



**OFFICE OF
THE STATE ATTORNEY**
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY



**DAVID ARONBERG
STATE ATTORNEY**

Sober Homes Task Force Meeting Minutes
Sober Home Task Force Tip Line 1-844-324-5463
Meeting Location: WPB Police Community Room
600 Banyan Blvd, West Palm Beach, FL 33401

Meeting Date: October 19th, 2016

Welcome/Introductions:

Al Johnson opened the second Task Force meeting at 2:00pm

The meeting started with the Task Force members and public audience members introducing themselves

Task Force Members

Andy Amoroso-present

Phil Barlage-present

Chris Burke-absent

Andrew Burki-absent

Joseph Casello-absent

Marie Davis-present

Adam Frankel-present

Alan Goodwin-absent

Jerry Haffey-represented*

George Jahn-present

Jordana Jarjura-present

Maureen Kielian-present

Justin Kunzelman-present

Patricia Messina-absent

Beth Ann Middlebrook-present

Jennifer Napolitano-present

Karen Perry-absent

Karen Rainer-present

Susan Ramsey-absent

Bill Russell-present

Janice Rustin-present

Myles Schlam-present

Judge Shepherd-absent

Scott Singer-present

Suzanne Spencer-present

Geoff Spillias-present

Nancy Steiner-absent

Chris Teaney-absent

Peter Walstrom-absent

Matt Willhite-absent

Eric Yorlano-absent

Richard Zaretsky-present

*Tim Loceff represented Jerry Haffey

The State Attorney's Office

Dave Aronberg

Justin Chapman

Al Johnson

Henry Salinas

Mary Ann Senatore

AnnMarie Spohnholtz

All attendees informed by Mr. Johnson that meeting minutes are taken
and the meetings are audio-recorded.

The audio file for this meeting will be uploaded to the State Attorney's website under
the Sober Homes Task Force Tab

“Sunshine Law” Overview:

Mr. Johnson highlighted the importance of the Sunshine Law and its implications for this Task Force. As an example, he cautioned the group not to use “reply all” in the use of email, regarding what is coming or will be coming before the Task Force.

Dave Aronberg was present, and emphasized the work and contribution this Task Force is doing and the need and importance of the goals that hope to be accomplished.

Overdose and Death Statistics given through September

Opioid Overdoses through September 2016-Opioids include Oxycodone, Fentanyl, and Heroin

Palm Beach	5
Boynton Beach	307
Delray Beach	406

Palm Beach Fire Rescue 1246 (includes Delray Beach) through August 2016

Medical Examiner/DEATHS as of September 7, 2016 - 406

The Proviso group of the Sober Homes Task Force met on October 5th. At that meeting, suggested revisions and changes made to Florida Statute 817.505.

This Task Force meeting discussed and made further suggestions regarding the same statute. Attached is the statute including the proposed changes made by the October 5th and October 19th Task Force Meetings.

817.505. Patient brokering prohibited; exceptions; penalties

(1) It is unlawful for any person, including any health care provider, ~~or~~ health care facility, or recovery residence to:

(a) Offer or pay any commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of patients or patronage to or from a health care provider or health care facility;

(b) Solicit or receive any commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring patients or patronage to or from a health care provider or health care facility;

(c) Solicit or receive any commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility, or recovery residence; or

(d) Aid, abet, advise, or otherwise participate in the conduct prohibited under paragraph (a), paragraph (b), or paragraph (c).

(2) For the purposes of this section, the term:

(a) “Health care provider or health care facility” means any person or entity licensed, certified, or registered; required to be licensed, certified, or registered; or lawfully exempt from being required to be licensed, certified, or registered with the Agency for Health Care Administration or the Department of Health; any person or entity

that has contracted with the Agency for Health Care Administration to provide goods or services to Medicaid recipients as provided under s. 409.907; a county health department established under part I of chapter 154; any community service provider contracting with the Department of Children and Families to furnish alcohol, drug abuse, or mental health services under part IV of chapter 394; any substance abuse service provider licensed under chapter 397; or any federally supported primary care program such as a migrant or community health center authorized under ss. 329 and 330 of the United States Public Health Services Act.

(b) “Health care provider network entity” means a corporation, partnership, or limited liability company owned or operated by two or more health care providers and organized for the purpose of entering into agreements with health insurers, health care purchasing groups, or the Medicare or Medicaid program.

(c) “Health insurer” means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan as defined in s. 624.031, any health maintenance organization authorized to transact business in the state pursuant to part I of chapter 641, any prepaid health clinic authorized to transact business in the state pursuant to part II of chapter 641, any prepaid limited health service organization authorized to transact business in this state pursuant to chapter 636, any multiple-employer welfare arrangement authorized to transact business in the state pursuant to ss. 624.436-624.45, or any fraternal benefit society providing health benefits to its members as authorized pursuant to chapter 632.

(d) “Support subsidy” means financial support or other benefit paid by a licensed service provider, directly or indirectly, for the benefit of a patient receiving substance abuse services.

