

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060686

1. ACTION REQUESTED/PURPOSE:

- A. Approve medical consultations, performed to determine evidence of child abuse or neglect, as an allowable expense to be paid by Lee County.
- B. Sign attached amendment to contract 3319 between Lee County and Children's Advocacy Center of Southwest Florida, Inc.

2. WHAT ACTION ACCOMPLISHES:

Approval of the amendment would add an additional billable service (medical consultations) to the current Lee County contract (# 3319).

3. MANAGEMENT RECOMMENDATION: Recommend Approval

4. Departmental Category: 05 C5A		5. Meeting Date: 06-13-2006
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input checked="" type="checkbox"/> Statute	39.304
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input type="checkbox"/> Other	
		8. Request Initiated: N/A
		Commissioner
		Department Human Services
		Division N/A
		By: Ann Arnall, Deputy Director <i>Ann Arnall</i> 5/19/06

9. Background:

Children's Advocacy Center of Southwest Florida, Inc. currently does not bill for medical consultations. This time consuming service serves the same or similar function of the initial medical exams (diagnosis or rule-out of abuse or neglect) which are already billable under the current Lee County contract as mandated by Florida Statute 39.304 part 5. This amendment does not require additional funds, but amends contract language to allow medical consultations as a billable expense.

Attachment: Amendment 1 to Lee County Contract # 3319 (3 originals), Florida Statute 39.304 (5)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D
by CO. ATTY:
Staulob
10:15 AM
CO. ATTY.
FORWARDED TO:
Anna
5-24-06

RECEIVED BY
COUNTY ADMIN: *[Signature]*
5-24-06 12:30
COUNTY ADMIN
FORWARDED TO: *[Signature]*
[Signature]

Select Year: 2005 

Go

The 2005 Florida Statutes

Title V
JUDICIAL BRANCH

Chapter 39
PROCEEDINGS RELATING TO CHILDREN

[View Entire Chapter](#)

39.304 Photographs, medical examinations, X rays, and medical treatment of abused, abandoned, or neglected child.--

(1)(a) Any person required to investigate cases of suspected child abuse, abandonment, or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report. Any child protection team that examines a child who is the subject of a report must take, or cause to be taken, photographs of any areas of trauma visible on the child. Photographs of physical abuse injuries, or duplicates thereof, shall be provided to the department for inclusion in the investigative file and shall become part of that file. Photographs of sexual abuse trauma shall be made part of the child protection team medical record.

(b) If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, abandonment, or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents or legal custodian. Such examination may be performed by any licensed physician or an advanced registered nurse practitioner licensed pursuant to part I of chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to part I of chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect may authorize a radiological examination to be performed on the child without the consent of the child's parent or legal custodian.

(2) Consent for any medical treatment shall be obtained in the following manner.

(a)1. Consent to medical treatment shall be obtained from a parent or legal custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or legal custodian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.


(c) If a parent or legal custodian of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, abandonment, or neglect of the child by a parent or legal custodian. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) Any facility licensed under chapter 395 shall provide to the department, its agent, or a child protection team that contracts with the department any photograph or report on examinations

made or X rays taken pursuant to this section, or copies thereof, for the purpose of investigation or assessment of cases of abuse, abandonment, neglect, or exploitation of children.

(4) Any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, shall be sent to the department as soon as possible.

 (5) The county in which the child is a resident shall bear the initial costs of the examination of the allegedly abused, abandoned, or neglected child; however, the parents or legal custodian of the child shall be required to reimburse the county for the costs of such examination, other than an initial forensic physical examination as provided in s. 960.28, and to reimburse the department for the cost of the photographs taken pursuant to this section. A medical provider may not bill a child victim, directly or indirectly, for the cost of an initial forensic physical examination.

