

By the Committee on Health Care Services and Representative Peadar

1 A bill to be entitled
2 An act relating to mental health and substance
3 abuse; establishing a commission on mental
4 health and substance abuse; providing
5 membership and duties; providing for an
6 advisory committee; providing for staff and
7 meetings; requiring reports and
8 recommendations; providing appropriations;
9 authorizing the Department of Children and
10 Family Services to use unit-costing contract
11 payments for a specified time period;
12 authorizing reimbursement of expenditures for
13 certain contracts; providing for rules;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Commission on Mental Health and Substance
19 Abuse.--

20 (1) FINDINGS.--The Legislature finds that: major
21 changes and improvements have occurred in how health care
22 services are planned, purchased, delivered, coordinated, and
23 accounted for; the management of the state's substance abuse
24 and mental health services system delineated in part IV of
25 chapter 394, Florida Statutes, has not been systematically
26 reviewed and updated in over 15 years; and the management of
27 the state-supported mental health and substance abuse system
28 has not kept pace with improvements in the field, thereby
29 diminishing the potential efficacy of its investment in mental
30 health services and substance abuse services. Therefore, it is
31 the intent of the Legislature that a systematic review of the

1 overall management of the state's mental health and substance
2 abuse system be conducted and that recommendations for
3 updating part IV of chapter 394, Florida Statutes, and other
4 related statutes be formulated.

5 (2) CREATION.--There is created, within the Executive
6 Office of the Governor, the Commission on Mental Health and
7 Substance Abuse.

8 (3) DUTIES.--The duties of the Commission on Mental
9 Health and Substance Abuse include the following:

10 (a) Conducting a review and evaluation of the
11 management and functioning of the existing publicly supported
12 mental health and substance abuse systems and services in the
13 Department of Children and Family Services, the Department of
14 Health, the Agency for Health Care Administration, and all
15 other departments which administer mental health and substance
16 abuse services. Such review shall include, at a minimum, a
17 review of current goals and objectives, current planning,
18 service strategies, coordination management, purchasing,
19 contracting, financing, local government funding
20 responsibility, and accountability mechanisms. The commission
21 shall coordinate its activities and recommendations with the
22 Office of Drug Control of the Executive Office of the
23 Governor.

24 (b) Addressing the unique mental health and substance
25 abuse needs of older persons, which shall be an integral
26 component of the duties of the commission as specified in
27 paragraph (a).

28 (c) Addressing access to, and financing of, emergency
29 behavioral health care services.

30 (d) Addressing the quality and effectiveness of
31 current mental health services delivery systems, professional

1 staffing and clinical structure of services, roles and
2 responsibilities of public and private providers, such as
3 community mental health centers and hospitals, including
4 emergency services departments, and law enforcement.

5 (e) Formulating recommendations to the Governor and
6 Legislature regarding the mission and objectives of
7 state-supported mental health and substance abuse services and
8 the planning, management, staffing, financing, contracting,
9 coordination, and accountability mechanisms which will best
10 foster the recommended mission and objectives.

11 (4) MEMBERSHIP.--The commission shall be composed of
12 22 members.

13 (a) One member shall be a member of the Senate and
14 shall be appointed by the President of the Senate.

15 (b) One member shall be a member of the House of
16 Representatives and shall be appointed by the Speaker of the
17 House of Representatives.

18 (c) One member shall be the Secretary of Children and
19 Family Services or his or her designee.

20 (d) One member shall be the Director of Health Care
21 Administration or his or her designee.

22 (e) The following members shall be appointed by the
23 Governor:

24 1. One consumer of the mental health delivery system.

25 2. One family member of a consumer of the mental
26 health delivery system.

27 3. One representative of county government.

28 4. One representative of the Florida Mental Health
29 Institute.