(e) “Recovery residence” means a residential dwelling unit or other form of group housing that is offered or advertised through any means, including oral, written, electronic, or printed means, and any person or entity as a residence that provides a peer-supported, alcohol free, and drug free living environment.

(f) “Commercial Recovery Residence” means: A recovery residence where one or more residents is in treatment, as defined in s.397.311, with a private for profit licensed treatment provider that offers substance abuse services through one or more licensed service components, when a rent subsidy is paid, in whole or in part, by the provider or by anyone on behalf of the provider.

_(3) This section shall not apply to:

(a) Any discount, payment, waiver of payment, or payment practice not prohibited by 42 U.S.C. s. 1320a-7b (b) or regulations promulgated thereunder.

(b) Any payment, compensation, or financial arrangement within a group practice as defined in s. 456.053, provided such payment, compensation, or arrangement is not to or from persons who are not members of the group practice.

(c) Payments to a health care provider or health care facility for professional consultation services.

(d) Commissions, fees, or other remuneration lawfully paid to insurance agents as provided under the insurance code.

(e) Payments by a health insurer who reimburses, provides, offers to provide, or administers health, mental health, or substance abuse goods or services under a health benefit plan.

(f) Payments to or by a health care provider or health care facility, or a health care provider network entity, that has contracted with a health insurer, a health care purchasing group, or the Medicare or Medicaid program to provide health, mental health, or substance abuse goods or services under a health benefit plan when such payments are for goods or services under the plan. However, nothing in this section affects whether a health care provider network entity is an insurer required to be licensed under the Florida Insurance Code.

(g) Insurance advertising gifts lawfully permitted under s. 626.9541(1)(m).

(h) Commissions or fees paid to a nurse registry licensed under s. 400.506 for referring persons providing health care services to clients of the nurse registry.

(i) Payments by a health care provider or health care facility to a health, mental health, or substance abuse information service that provides information upon request and without charge to consumers about providers of health care goods or services to enable consumers to select appropriate providers or facilities, provided that such information service:

1. Does not attempt through its standard questions for solicitation of consumer criteria or through any other means to steer or lead a consumer to select or consider selection of a particular health care provider or health care facility;

2. Does not provide or represent itself as providing diagnostic or counseling services or assessments of illness or injury and does not make any promises of cure or guarantees of treatment;

3. Does not provide or arrange for transportation of a consumer to or from the location of a health care provider or health care facility; and

4. Charges and collects fees from a health care provider or health care facility participating in its services that are set in advance, are consistent with the fair market value for those information services, and are not based on the potential value of a patient or patients to a health care provider or health care facility or of the goods or services provided by the health care provider or health care facility.

(j) Any activity permitted under s. 429.195(2).

(k) Referrals from recovery residences to other recovery residences, provided that no commission, benefit, bonus, rebate, kickback, or bribe is offered or received, directly or indirectly, by the referring or receiving recovery residence, its employees, officers, or owners, their family members or members of their household.

(l) The payment of a rent subsidy, as defined in this section, limited to a maximum of \$200 per patient, per week, in whole or in part, directly or indirectly for the benefit of a patient, by a licensed service provider to a patient or commercial recovery residence. *(suggested change was to remove this highlighted portion).*

(4)(a) Any person, including an officer, partner, agent, attorney, or other representative of a firm, joint venture, partnership, business trust, syndicate, corporation, or other business entity, who violates any provision of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person, including an officer, partner, agent, attorney, or other representative of a firm, joint venture, partnership, business trust, syndicate, corporation, or other business entity, who violates any provision of this section, where the violation involves patients receiving treatment by a licensed treatment provider as defined in s.397.311, and where the prohibited conduct involves 10 or more patients, but fewer than 20 patients, commits a felony of the second degree as provided in s. 775.082, s.775.083, or 775.084.

(c) Any person, including an officer, partner, agent, attorney, or other representative of a firm, joint venture, partnership, business trust, syndicate, corporation, or other business entity, who violates any provision of this section, where the violation involves patients receiving treatment by a licensed treatment provider as defined in s.397.311, and where the prohibited conduct involves 20 or more patients, commits a felony of the first degree as provided in s. 775.082, s.775.083, or 775.084. Notwithstanding any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 3 years' imprisonment.

(5) Notwithstanding the existence or pursuit of any other remedy, the Attorney General or the state attorney of the judicial circuit in which any part of the offense occurred may maintain an action for injunctive or other process to enforce the provisions of this section.

(6) The party bringing an action under this section may recover reasonable expenses in obtaining injunctive relief, including, but not limited to, investigative costs, court costs, reasonable attorney's fees, witness costs, and deposition expenses.

(7) The provisions of this section are in addition to any other civil, administrative, or criminal actions provided by law and may be imposed against both corporate and individual defendants.

The meeting was adjourned by Al Johnson at 5pm

Next Meeting	Date	Location
Proviso Group	November 8, 2016	Community Room-West Palm Beach Police Station 10am-5pm
Task Force	November 16, 2016	Community Room- West Palm Beach Police Station 2pm-5pm

Minutes taken by: Mary Ann Senatore October 19, 2016

Minutes approved by: Al Johnson