



OFFICE OF THE STATE ATTORNEY

FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY



DAVID ARONBERG
STATE ATTORNEY

Sober Homes Task Force Main Group Meeting Minutes

Sober Home Task Force Tip Line 1-844-324-5463

Meeting Date: July 14, 2016

**Meeting Location: WPB Police Community Room
600 Banyan Blvd, West Palm Beach, FL 33401**

(0:00)1. Welcome/Introductions:

Al Johnson opened the first Main Group meeting at 2:15pm and asked the Task Force members to introduce themselves.

Main Group Members

Andy Amoroso-present
Abe Antine-present
Thomas Baird-present
Phil Barlage-present
Chris Burke-absent
Andrew Burki-present
Joseph Casello-absent
Lawrence Casey-absent
Marie Davis-present
Adam Frankel-present
Jerry Haffey-represented

George Jahn-present
Jordana Jarjura-absent
Maureen Kielian-present
Justin Kunzelman-present
Tim Loceff-representative
Patricia Messina-present
Beth Ann Middlebrook-present
Jennifer Napolitano-present
Karen Perry-absent
Karen Rainer-present
Susan Ramsey-absent
Bill Russell-present

Judge Shepherd-absent
Scott Singer-present
Suzanne Spencer-present
Geoff Spillias-present
Nancy Steiner-present
Chris Teaney-absent
Peter Walstrom-present
Matt Willhite-present
Alan Goodwin-present
Eric Yorlano-present
Richard Zaretsky-present

The State Attorney's Office

Dave Aronberg
Justin Chapman
Mike Edmondson
William Ferris
Al Johnson
Jason Klamson
Ted Padich
Mary Ann Senatore
Kari Williams

Mr. Johnson introduced State Attorney Dave Aronberg who extended his heartfelt gratitude to everyone present. Mr. Aronberg provided an overview of the Task Force's mission, and parameters of both the Proviso and Main Group.

Public attendees made their introductions as well

Scope and Purpose of the Task Force:

Mr. Johnson added to Mr. Aronberg's comments regarding the scope and purpose of the task force, emphasizing this is a top priority for our office.

“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.

Discussion:**a. Marketing Issues/Solutions:**

Mr. Johnson then turned the meeting over to Justin Chapman who stated that current legislation proscribes brokering patients to a health care facility. Legislative changes to Senate Bill 1138 would extend the prohibition of brokering to and from providers now including Sober Homes.

Mr. Chapman emphasized Recovery Residences are necessary and should be regulated. The recovery process really begins after intensive treatment; however, with a monetary motive to commerce, this becomes dangerous to patients.

Mr. Burki stated that it is important to expand on what the definition of brokering is. He added that a licensed clinician should refer clients to a treatment facility and be aware of what the needs of the client are.

Mr. Jahn asserted the problem is not Recover Residences; its Recovery Residences associated with the “Florida Model.” He further made the distinction when the recovery residence gets a kick-back from a licensed facility; it is the licensed facility that is violating the law, not the recovery residence.

Mr. Johnson stated our goal is to make what is already in law, clearer. Currently the Sober Home Industry is completely unregulated; therefore, to clean up the industry we have to clean up the commerce. The vulnerable consumers in Recovery Residences need to be protected, since they are one or two clicks away from addiction reoccurrence.

Mr. Chapman added Senate Bill 1138 is designed to focus on regulation of recovery residences.

Mr. Jahn indicated it is difficult for legitimate recovery residences to stay in business.

Mr. Kunzelman reiterated the need to define what brokering is. He explained that the overwhelming explosion of Sober Homes comes out of Intensive Outpatient Treatment (IOPs) opening everywhere and receiving kickbacks in the form of rental assistance. He then pointed out that Florida is one of the only states where a treatment center can be opened without training. There should be a certifying body. It should be illegal for nonclinical people making a recommendation for a sober home. He compared it to practicing medicine without a license.

Mr. Burki attributed the massive kick back explosion to fraudulent Urine Analysis (UA) billing. He said we need far stricter guidelines, including UA codes.