History.--ss. 1, 2, 3, 4, 5, 6, ch. 63-24; s. 941, ch. 71-136; ss. 1, 1A, ch. 71-97; s. 32, ch. 73-334; s. 65, ch. 74-383; s. 1, ch. 75-101; s. 1, ch. 75-185; s. 4, ch. 76-237; s. 1, ch. 77-77; s. 3, ch. 77-429; ss. 1, 2, ch. 78-322; s. 3, ch. 78-326; s. 22, ch. 78-361; s. 1, ch. 78-379; s. 181, ch. 79-164; s. 1, ch. 79-203; s. 75, ch. 86-220; s. 24, ch. 88-337; s. 35, ch. 89-294; s. 2, ch. 95-185; s. 133, ch. 97-101; s. 71, ch. 97-103; s. 42, ch. 98-403; s. 10, ch. 99-168; s. 17, ch. 99-193; s. 6, ch. 2000-217; s. 83, ch. 2000-318.

Note.--Former ss. 828.041, 827.07(5); s. 415.507.

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LEE COUNTY
 SOUTHWEST FLORIDA
 BOARD OF COUNTY COMMISSIONERS

**DEPARTMENT OF HUMAN SERVICES
 2440 THOMPSON STREET
 FORT MYERS, FL 33901
 ATTN: CONTRACTS SPECIALIST**

CONTRACT AMENDMENT

Submit (3) three originals

PROVIDER: Children's Advocacy Center Of Southwest Florida, Inc.	Date of Request: 4/04/06
Contract No.: #3319	Effective Date of Amendment: 05/01/06
	Amendment No.: 1

Justification (Explain why amendment is needed)

Medical consultations are performed rather than actual medical exams in some cases to rule in or rule out abuse or neglect.

- A. Language Modification (reference appropriate contract article)
 Modify language in the Statement of Work

Exhibit 7 Statement of Work

Name of Agency: Children's Advocacy Center of Southwest Florida

Describe below the methodology for billing medical exams and medical consultations to Lee County.

Our agency provides medical exams to children in Lee County that have been alleged to have been abused or neglected. We provide these services 24/7 on an emergency basis, and have regular appointments Monday-Friday from 8 am until 6pm. We provide the initial forensic medical exam when there are allegations of physical or sexual abuse, medical neglect, failure to thrive, unexplained injuries in young children, or siblings of children that have been killed. We do the actual exam, but also order all of the tests, lab work, and x-rays that appear warranted. We then do a dictation that is available to the counselor from the Department of Children and Families, law enforcement, and the State Attorney's office. They can use the information to rule in or rule out abuse. Our medical staff also testifies in juvenile and criminal proceedings as expert witnesses. Our medical staff does provide training to community professionals, other Nurse Practitioners, and physicians in the area of abuse and the recognition of abuse and neglect. We will provide approximately 900 medical exams during the fiscal year.

~~We have~~ Our medical staff, which consists of two Nurse Practitioners that are certified in pediatrics or family practice and a Pediatrician that serves as the Medical Director. also do about 150 medical consultations per year. ~~We will provide approximately 900~~

abuse. Our medical staff also testifies in juvenile and criminal proceedings as expert witnesses. Our medical staff does provide training to community professionals, other Nurse Practitioners, and physicians in the area of abuse and the recognition of abuse and neglect. We will provide approximately 900 medical exams during the fiscal year.

~~We have Our medical staff, which consists of two Nurse Practitioners that are certified in pediatrics or family practice and a Pediatrician that serves as the Medical Director; also do about 150 medical consultations per year. We will provide approximately 900 medical exams during the fiscal year and also do about 150 medical consultations~~ Medical consultations which could include be a record review and dictation or actually seeing a child admitted to the hospital and assisting the hospital staff in determining if it is in fact abuse.

~~We charge no fees for this service.~~

To be eligible for this, a child must be alleged or suspected of being abused or neglected. The target population will be the same children.

The services are provided primarily at our office on Broadway, but as mentioned, sometimes consults are done at a hospital. We do not do a lot of outreach activities as related to this service as the children that receive the services are referred for a specific reason that would not fit the general public.

