

Definition of Terms

“Assent” when used in this Operating Procedure means a process by which a provider of medical services helps the patient achieve a developmentally appropriate awareness of the nature of his or her condition; informs the patient of what can be expected with tests and treatment; makes a clinical assessment of the patient’s understanding of the situation and the factors influencing how he or she is responding; and solicits an expression of the patient’s willingness to accept the proposed care.

“Authorization for Psychotropic Medication Treatment.”

(1) A person who has the power to authorize medical treatment, which includes providing express and informed consent for a child to receive psychotropic medication, as provided by law includes a birth parent if their parental rights remain intact or adoptive parent or a legal guardian.

(2) If a child does not have a birth parent whose parental rights are intact, or adoptive parent or a legal guardian, whose identity or location is known, authorization to treat with psychotropic medication must be pursued through a court order.

“Behavioral Health Assessment” includes both Comprehensive Behavioral Health Assessments as defined by the Medicaid Community Mental Health Services Coverage and Limitations Handbook and all other assessments performed by mental health professionals.

“Behavioral Health Network (BNET)” is the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program.

“Caregiver” means, for purpose of this Operating Procedure, a person who is approved in writing by the Department as responsible for providing for the child’s daily needs, or any other person legally responsible for the child’s welfare in a residential setting.

“Chemical Restraint” means the use of medication as a restraint to control behavior or restrict freedom of movement that is not an accepted treatment for the person’s medical or physical condition.

“Child & Adolescent Needs and Strengths (CANS)” is an assessment tool developed to assist in determining the need and level of intensity and duration of mental health services.

“Children’s Legal Services (CLS)” means a statewide law firm focusing on children’s issues within the Department of Children and Families.

“Child Protective Investigator (CPI)” means an authorized agent in a professional position within the Department or designated sheriff’s office with the authority and responsibility of investigating reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in s. [39.01\(62\)](#), F.S.

“Child Specific Multidisciplinary Team (CSMDT) sometimes referred to as a multidisciplinary team” is a group of people who have child specific information and come together to plan and coordinate mental health and related services to meet the needs of the child in the most appropriate, least restrictive setting in the community. Members of the team should include: the child, unless clinically contraindicated; the child’s parent or legal guardian and other caregiver, such as the foster parent; the dependency case manager; the child’s therapist and/or behavior analyst; a representative from the school district and/or the child’s Individual Education Plan (IEP) surrogate and others who may have information or services to offer for the child’s service plan.

“Comprehensive Behavioral Health Assessment (CBHA)” as further defined in the Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, section 2, means an in-depth, detailed assessment of the child’s emotional, social, behavioral, and developmental functioning within the home, school, community, and clinical setting including direct observation of the child in those settings.

“Department” means the Department of Children and Family Services.

“Dependency Case Manager (DCM)” means the individual who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children in out-of-home care.

“Dependency Case Plan” means “case plan” as defined in s. [39.01\(11\)](#), F.S., which refers to the services plan jointly developed between the family and dependency case worker delineating specific interventions aimed at addressing the contributing factors and underlying conditions that lead to child maltreatment.

“Designee” is a person, contractual provider or other agency or entity named by the Department to perform duties assigned by the Department.

“Emergency Medical Care or Treatment” means care or treatment for injury or acute illness, disease or condition, delay of which, within a reasonable degree of medical certainty, would endanger the health or physical well-being of the patient.

“Express and Informed Consent” means, for the purposes of this operating procedure, voluntary written consent from a competent person who has received full, accurate, and sufficient information and explanation about a child’s medical condition, medication, and treatment to enable the person to make a knowledgeable decision without being subjected to any deceit or coercion. Express and informed consent for the administration of psychotropic medication may only be given by a parent whose rights have not been terminated, or a legal guardian of the child. Sufficient explanation includes but is not limited to the following information, provided and explained in plain language by the prescribing physician to the consent giver: the medication, reason for prescribing it, and its purpose or intended results; side effects, risks, and contraindications, including effects of stopping the medication; method for administering the medication, and dosage range when applicable; potential drug interactions; alternative treatments; and the behavioral health or other services used to complement the use of medication, when applicable.

