

NOTICE OF PROPOSED RULE

DEPARTMENT OF CHILDREN AND FAMILIES Office of Child Welfare

RULE NO.: RULE TITLE:
65C-28.021 Qualified Residential Treatment Programs.

PURPOSE AND EFFECT: Amendments clarify the Behavioral Qualified Residential Treatment Program (BQRTP) requirements.

SUMMARY: Amendments: (1) clarify when a Qualified Individual may be used to conduct a BQRTP assessment, (2) requirements for a MDT when placement in BQRTP is not made within a specific time frame, and (3) the requirement for a court review of the placement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 39.0121, 409.175(5), FS.

LAW IMPLEMENTED: 39.407, 409.175, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elizabeth Floyd. Elizabeth can be reached at Elizabeth.Floyd@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-28.021 Qualified Residential Treatment Programs.

This rule applies to qualified residential treatment programs (QRTP). A QRTP is a licensed child-caring agency that provides care for youth who have serious emotional or behavioral disorders or disturbances.

(1) through (2) No change.

(3) For placement in a behavioral qualified residential treatment program (BQRTP) licensed pursuant to Rule 65C-46.0211, F.A.C. the assessment must be completed by the Qualified Individual (QI). A Qualified Individual is

the child's treating licensed clinical professional, a Qualified Evaluator outlined in s. 39.407(6), F.S., or a Comprehensive Behavioral Health Assessor who meets the qualifications as required in the Agency for Health Care Administration, "Specialized Therapeutic Services Coverage and Limitations Handbook," March 2014, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16546>.

(a) A QI must have a preexisting clinical relationship with the child in order to be referred to complete a preliminary assessment. A child may be placed in a BQRTP based on the preliminary assessment recommendation from a QI. However, the final assessment by QI must be completed within 30 calendar days to continue placement in the setting.

(b) A child may be placed in a BQRTP based on the preliminary assessment recommendation from a QI. However, the final assessment by QI must be completed within 30 calendar days to continue placement in the setting.

(b) is redesignated (c) No change.

(d)(e) The final assessment must include the components set forth in paragraph (6)(5).

(4) If a preliminary assessment recommends placement of a child in a BQRTP but the child is not placed within 60 days of the preliminary assessment, an MDT staffing must occur to determine if the recommended level of care continues to be in a BQRTP. For placements in a QRTP credentialed pursuant to Rule 65C-46.021, F.A.C., the assessment must be completed by a Qualified Evaluator (QE) pursuant to s. 39.407(6), F.S. The assessment must include the components set forth in paragraph (5).

(5) For placements in a QRTP credentialed pursuant to Rule 65C-46.021, F.A.C., the assessment must be completed by a Qualified Evaluator (QE) pursuant to s. 39.407(6), F.S. The assessment must include the components set forth in paragraph (6).

(5) through (8) are redesignated (6) through (9) No change.

(10) When a child is placed in a BQRTP based on a preliminary assessment, within 60 calendar days after initial placement, the Department must request the court to approve or disapprove the placement based on the final assessment, determination, and documentation made by the QI or QE.

(9) through (16) are redesignated (11) through (18) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Valerie Proctor

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shevaun L. Harris

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: