



Office of Health Services Technical Assistance Bulletin



Practical Applications of Medical, Mental Health and Substance Abuse Policies and Procedures

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Issue 3

Serving the Children of DJJ Providing Quality Medical, Mental Health & Substance Abuse Services

Mental Health and Substance Abuse

Consent and Emancipation

Substance Abuse Evaluation and Treatment Services:

Section 397.601 F.S., provides that the disability of minority for persons under 18 years of age is removed solely for the purpose of obtaining voluntary substance abuse impairment services from a licensed service provider, and **consent to such services by a minor has the same force and effect as if executed by a client who has reached the age of majority.** The effect of this law is that a youth **must** provide consent for substance abuse evaluation and treatment, unless substance abuse evaluation and treatment has been ordered by the court.

Mental Health Crisis Intervention Services and Treatment:

Section 394.4784, F.S., provides that the "disability of nonage" is removed for any minor age 13 or older to access services under specified circumstances. This statutory provision allows a minor 13 or older to consent to crisis intervention services under the following circumstances:

1. *Outpatient diagnostic and evaluation services:*
 - a. The minor (age 13 or older) must be experiencing an emotional crisis to such a degree that he/she perceives the need for professional assistance;
 - b. Diagnostic and evaluation services must be provided by a licensed mental health professional or in a licensed mental health facility;
 - c. The purpose of such services shall be to determine the severity of the problem and the potential for harm to the person or others if further professional services are not provided;
 - d. The diagnostic and evaluation service cannot involve medication or other somatic methods, aversive stimuli or substantial deprivation; **and**
2. Such services cannot occur more than two times weekly in response to a crisis situation before parental consent is required for further services. Such services may include parental participation when determined to be appropriate by the mental health professional or facility.
 - a. Outpatient crisis intervention therapy and counseling services;
 - b. The minor (age 13 years or older) must be experiencing an emotional crisis to such a degree that he/she perceives the need for professional assistance;
 - c. The therapy must be provided by a licensed mental health professional, or in a licensed mental health facility;
 - d. The intervention cannot involve medication or other somatic methods, aversive stimuli or substantial deprivation;
 - e. The counseling cannot occur more than two times weekly before parental consent is required for further services. Such services may include parental participation when determined to be appropriate by the mental health professional or facility; **and**
 - f. The intervention services permitted in this circumstance are individual psychotherapy, group therapy, counseling, or other forms of verbal therapy.

Dr. Johnson Received Leadership Award



*Frank Peterman, Jr. Secretary,
Dr. Johnson, Chief Medical Director*

Lisa M. Johnson, MD, Chief Medical Director, received the January-February Executive Leadership Team, Leadership Award from Secretary Peterman, Jr.

Overarching Goals—The long term vision and planning for the Office of Health Services is to extensively improve the quality of medical, dental, mental health, substance abuse and developmental disability services provided to the youth in our care through increased resources, improved staffing, early troubleshooting for problem areas and improved collaborations with other state Agencies.

Consent and Emancipation

The purpose of the consent process is to ensure that, to the fullest extent possible, parents and/or legal guardians are afforded the right to give or withhold consent with regard to the health care provided to their children. The consent also serves to afford youth who are in the physical custody of a Department of Juvenile Justice facility or program are provided the opportunity to give consent after being duly informed, (including the right to refuse treatment, when applicable), in accordance with federal and state laws. Additionally, as the Department is committed to keeping the parent or guardian informed of and engaged in the health care provided to their children, an extensive notification process exists and is described in this chapter as well.

General

The *Authority for Evaluation and Treatment (AET)* is the Department's general consent form authorizing specific treatment for youth in the custody of the Department. For the purpose of the *AET* document. Departmental custody includes those DJJ facilities where youth are housed 24 hours per day, such as, Detention Centers and Residential Commitment Programs. Additionally, the *AET* also provides limited authority for youth in DJJ facility-based non-residential programs.

This form is a required and critical document to ensure that a youth's health and mental health needs can be met and services can be rendered. To take effect, it necessitates the signature of the parent or legal guardian. Without the necessary signature, the provision of these services requires a court order. However, under no circumstances shall emergency services be withheld pending an unsigned *AET*.

SERVICES AUTHORIZED IN 24 HOUR PER DAY FACILITIES

1. Physical Examinations including:
 - Evaluations to determine if a youth is ill or requires medical treatment;
 - Obtaining a complete medical and mental health history;
 - Testing for drugs or alcohol;
 - Blood, urine, TB or other tests necessary for a complete physical

- examination;
 - Dental examinations and emergency dental procedures;
 - Vision and Hearing screening;
 - Gynecological examinations.
2. Additional Testing.
 3. Treatment for illnesses (current and those that develop while in custody).
 4. Mental health assessments, testing and treatment deemed necessary by mental health professionals.
 5. Continuance and administration of existing medications.
 6. Administration of the following over the counter medications: Acetaminophen (Tylenol), Ibuprofen (Motrin, Advil), Pepto-Bismol, Milk of Magnesia, Maalox, Triple Antibiotic Ointment.
 7. Administration of over-the-counter and prescription medications by trained non-health care staff.
 8. Access to relevant medical and mental health records.
 9. Vaccinations, as long as the parent/guardian is provided with the appropriate Vaccine Information Statements at the time of signing the *AET* and initials consent accordingly.