We have several funding sources that are available to assist with this service. On any sexual abuse exam, we bill the Bureau of Crimes Compensation first as they will reimburse us for this type of exam at a rate of \$250 per exam. We also subsidize the cost we pass on to Lee County (Lee County pays \$200 and the cost of the exam/consultation for the agency is \$350+) with monies from the Florida Department of Health. We are attempting to keep the cost of these very specific exams as low as we can.

B. Budget Amendment (attach revised detailed budget - original, revised, & percent of change. Include contract number and effective date of amendment on attachment.)

N/A

EXHIBIT 1 PAYMENT REQUEST Line Item Contract

Mail to: Lee County Department of Human Services
 ATTN: Contracts Specialist
 2440 Thompson Street
 Ft. Myers, FL 33901
 Phone: 533-7924
 FAX: 533-7960
 E-Mail: kstryker@leegov.com

Contract No. _____
 Modification No. _____
 Reporting period: _____
 Check appropriate line:
 _____ Regular Reimbursement
 _____ Final Reimbursement (Due Oct. 4, 2006)

Children's Advocacy Center of Southwest
 Florida, Inc.
 Agency: _____
 Mailing Address: 3800 Broadway, Ste. B-1
 Ft. Myers, FL 33901
 Phone: (239) 939-2808
 FAX: (239) 939-4704
 E-mail: iturner@cac.swfl.org

Reports are due by the twentieth calendar day after the end of the reporting period.

A. Approved Budget Categories	B. Approved Annual Budget Amount	C. Balance Forward end of prior month	D. Total Paid Expenditures for Reporting Period	E. Remaining Balance End of Reporting Period (Col. C-D)
Med. Exams/Consultations *Unit rate of \$200.00 per exam	\$ 145,000.00	\$ 145,000.00	\$ -	\$ 145,000.00
Labs and X-rays	\$ 8,400.00	\$ 8,400.00	\$ -	\$ 8,400.00
Total:	\$ 153,400.00	\$ 153,400.00	\$ -	\$ 153,400.00

PROVIDER: I certify that all transactions reported in Exhibit 1 have been made in compliance with all applicable statutes and regulations, and in accordance with the approved County contract.

 Signature of Authorized Official: _____

 Date approved: _____

FOR LEE COUNTY USE ONLY

AUTHORIZED BY: _____
 AMOUNT: \$ _____
 DATE APPROVED: _____

IN WITNESS THEREOF, PROVIDER and COUNTY have caused this 3-page amendment and all exhibits and attachments as indicated below to be executed by their undersigned officials as duly authorized.

PROVIDER:

By: [Signature]
Name (print)

[Signature]
(Signature of authorized officer)

Title [Signature]

Date 5/18/06

COUNTY: LEE COUNTY

Verified by: [Signature]
Title: Contract Specialist

Date: 5/11/06

Approved by: [Signature]
Title: Director, Department Human Services

Date: 5/18/06

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged

before me this 10th day of May

2006, by Jill Turner,

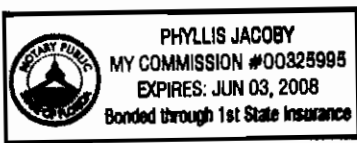
who is personally known to me or who has produced _____ as

identification and who did did not

take an oath.

NOTARY: [Signature]
By: _____
Notary of Public (Signature)

Phyllis Jacoby
Name (typed)



By: Tammara Hall
Name (print)

(Signature of authorized officer)

Chairwoman, Board of County Commissioners
Title

Date

ATTEST: CLERK OF CIRCUIT COURT

By: _____

Title: _____

Date: _____

**APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE**

By: [Signature]

Title: Assistant County Atty

Date: May 24, 2006

Distribution of originals: 1) Provider 2) Department of Human Services 3) Minutes Department, Clerk of Courts