

# CHAPTER 98-107

## Senate Bill No. 892

An act relating to substance abuse services; amending s. 397.311, F.S.; providing for methadone maintenance treatment; amending s. 397.501, F.S.; providing for appropriate use of methods and techniques for controlling aggressive clients; providing rulemaking authority relating to the use of such methods and techniques; providing an effective date.

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

Section 1. Subsection (19) of section 397.311, Florida Statutes, is amended to read:

397.311 Definitions.—As used in this chapter, except part VIII:

(19) “Licensed service provider” means a public agency under this chapter, a private for-profit or not-for-profit agency under this chapter, a physician licensed under chapter 458 or chapter 459, or any other private practitioner licensed under this chapter, or a hospital licensed under chapter 395, which offers substance abuse impairment services through one or more of the following licensable service components:

(a) Addictions receiving facility, which is a community-based facility designated by the department to receive, screen, and assess clients found to be substance abuse impaired, in need of emergency treatment for substance abuse impairment, or impaired by substance abuse to such an extent as to meet the criteria for involuntary admission in s. 397.675, and to provide detoxification and stabilization. An addictions receiving facility must be state-owned, state-operated, or state-contracted, and licensed pursuant to rules adopted by the department’s Alcohol, Drug Abuse, and Mental Health Program Office which include specific authorization for the provision of levels of care and a requirement of separate accommodations for adults and minors. Addictions receiving facilities are designated as secure facilities to provide an intensive level of care and must have sufficient staff and the authority to provide environmental security to handle aggressive and difficult-to-manage behavior and deter elopement.

(b) Detoxification, which uses medical and psychological procedures and a supportive counseling regimen to assist clients in managing toxicity and withdrawing and stabilizing from the physiological and psychological effects of substance abuse impairment.

(c) Residential treatment, which provides a structured, live-in environment within a nonhospital setting on a 24-hours-a-day, 7-days-a-week basis, and includes treatment, rehabilitation, and transitional care.

(d) Day and night treatment, which provides a nonresidential environment with a structured schedule of treatment and rehabilitation services.

(e) Outpatient treatment, which provides individual, group, or family counseling for clients by appointment during scheduled operating hours, with an emphasis on assessment and treatment.

~~(f) Medication and methadone maintenance treatment that uses methadone or other medication as authorized by state and federal law, in conjunction with medical, rehabilitative, and counseling services in the treatment of clients who are dependent upon opioid drugs treatment, which uses authorized drugs to treat clients dependent upon alcohol or other drugs pursuant to a permit or license issued by an appropriate federal authority.~~

~~(g) Methadone maintenance treatment, which means administering a constant therapeutic daily dose of methadone following stabilization, concomitantly with medical, rehabilitative, and counseling services.~~

~~(g)(h)~~ Prevention, which is a process involving strategies aimed at the individual, the environment, or the substance, which strategies preclude, forestall, or impede the development of substance abuse problems and promote responsible personal and social growth of individuals and families toward full human potential.

~~(h)(i)~~ Intervention, which consists of structured services targeted toward individuals or groups at risk and focused on reducing those factors associated with the onset or the early stages of substance abuse, and related problems.

Section 2. Subsection (3) of section 397.501, Florida Statutes, is amended to read:

397.501 Rights of clients.—Clients receiving substance abuse services from any service provider are guaranteed protection of the rights specified in this section, unless otherwise expressly provided, and service providers must ensure the protection of such rights.

(3) RIGHT TO QUALITY SERVICES.—

(a) Each client must be delivered services suited to his or her needs, administered skillfully, safely, humanely, with full respect for his or her dignity and personal integrity, and in accordance with all statutory and regulatory requirements.

(b) These services must include the use of methods and techniques to control aggressive client behavior that poses an immediate threat to the client or to other persons. Such methods and techniques include the use of restraints, the use of seclusion, the use of time-out, and other behavior-management techniques. When authorized, these methods and techniques may be applied only by persons who are employed by service providers and trained in the application and use of these methods and techniques. The department must specify by rule the methods that may be used and the techniques that may be applied by service providers to control aggressive client behavior and must specify by rule the physical-facility requirements for seclusion rooms, including dimensions, safety features, methods of observation, and contents.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.