Duration of the Authority for Evaluation and Treatment

The *AET* is valid for as long as the youth is under any type of supervision, custody or other form of legal control by the Department; OR, for one year after it was signed by the parent/legal Guardian, whichever comes later, OR until the youth's 18th birthday.

Legal control shall include probation and conditional release. The parent, legal guardian, or court may revoke or modify the *AET* at any time.

1. A new *AET* is not required when a youth has been transferred from one DJJ facility to another, as long as there have been no new modifications or revocations.
2. If the *AET* has expired at the time the youth re-enters the physical custody of the Department (that is, the youth has been under no form of su-

pervision, control, custody, or legal control by the Department AND more than a year has lapsed since the signing of the first *AET*), the JPO must obtain parental signature on a new *AET*, following the steps above.

3. If the youth who has been released from DJJ physical custody and off all supervision commits an offense which brings him/her back under supervision or control, the original *AET* CAN be used as long as it was signed less than 1 year prior.

4. When a youth who turns 18 remains in the custody of the Department, the *AET* signed by the parent is immediately invalidated. The youth must sign a new *AET for Youth 18 Years and Older* consenting (or withdrawing consent) for him or herself. At this time, information may be provided to the parents only with the youth's authorized and explicit written consent. The regional general counsel's office must be consulted if this is the case for a developmentally disabled youth.

Revocation of the Authority for Evaluation and Treatment

An *Authority for Evaluation and Treatment (AET)* can be revoked in its entirety, or the revocation can apply to certain treatment or services. For example, a parent or guardian could rescind authorization for all mental health or physical health treatments, or for only a specific procedure or service. Revocation of the *AET* for only a specific service does not affect the validity of the remainder of the *AET* for other authorized services.

Other Instances IN WHICH the Parental Notification of Health-RELATED Care Form Must be Sent to the Parents

Parental Notification of Health-Related Care must be sent to the parent/guardian whenever the youth is taken off-site for medical treatment (for example, to a dentist, an emergency room, hospital or an off-site specialist).

Exceptions include situations in which the reason for the transfer and treatment are related to the conditions which, by statute, a youth may consent to without parental knowledge or consent (assessment and

treatment for sexually transmitted diseases, assessment/treatment for HIV/AIDs, family planning services and those gynecological services that, in the opinion of the health care provider, are necessary for the health and well being of the youth). In these situations, the youth must provide consent for the Department to notify the parent.

Mailing of a Parental Notification of Health-Related Care for visits is not required in the following situations:

Youth who return for on-site follow-up of a sick call complaint at the instruction/direction of a Physician, PA, ARNP or RN where the condition is resolving;

Youth who report to sick call for complaints, which are of such a nature that they are statutorily protected from disclosure to parents/guardians (**e.g., evaluation/treatment of sexually transmitted illnesses/diseases**);

Youth who present to sick care for hygiene-related requests.

OVER-THE-COUNTER MEDICATIONS (OTCs) THAT ARE AUTHORIZED BY THE AET

The signed AET authorizes the administration of the following over-the-counter Medications during sick call or other nursing encounters: Acetaminophen (Tylenol), Ibuprophen (Motrin, Advil), Pepto-Bismol, Milk of Magnesia, Maalox, Triple Antibiotic Ointment. All of the above medications shall be administered in manufacturer's recommended doses.

Consent in Special Circumstances:

Definition of Emancipation

Emancipation is where an individual, the age of majority by law, has the right to be independent and no longer under the jurisdiction of his parent/s.

It is also the process whereby a minor may petition the courts to be legally responsible for himself. Either parent or child may petition for the minor to be emancipated. Before applying for emancipation it would be wise to consider reasons for doing so.

- ☑ In Florida, emancipation automatically occurs when a minor reaches 18 or when they marry. However, a minor cannot get married without parental consent.
- ☑ A minor under 16 years of age cannot get married with parental consent unless the minor female

Dr. Johnson Welcomes New Office of Health Services Registered Nurse Consultants.

Their role is to provide on-site monitoring and technical assistance to the Department's Detention Programs in the North Region. To supply consultative services to assist health care providers adhere to the Departments policies and procedures and provide complex nursing consultation and technical assistance to the Office of Health Services and monitor and evaluate clinic operations to ensure compliance with applicable rules, regulations and performance standards.

Their duties include the development and evaluation of health care policies, procedures, and administrative rules and will participate in health care program development, planning, and problem resolution. They provide day-to-day operational advice to licensed health care professionals and non-health care direct care staff on medical issues and concerns. They also serve as an expert resource to health care professionals and management staff in health care program planning, development and implementation, including the provision of education on medical and health care information.

Definition, continued

is pregnant and a Judge approves the marriage.

- ☑ To obtain emancipation, one must petition the court for an order of emancipation.
- ☑ A minor parent of a child is not considered emancipated except to seek a child support proceeding for the child, consent to the child's medical care, consent to the minor pregnant mother's own medical care for her pregnancy; and consent to child's adoption.
- ☑ An emancipated minor has the legal capacity to act as an adult, be in control of his or her affairs and free of the legal control and custody of his or her parents. Emancipated minors **do lose** the benefits of their parents providing for them and the protection of Department of Children and Families.
- ☑ Emancipation does not change the effect of certain laws, i.e. drinking and voting ages.

DJJ Welcomes Sherrie McGowan Arnwine, RN Office of Health Services Registered Nurse Consultant Central Region, Detention Services



Dr. Lisa Johnson, Chief Medical Director for the Office of Health Services, welcomes Sherrie Arnwine, RN as the Office of Health Services,

Registered Nurse Consultant, Central Region, Detention Services.

Sherrie Arnwine, RN was born and raised in Tampa. She began her nursing career in Intensive Care at the South Florida Baptist Hospital in 2003. She has since developed extensive experience in correctional nursing, including both supervising and training staff as well as providing direct care to inmates at the Hillsborough and Manatee County Sheriff's Offices.

Ms. Arnwine also provided direct care to youth at Falkenburg Academy, Britt Halfway House, and Les Peters Halfway House as an employee of Supplemental Health Care, where she was chosen as Employee of the Month.

Ms. Arnwine comes to us from the Department of Health, where she served the Hillsborough County Health Department TB Control Program as a Registered Nurse Case Manager, providing patient care and Case Management for diagnosed as active TB cases and suspects.

She is active in her church, and is active in her community through volunteering. She is currently a member of the Region 4 State Medical Response Team.

Ms. Arnwine enjoys spending time with her family and friends, cooking, and enjoys outdoor activities such as kayaking in her spare time.

Medical Staff

**DJJ Welcomes
Joyce Robinson Rolle, RN
Registered Nurse Consultant,
North Region,
Detention Services**



Dr. Lisa Johnson, Chief Medical Director for the Office of Health Services, Florida Department of Juvenile Justice welcomes Joyce Robinson Rolle, RN as the OHS North Region Registered Nursing Consultant.

Ms. Rolle comes to the Department of Juvenile Justice with a diverse background in nursing spanning thirty four years. As a single parent, she began as a Licensed Practical Nurse in 1976. She attended Southern University in New Orleans and Tallahassee Community College where she received her Associate of Science in Nursing degree (ASN) in 1999. Her experience includes performing conscious sedation during GI procedures for many years at the Webster Surgical Center and Clinical Manager at Covenant Hospice. She is passionate about assisting terminally ill patients and their families during their final transition performing palliative care and pain management.

Ms. Rolle has a son, Burdell, two grandsons, Amani and David, supports the Tallahassee Urban League and NAACP, loves God, teaches a women's Sunday school class, mentors young women, is the owner of Isabella Lincoln Women's Specialty Apparel and has two Shih Tzu's named Lincoln and Bella.

Dr. Johnson encourages you to participate in the Statewide DJJ Staff Team Wellness Challenge

Please see this link for more information: <http://djjws/new/Wellness-Challenge/index.html>

Visit us at <http://www.djj.state.fl.us/HealthServices/index.html>

MHSA Staff Update

**Congratulations to
Dr. Tracy Shelby**



Please join us as we congratulate Tracy Shelby, PhD on her tremendous achievement.

Dr. Shelby is a great asset to the Office of Health Services and the DJJ Team as Coordinator of Mental Health and Substance Abuse Services and we want to applaud her accomplishment.

We hope you will join us as we pass on our congratulations and good wishes to Dr. Tracy Shelby!

Form Updates

Look for Health Service Manual (2006) Form Updates in the Forms Library and the Juvenile Justice Information System.

A new system has been set up by OHS for review and comments of new or revised health services forms in the Forms Library. The procedure is similar to Review and Comments for policies. Click on this link in the Forms Library for more information:

<http://www.djj.state.fl.us/forms/formreview.html>.

The following form has been posted for review and comments:

[HS-016 Vaccine Administration Record for Children & Teens](#) (Revised - See [Note](#))

[Examples of Vaccine Administration for Children & Teens](#) (PDF Format)

See the Forms Library for further updates on these forms because of suggestions from Medical staff.

- HS-008 Controlled Medication Inventory Record Form, and the
- HS-015 HIV Antibody Test Youth Consent Form.

Website Updates

Website Updates have been added to the Office of Health Services Webpage Presentation/Trainings/CEU's:

Statewide Transportation Operation Policy PowerPoint presentation. *A Webinar conference call will take place on May 6th to discuss this procedure.* This presentation explains the process and use of the following forms when transporting DJJ youth:

1. Medication Receipt and Transport Disposition Form;
1. Medication Distribution Record Form; and
2. Transport Card.

The STOP presentation is posted on the OHS Website on the [Quicklinks/Documents](#) Section and under the [Presentations/Training/CEU](#) Section.

Click this link to view: <http://www.djj.state.fl.us/HealthServices/presentations.html>.

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Please submit suggestions for future Technical Assistance Bulletins to Debra Morris at Debra.Morris@djj.state.fl.us.