes, for use by
62 individuals exhibiting severe maladaptive behaviors and co-
63 occurring psychiatric diagnoses requiring increased levels of
64 behavioral, medical, and therapeutic oversight. The facility
65 must not have had a license denied, revoked, or suspended within
66 the 36 months preceding the request for exemption and must have
67 at least 10 years of experience serving individuals with severe
68 maladaptive behaviors in this state. The agency may not grant an
69 additional exemption to a facility that has been granted an
70 exemption under this paragraph unless the facility has been
71 licensed and operational for a period of at least 2 years. The
72 exemption under this paragraph does not require a specific
73 legislative appropriation.

74 Section 3. This act shall take effect July 1, 2020.