30 5. One corporate employer of a corporation that
31 provides mental health benefits to employees but is not in the

1 business of providing mental health or substance abuse
2 services.
3 6. One representative of an acute care hospital with
4 psychiatric beds or a mental health program.
5 7. One representative of a community mental health
6 provider.
7 8. One representative of a community substance abuse
8 provider.
9 9. A licensed psychiatrist working within the mental
10 health delivery system.
11 10. A licensed psychologist working within the mental
12 health delivery system.
13 11. Two other licensed mental health professionals.
14 12. An emergency room physician.
15 13. One representative of an insurer offering mental
16 and physical health insurance benefits.
17 14. One representative of a specialty hospital
18 licensed pursuant to chapter 395, Florida Statutes, that
19 provides behavioral health care and addictive services.
20 15. One representative from law enforcement.
21 16. One representative from the judicial system.
22 17. One representative of a child welfare agency
23 involved in the delivery of behavioral health services.
24 (5) ADVISORY COMMITTEE.--The commission shall appoint
25 at least one advisory committee representative of all state
26 agencies involved in administering mental health and substance
27 abuse services, and consumers, family members of consumers,
28 and current providers of public mental health or substance
29 abuse services.
30 (6) STAFF.--The Executive Office of the Governor shall
31 appoint an executive director recommended by the commission,

1 who shall provide professional expertise and arrange for
2 required consultation, analysis, and secretarial/clerical
3 support for the commission. Additional staff support shall be
4 provided by the Department of Children and Family Services.

5 (7) MEETINGS; REPORTS.--

6 (a) The commission shall conduct its first meeting no
7 later than September 1999.

8 (b) The commission shall meet as often as necessary to
9 fulfill its responsibilities.

10 (c) Committees shall be assigned as needed, composed
11 of representatives of the commission and the advisory
12 committee, and employees of the involved state agencies.

13 (d) All commission meetings shall be open to the
14 public and shall be held at various locations around the state
15 to facilitate public participation.

16 (e) The commission shall elect a chairperson from
17 among its members.

18 (f) The commission shall, as one of its first duties,
19 adopt rules of procedure which shall, at a minimum, include a
20 requirement that the recommendations of the commission be
21 adopted by at least two-thirds of those commission members
22 present.

23 (g) The commission shall submit an interim report to
24 the Governor, the Speaker of the House of Representatives, and
25 the President of the Senate no later than March 1, 2000.

26 (h) A final report with recommendations shall be
27 submitted to the Governor, the Speaker of the House of
28 Representatives, and the President of the Senate no later than
29 December 1, 2000.

30 (i) Authorization for the Commission on Mental Health
31 and Substance Abuse expires effective May 15, 2001.

1 Section 2. There is hereby appropriated for each of
2 fiscal years 1999-2000 and 2000-2001 the sum of \$75,000 from
3 the General Revenue Fund and \$75,000 from administrative funds
4 available under Title XIX of the Social Security Act
5 (Medicaid), to the Executive Office of the Governor to fund
6 the Commission on Mental Health and Substance Abuse.

7 Section 3. Interim contract and payment
8 authorization.--

9 (1) Notwithstanding s. 394.76(3)(a) and (c), Florida
10 Statutes, the Department of Children and Family Services may
11 use unit-costing methods of payment in contracts for
12 purchasing mental health and substance abuse services through
13 June 30, 2001. The unit-cost contracting system shall account
14 for those patient fees that are paid on behalf of a specific
15 client and those that are earned and used by the provider for
16 those services funded in whole or in part by the department.

17 (2) The department may reimburse actual expenditures
18 for start-up contracts and fixed capital outlay contracts in
19 accordance with contract specifications for purchasing mental
20 health and substance abuse services.

21 (3) The department shall adopt administrative rules
22 pursuant to chapter 120, Florida Statutes, to implement this
23 section.

24 Section 4. This act shall take effect July 1, 1999.
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HOUSE SUMMARY

Creates the Commission on Mental Health and Substance Abuse, within the Executive Office of the Governor, to review and evaluate the existing mental health and substance abuse system and services. Provides for membership, duties, staff, advisory committees, and meetings. Requires reports with recommendations to the Governor and Legislature. Provides appropriations for fiscal years 1999-2000 and 2000-2001. Authorizes the Department of Children and Family Services to use unit-costing methods of payment for contracts for mental health and substance abuse services through June 30, 2001, and to reimburse actual expenditures for start-up contracts and fixed capital outlay contracts for purchasing mental health and substance abuse services. Authorizes department rules.