

**65C-28.015 Residential Mental Health Treatment.**

(1) Initial Consideration of Need for Residential Treatment. Residential mental health treatment is provided to a child for the specific purpose of addressing the child's mental health needs through observation, diagnosis, and treatment in a therapeutic setting, which includes therapeutic group homes and residential treatment centers as defined in Section 394.67, F.S. Residential mental health treatment shall not be used for emergency placements or to provide secure shelter for the child. If the child is in acute psychiatric crisis, the child shall be referred to a crisis stabilization unit for emergency screening and stabilization in accordance with Sections 394.463 and 394.467, F.S.

(2) Suitability Assessment Process. Definitions and timeframes are provided in Chapter 65C-27, F.A.C.

(3) Behavioral Health Needs of Children in Out-of-Home Care. The behavioral health needs of children shall be addressed on an ongoing basis. Behavioral health services for the child or adolescent shall continue while determining the need for residential treatment and while seeking placement in accordance with recommendations.

~~(4)~~ Out-of-State Placements.

(a) It is the policy of the Department that children will not be placed in a state other than Florida for residential mental health treatment. Exceptions to this policy must meet the requirements outlined in (a)1. or (a)2.:

1. The reunification plan is for the child to join family members who live in the other state; and

a. The home study on the family in the other state is complete and approved; and

b. Placement in residential treatment is for a transitional period not to exceed three (3) months.

2. The community-based care (CBC) lead agency has attempted to meet the placement and treatment needs of the child within the state of Florida and in-state placements have failed. The CBC must document:

a. Efforts to locate alternate treatment options in-state;

b. The reasons the out-of-state residential treatment center was selected;

c. A current suitability assessment recommending placement into residential treatment;

d. A plan for ongoing monitoring of the child's treatment progress, including 90-Day Reviews;

e. A plan for face-to-face contacts by a child welfare professional with the child every 30 days;

and

f. An initial discharge plan.

(b) The CBC Chief Executive Officer or designee must obtain approval from the Department prior to the placement of any child or adolescent in residential mental health treatment outside of Florida.

1. The Regional Managing Director (RMD) must approve placement of the child out-of-state. The RMD shall consider the above required documentation.

2. The RMD shall present the case to the Department's Assistant Secretary for Operations.

3. The Assistant Secretary for Operations shall seek the approval of the Secretary of the Department, who can approve out-of-state placement for children in need of more intensive mental health treatment.

4. The CBC shall access conflict resolution through the Deputy Secretary of the Department.

(c) The CBC must comply with the requirements of the Interstate Compact for the Placement of Children (ICPC) and shall provide documentation of compliance with this rule as part of its request to the ICPC office. The ICPC office will not process the request without this information.

(d) The CBC will notify Children's Legal Services (CLS) so that proper notice to and approval from the court can be obtained prior to placement.

(e) Upon placement out-of-state for residential treatment, the child welfare professional and CBC point of contact shall remain involved in the child's treatment and discharge planning. 90-Day Reviews are an essential component to this monitoring and have the following requirements:

1. 90-Day Reviews to determine the suitability of continued placement in residential treatment must be conducted by an independent evaluator who is a psychiatrist or psychologist licensed in the State of Florida who has at least three (3) years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents;

2. At a minimum, these reviews must include:

a. A records review of the treatment plan;

b. A review of the treatment record and progress notes to determine the child's/adolescent's progress toward achieving the goals and objectives of the treatment plan;

c. An evaluation of the child/adolescent via telephone, Skype (or similar technology), or face-to-face;

d. Whether the child/adolescent has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

e. A written report of the independent evaluator's findings, including recommendations, submitted to the CBC point of contact or designee.

~~The Department or contracted service providers shall not approve or participate in funding out of state placements for behavioral health treatment of children, unless these placements meet the following conditions:~~

~~(a) The case plan goal is for the child to join a family who resides in the other state; and,~~

~~(b) The home study on the out of state home has been completed and the move of the child out of state has been approved by the Interstate Compact on the Placement of Children; or~~

~~(c) The Regional Managing Director and community-based care lead agency executive director has provided prior written approval of the placement.~~

~~(5)(3) Reviews and Reports of Children in Residential Treatment Centers. The Department or each contracted service provider shall establish systems to ensure that reports required by Section 39.407(6), F.S., and Florida Rules of Juvenile Procedure 8.350 are prepared and distributed timely and that all requirements for filing with the court are met. This standard shall also apply to out-of-state residential mental health treatment.~~

Rulemaking Authority 39.012, 39.0121(13), 394.4781(4) FS. Law Implemented 39.407(6), 394.4781, 394.4785, 394.479 FS. History—New 5-4-06, Amended 5-8-16. Amended\_\_\_\_\_.