“Extraordinary Medical Care and Treatment” means care or treatment of a child that is outside of the routine medical and dental care included in the definition of “Ordinary Medical Care and Treatment.” This includes surgery, anesthesia, administration of psychotropic medications, and any other procedures not considered routine and ordinary by objective professional standards for medical care for children.

“Florida Safe Families Network (FSFN)” is the State Automated Child Welfare Information System (SACWIS) for the state of Florida. FSFN is the electronic system of record for each case. It contains information regarding a particular child and his or her family.

“Guardian ad Litem (GAL)” is defined in s. [39.820\(1\)](#), F.S., to include the following: a certified guardian ad litem program, duly certified volunteer, staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a guardian ad litem program office; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, Chapter [39](#), F.S., who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

“Independent Review” means an assessment by a Qualified Evaluator that includes a personal examination and assessment of the child in residential treatment. The assessment includes evaluation of the child’s progress toward achieving the goals and objectives of the treatment plan, which must be submitted to the court.

“Lead Agency” means the not-for-profit or governmental community-based care provider responsible for the provision of support and services for eligible children and their families who have been abused, abandoned, or neglected.

“Least Restrictive” means treatment and conditions of treatment that, separately and in combination, is no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit or to protect the child or others from physical injury.

“Legal Guardian” means a permanent guardian as described in s. [39.6221](#), F.S., or a “guardian” as defined in s. [744.102](#), F.S., or a relative with a court order of temporary custody under Chapter [751](#), F.S. Dependency case managers and Guardians ad Litem do not meet the definition of guardian.

“Licensed Health Care Professional” means a physician licensed under Chapter [458](#), F.S., an osteopathic physician licensed under Chapter [459](#), F.S., a nurse licensed under Chapter [464](#), F.S., a physician assistant certified under Chapters [458](#) or [459](#), F.S., or a dentist licensed under Chapter [466](#), F.S.

“Medical Foster Care (MFC)” is a coordinated effort between the Florida Medicaid Program in the Agency for Health Care Administration, Children's Medical Services in the Department of Health, and the Child Welfare and Community Based Care Program in the Department of Children and Families. Medical Foster Care delivers family-based care for medically complex and medically fragile children who are in shelter care or foster care who cannot safely receive care in their own homes. Medical Foster Care is a cost-effective alternative to long term hospitalization, private duty nursing, or skilled nursing facility placement.

“Medical Report” means a report prepared by the prescribing physician that includes information required by s. [39.407\(3\)\(c\)](#), F.S. The form for the Medical Report is “Medical Report” (form CF-FSP [5339](#), available in DCF Forms), which is hereby incorporated by reference and is available in DCF Forms on the Internet at <https://eds.myflfamilies.com/DCFFormsInternet/Search/DCFFormSearch.aspx>.

“Mental Health Case Manager (also known as a targeted case manager or TCM)” refers to the person assigned to assist the child in gaining access to and coordinate the needed mental health and related services, including co-occurring substance abuse treatment services, and to work with the child, the Department, and the child’s natural support system to develop and implement the service plan. For purposes of this operating procedure, the term “mental health case manager” is used regardless of whether case management is funded under Medicaid or another funding source.

“Ordinary Medical Care and Treatment” means ordinary and necessary medical and dental examinations and treatments. Included in this definition are blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-childcare. This does not include surgery, general anesthesia, provision of psychotropic medications, any invasive procedures or other extraordinary medical care and treatment as defined in this operating procedure. (s. [743.0645\(1\)\(b\)](#), F.S.)

“Out-of-Home Care” means the placement of a child, arranged and supervised by the Department or its agent, outside the home of the child’s custodial parent or legal guardian. This includes placement in licensed shelter, foster home, group home, Residential Treatment Center (including SIPP funded centers), and non-licensed relative/non-relative settings.

“Out-of-Home Services” is the array of services provided to children and their families or caregivers for children who reside in placements other than their home.

“Person Who Has The Power To Consent As Otherwise Provided By Law” includes a biological or adoptive parent, as long as their parental rights are still intact, or legal guardian, or any other person specifically granted the power of consent by court order.

