



**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: August 9, 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
Abe Antine-absent
Thomas Baird-present
Phil Barlage-present
Chris Burke-absent
Andrew Burki-absent
Joseph Casello-present
Lawrence Casey-absent
Marie Davis-absent
Adam Frankel-absent
Alan Goodwin-present
Jerry Haffey-present

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

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

The State Attorney's Office

Justin Chapman
William Ferris
Al Johnson
Ted Padich
Henry Salinas
Mary Ann Senatore
Kari Williams

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

“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.

Mr. Johnson: Shared overdoes statics given from Delray Beach. (*Handout with these statistics and posted to the Sober Homes Task Force website*)

To date, heroin overdose in Delray Beach have reached 308 for seven months through July 31. In July alone, there were 66 over doses of heroin alone in Delray Beach, including 53 Narcan deployments in Delray Beach, in the first 7 months of this year. In Boynton Beach, through July 3, 189 heroin overdoses, and 15 deaths have been reported.

Mr. Johnson gave a synopsis of presentations from the August 8th Proviso Group Meeting

Synopsis of: Department of Children and Families (DCF)

Valerie Alan and Sarah Liccardy represented DCF, who distributed information packets, the contents of which have been uploaded to the Sober Homes Task Force website

<http://www.myflfamilies.com/service-programs/substance-abuse>

<http://www.dcf.state.fl.us/programs/samh/substanceabuse/docs/LicensedSAProvidersByCity.pdf>

Ms Allen explained the regional assignments and staffing. DCF has two offices: West Palm Beach and Broward, covering circuits 17, 19, and 15, which is 6 counties, with nine staff members covering entire southeast region. She then provided a overview of her office, which includes:

DCF is responsibilities

- Oversight for licensure and other regulatory pieces that has to do with treatment providers
- Work with community providers to insure they are meeting the criteria for getting a license
- Annual license application
- Licensed treatment providers may also have Joint Commission on Accreditation of Healthcare Organizations (JCAHO) accreditation or Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation
- When monitoring done, make sure laws are followed
- When report complete, licensure decision made
- Goals are to ensure providers are meeting the criteria to get a license
- Monitor corrective action plan (CAP). A license can be obtained if 80% of the criteria are met
- Monitors complaints that the community may have as long as it pertains to the law

Sarah Liccardi presented an overview of the license, application and renewal process

<http://www.myflfamilies.com/service-programs/substance-abuse/licensure-regulation>

New License Process

- Documents submitted-date stamped upon receipt
- 30 days to review determining packet document submission
- Within 30 days provider notified if packet is complete
- If complete, provider is entered into the Substance Abuse Automated Licensure Information System (SALIS)
- If not complete, provider has 10 days to supply or correct information

Renewal Process

- Provider has 60 days to supply the necessary documentation for renewal
- Within the 60 days the provider is contacted if documentation is missing
- Provider is contacted for a site monitoring
- Identify issues for any corrective action needed
- Once inspection completed and about 80% of criteria is met, inspection report is generated
- License is then generated

Synopsis of: Florida Certification Board (FCB)

Neal McGarry: Florida Certification Board (FCB)

Handout provided and posted on Sober Homes Task Force Website pertaining to Recovery Residence Administrator Credential

<http://flcertificationboard.org>

Florida Certification Board is a not-for-profit corporation out of Tallahassee tasked with protecting the health, safety and welfare of Florida's most vulnerable residents by certifying and regulating the professionals who serve them. The FCB has 25 staff members, 2 of which oversee ethics complaints. Their responsibilities include:

- Designing, developing and managing programs for health and human services professions, ensuring they meet education, training, experience and testing criteria. FCB certifies more than 18,000 professionals statewide, including those in the child welfare, mental health and addiction fields.
- Establishing, administering, and monitoring certification programs including those in the child welfare, mental health and addiction fields.
- Investigates and sanctions those certified professionals or those seeking certification who breach the FCB code of ethical and professional conduct

Synopsis of: The Florida Alcohol and Drug Abuse Association (FADAA)

Mark Fontaine: provided an overview of his organization:

<http://www.fadaa.org/overview.php>

- Non-profit membership association since 1981
- Representing, community-based substance abuse and co-occurring treatment and prevention agencies, managing entities, community anti-drug coalitions, and individual members
- Involved in leading industry change to better serve consumers and communities
- Has been at the forefront in creating responsive systems and tools to facilitate the transfer of evidence-based practices to the field and to initiate and expand continuous quality improvement activities.
- Mission of the FADAA is to represent substance abuse prevention and treatment providers, managing entities and community anti-drug coalitions in advancing addiction and co-occurring treatment, prevention and research through communications, professional development and public policy leadership.
- Constantly monitor and address policy issues related to emerging trends that impact substance abuse

Mr. Lehman was present

Florida Association of Recovery Residences (FARR)

FARR and NARR handout items included in agenda packets, including FARR proposed budget analysis <http://farronline.org/>

FARR is a subsidiary of National Alliance of Recovery Residences (NARR) and has been in existence since 2012. FARR has 2.5 staff members. Mr Lehman presented the following information on his organization:

- Founded out of the need to evaluate and monitor standards based recovery support services provided in the community based residential settings throughout Florida
- Mission is to ensure the availability of housing that is safe and dignified, alcohol and drug free, peer supported environment, good neighbor and responsible citizen
- Intent is to fairly certify Recovery Residences on a voluntary basis as having demonstrated compliance with the National Alliance of Recover Residences (NARR) Standard and The FARR Code of Ethics
- Provides training for owners, managers and staff of Recovery Residences to enhance and inform their delivery of quality services

Mr. Lehman explained that Florida mandates all behavioral healthcare providers must be licensed, including Level IV Recovery Residences. As of July 1, 2015, all Level I, II & III residences are required by state statute to seek, achieve and sustain certification in order to be eligible for referral from DCF licensed treatment providers.