Mr. Walstrom agreed with Mr. Burki's comments regarding insurance and billing. He concurred that much more strict guidelines on lab, UA, utilization and reimbursement need to be implemented.

Ms. Messina raised the question of whether or not sober homes need to be part of treatment facilities, and if so, why. She used other states vs. the Florida Model as an example, indicating Sober Homes and Treatment should be two separate entities.

Ms. Messina's question then sparked lively discussion about the connection between IOPs, Partial Hospitalization Programs (PHP), with Recovery Residences. There was widespread agreement that 65D needs more clarity addressing levels of care. A point was also made that Sober Homes were an outgrowth of Treatment Programs so there could be a chart to justify the UA billing.

Mr. Baird questioned why there is not a regulatory system in place for treatment centers and recovery homes.

Mr. Johnson asked the group if it felt that National Alliance for Recover Residences (NARR) could effectively serve as the regulatory entity.

Ms. Rainer agreed that NARR would be a good start, but expressed concerns about the lack of follow up once an entity is certified.

Mr. Russell made the point that Recovery Residences are not Treatment Programs; the concern is with Sober Homes not connected to licensed facilities.

Lively conversation took place regarding regulations for medications used to treat addiction and facilities having licenses to dispense.

Licensing And Regulation Of Recovery Residences Used As A *Vital Part Of Ongoing Treatment Programs*

Mr. Johnson opened the discussion stating the economic commerce model is the driving force behind the proliferation of Sober Homes. He went on to say that, Sober Homes wanting to be part of this economic commerce model will need to be regulated by an organization that sets forth clear and measurable standards.

Mr. Johnson emphasized that the legislature is more apt to take notice if it is a statewide problem. He asked the members to make either himself or Mr. Chapman aware of similar problems in other counties.

Lively discussion took place beginning with the fact that DCF licensed providers cannot refer to non-certified Sober Homes. Treatment centers cannot operate Recovery Residences unless licensed as Community Houses or certified.

There is a low threshold profit regarding Sober Homes individually, but when connected to the commerce of the provider then the provider uses the Recovery Residences as part of its integrated continuum of services. Sober homes have to make money profit; if the sober home is full, the profit is 15%. We cannot have an entity that does not make money and provide a service.

In summary, there was agreement that Sober Houses must be regulated with clear, measurable standards of care that they are held accountable to in order to protect the vulnerable consumers they serve.

Break began at 4:05 pm

Break ended at 4:20 pm

Upon return from the break, Mr. Johnson invited Dr Alan Goodwin to join the group, which he accepted

- i. **Appropriate regulatory entity**
- ii. **Appropriate licensing entity**
- b. **Chapter 65D-30 and Its Interplay with the Patient Brokering Statute. (§ 817.505, Fla. Stat. (2016))**
- c. **Adequacy Of DCF Funding To Regulate Recovery Industry**

Mr. Chapman referenced a discussion that took place at the first Proviso Group meeting regarding statutory changes to Chapter 397. He felt that changes to 65D-30 administrative rules would follow. Chapter 397 is the substance abuse treatment statute

Mr. Chapman further noted that an unlicensed treatment provider is guilty of a first-degree misdemeanor. Indicating that Sober Homes can be run without certification, but all have to be licensed. He then made the comparison with licensure of Assisted Living Facilities (ALF), which would face Felony charges for every day running without a license.

Lively discussion then followed regarding the concern that DCF is underfunded and understaffed. The group then explored and suggested options for generating operating revenue.

In conclusion, Al Johnson reminded the group to send their suggestions for recommendations for legislation and to be sure, to call in their law enforcement tips.

Member comments

- Requested a list of acronyms
- Discussion followed with regard to
- Parameters of Residential level 5
- Lab companies marketing to halfway houses
- Cost of lab billings especially UA drug testing
- Labs-drug tests-buy in bulk

Closing remarks

Al Johnson adjourned the meeting at 5:15pm

	Next Meeting	Date	Location
Proviso Group	August 8, 2016		Community Room-West Palm Beach Police Station
Main Group	August 9, 2016		Community Room- West Palm Beach Police Station

Minutes taken by: Mary Ann Senatore July 14, 2016

Minutes approved by: Al Johnson