“Point of Contact (POC) also known in some areas as the Single Point of Access or SPOA” means the person or entity designated by the Circuit’s SAMH Program Office or the Lead Agency as the central point of contact within a specific geographical area for assisting the dependency case managers in accessing mental health services for children in out-of-home settings, including the Child Welfare Prepaid Mental Health Plan where available.

“Prescribing Physician” is a physician licensed under Chapters [458](#) or [459](#), F.S.

“Psychotropic Medication” as used in this operating procedure means any chemical substance prescribed with the intent to treat psychiatric disorders, and those substances, which though prescribed with the intent to treat other medical conditions, have the effect of altering brain chemistry or involve any if the medications in the categories listed below. The medications include, without limitation, the following major categories:

- (a) Antipsychotics;
- (b) Antidepressants;
- (c) Sedative Hypnotics;
- (d) Lithium;
- (e) Stimulants;
- (f) Non-stimulant Attention Deficit Hyperactivity Disorder medications;
- (g) Anti-dementia medications and cognition enhancers;
- (h) Anticonvulsants and alpha-2 agonists; and
- (i) Any other medication used to stabilize or improve mood, mental status, behavior, or mental illness.

“Qualified Evaluator” means a psychiatrist or a psychologist licensed in Florida who has at least three (3) years experience in the diagnosis and treatment of serious emotional disturbances in children and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center. A Qualified Evaluator is appointed by Agency for Health Care Administration (AHCA) to determine children’s suitability for residential treatment, per s. [39.407](#), F.S.

“Qualified Medical Practitioner” means a physician licensed under Chapters [458](#) or [459](#), F.S., or an advanced registered nurse practitioner licensed under Chapter [464](#), F.S.

“Residential Treatment Center” means a 24-hour residential program which provides mental health services to emotionally disturbed children or adolescents as defined in s. [394.492\(5\) or \(6\)](#), F.S., that is licensed by the AHCA.

“Resource Record” means the child’s standardized record that contains copies of all available and accessible medical and psychological information (including behavioral health information) pertaining to the child as described in Rules [65C-30.001\(24\)](#) and [65C-30.011\(4\)-\(6\)](#), F.A.C.

“Serious Adverse Event” means any undesirable experience associated with the use of a medical product in a patient. The event is serious and should be reported to the Food and Drug Administration’s (FDA) MedWatch program when the use of the medications outcome for the patient is: Death, Life-Threatening, Hospitalization (initial or prolonged), Disability, Congenital Anomaly, or Requires Intervention to Prevent Permanent Impairment or Damage.

<http://www.fda.gov/safety/MedWatch/default.htm>

“Service Plan” is the document developed with the child, the family, and treatment and service program representatives, which addresses the child’s individualized mental health treatment and related service needs, including co-occurring substance abuse needs if indicated, with a goal of maintaining the child in the most inclusive and least restrictive environment possible.

“Statewide Inpatient Psychiatric Program (SIPP)” means those residential mental health treatment programs contracted with the Agency for Health Care Administration (AHCA) to participate in the Institution for Mental Disease (IMD) waiver.

“Suitability Assessment” for residential treatment means a determination by a Qualified Evaluator, who has conducted a personal examination and assessment of the child, that the child meets the criteria for placement in a residential treatment center, pursuant to s. [39.407\(6\)\(c\)](#), F.S.

“Therapeutic Group Home” means a 24-hour residential program licensed by AHCA under Chapter [65E-9](#), F.A.C., providing community-based mental health treatment and extensive mental health support services in a homelike setting to no more than 12 children who meet the criteria in s. [394.492\(5\) or \(6\)](#), F.S. Unlike the Residential Group Home provider who is licensed to provide Behavioral Health Overlay Services (BHOS) with the primary mission of providing a living environment, the primary mission of the therapeutic group home is to provide treatment of children and youth with serious emotional disturbances.

“Treatment Plan” is a structured, goal-orientated schedule of services developed jointly by the recipient and the child’s treatment team. The child’s treatment team should consist of individuals with experience and competencies in providing mental health, substance abuse, co-occurring mental health and substance abuse, and developmental disabilities services. The plan must contain written treatment-related goals and measurable objectives.