Mr. Lehman discussed providers that might be misleading or falsely advertising the FARR logo, when in fact they may not be FARR certified. Under statute 487, this is a misdemeanor and FARR does have a process in place where there is a tool on a monthly basis that the providers displaying the FARR logo are actually FARR certified.

Mr. Johnson indicated that The Certified Recover Residence Administrator (CRRA) statute is part of 397.4871, effective July 1, 2015.

Ms Steiner asked the question regarding FARR renewals and not having a Certified Recovery Residence Administrator.

Mr. Lehman indicated that during the next 90 days if there is not a CRRA for every 3 residences that a provider owns, they will not be eligible for renewal. There is however, an obstacle with the Level 2 background check standing in the way. Many recovery residence providers were once in recovery themselves. They have gone on to lead clean and sober lives, however the Level 2 background checks present problems for the CRRA certification if an individual has an offense going back 30 years and that agency may no longer be in existence for an individual to obtain their records.

Mr. Johnson indicated possible discussion to amend Stature 397 regarding Level 2 background checks with possible exemptions. This discussion will be part of future meetings. Mr. Johnson stated that our battle is in Tallahassee, not internally with the groups.

Marketing Practices

Mr. Lehman opened the discussion on medical tourism with regard to using search engines for treatment facilities in Florida. The group agreed that it makes no sense to send family or loved ones for treatment to a facility that is not FARR certified. However, using search engines, what will come up first is a location that may not be certified, but paid the most money to be first in search.

Mr. Lehman further stated that Recovery Residences (RR) do not get to bill third party payers for anything because they are not treatment providers. They are recovery support services. In the State of Florida, FS 817.505, it is illegal and a 3rd Degree Felony to provide clinical services and housing with the exception of community day/night with housing treatment.

Mr. Johnson clarified that the subsidy of rent paid by a provider is the inducement to go to that provider, therefore making this patient brokering. Mr. Johnson further addressed collateral damage and the homeless problem, which will be further be addressed once the sober home problem is cleaned up.

Medically Assisted Treatment

Mr. Kunzleman raised the question regarding Medically Assisted Treatment (MAT), particularly with the use of Subuxone.

Mr. Lehman addressed this issue stating that there is definitely a need for safe housing for those individuals that are on a long term MAT program. FARR has worked with Hazelton and Betty Ford to craft a set of standards for the operations of RR addressing medication use. Currently there are two programs certified statewide to those standards.

Mr. Chapman indicated if a residence is monitoring/supervising any kind of drug, that would meet the definition of an ALF, and would then be licensed by ACHA. Definition on the books for an ALF including medication is very broad. If this is what needs to happen in a Sober Home, perhaps we need to have ACHA come in and license some of these as an ALF

Mr. Johnson raised the point that ACHA may be the preferred entity, rather than DCF in commerce with treatment providers.

break at 3:20

return from break at 3:40

Marketing Proposals

Mr. Chapman began the discussion of SB 1138 stating that Recovery Residences and Treatment Providers are seeking clarity on what is Patient Brokering.

Mr. Russell raised the question as to what is the difference between referral and brokering.

Mr. Johnson clarified that if one provider refers to another provider and no exchange of benefits takes place, it is not brokering. If there is an economic benefit either given or received, this is illegal patient brokering.

Extensive discussion continued regarding brokering, referrals and marketing, including further language clarification, mention of the STARK laws and various scenarios that might be the exception to illegal brokering.

Substance Abuse Lead Generators and Substance Abuse Information Service

Mr. Kunzleman outlined relevant information regarding substance abuse lead generators.

- Call Centers
- Lead generation firms
 - 3rd party marketing firms specifically catering to the treatment of substance abuse
 - Generates phantom landings on line
 - Pay-per click & SEO optimization
 - Generates landing pages with generic information
 - Paid usually a monthly fee based on the number of web pages generated or package deals
 - Some sell their calls
 - Usually target times-late night, early am
 - Redirected calls for a price to a certain treatment center
 - Huge part of surge of out of state consumer
 - Not a clinician screening the calls
 - Making referrals based on what is paid for those calls
- Substance Abuse Information Service
 - Directory/List of Providers

The discussion continued focusing on the topics of patient brokering, existing laws pertaining to marketing/brokering, and questioning the need for new laws specifically for the substance abuse industry.

Mr. Chapman asked the group for specific written recommendations for guidelines, qualifications, and education for people with direct contact with this vulnerable population. He also suggested forming a subcommittee to further explore these topics. One possibility is to look at successful models from other states.

Mr. Johnson pulled the discussion together recognizing that these are certainly vulnerable victims. SB 1138 is our starting point, and to write something within FS 397, that controls the commerce. Moving forward we will address the issue with homeless and funding.

Public comments –The public attendees were given the opportunity to voice their concerns, comments

Next Meeting	Date	Location
Proviso Group	September 13, 2016	Community Room-West Palm Beach Police Station
Task Force	September 21, 2016	Community Room- West Palm Beach Police Station

Minutes taken by: Mary Ann Senatore August 9, 2016

Minutes approved by: Al Johnson