

By the Committee on Children and Families; and Senators Mitchell and Diaz-Balart

300-1845A-99

1 A bill to be entitled
2 An act relating to mental health and substance
3 abuse services; amending s. 394.66, F.S.;
4 conforming a reference to the renaming of a
5 department; amending s. 394.74, F.S.;
6 authorizing the Department of Children and
7 Family Services to use unit cost methods of
8 payments in contracts for mental health and
9 substance abuse services; amending s. 394.78,
10 F.S.; directing the department to adopt certain
11 rules; establishing a commission on mental
12 health and substance abuse; providing
13 membership and duties; providing for an
14 advisory committee; providing for staff and
15 meetings; providing an effective date.

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

18
19 Section 1. Subsections (3) and (7) of section 394.66,
20 Florida Statutes, are amended to read:

21 394.66 Legislative intent with respect to alcohol,
22 drug abuse, and mental health services.--It is the intent of
23 the Legislature to:

24 (3) Ensure that all activities of the Department of
25 Children Health and Family Rehabilitative Services and its
26 contractors are directed toward the coordination of planning
27 efforts in alcohol, drug abuse, and mental health treatment
28 services.

29 (7) Include alcohol, drug abuse, and mental health
30 services as a component of the integrated service delivery
31

1 system of the Department of Children Health and Family
2 ~~Rehabilitative~~ Services.

3 Section 2. Subsection (2) of section 394.74, Florida
4 Statutes, is amended to read:

5 394.74 Contracts for provision of local alcohol, drug
6 abuse, and mental health programs.--

7 (2)(a) Contracts for service shall be consistent with
8 the approved district plan and the service priorities
9 established in s. 394.75(4).

10 (b) Notwithstanding s. 394.76(3)(a) and (c), the
11 department may use unit cost methods of payment in contracts
12 for purchasing mental health and substance abuse services. The
13 unit cost contracting system must through account for those
14 patient fees that are paid on behalf of a specific client and
15 those that are earned and used by the provider for those
16 services funded in whole or in part by the department.

17 (c) The department may reimburse actual expenditures
18 for start-up contracts and fixed capital outlay contracts in
19 accordance with contract specifications.

20 Section 3. Subsection (6) is added to section 394.78,
21 Florida Statutes, 1998 Supplement, to read:

22 394.78 Operation and administration; personnel
23 standards; procedures for audit and monitoring of service
24 providers; resolution of disputes.--

25 (6) The department shall, by rule, establish standards
26 for contracting, budgeting, methods of payment, and the
27 accounting of patient fees that are earned on behalf of a
28 specific client.

29 Section 4. Commission on Mental Health and Substance
30 Abuse.--

31

1 (1) FINDINGS.--The Legislature finds that: major
2 changes and improvements have occurred in how mental health
3 and substance abuse care services are planned, purchased,
4 delivered, coordinated, and accounted for; the management of
5 the state's substance abuse and mental health services system
6 delineated in part IV of chapter 394, Florida Statutes, has
7 not been systematically reviewed and updated in over 15 years;
8 and the management of the state-supported mental health and
9 substance abuse system has not kept pace with improvements in
10 the field, thereby diminishing the potential efficacy of its
11 investment in mental health services and substance abuse
12 services. Therefore, it is the intent of the Legislature that
13 a systematic review of the overall management of the state's
14 mental health and substance abuse system be conducted and that
15 recommendations for updating part IV of chapter 394, Florida
16 Statutes, and other related statutes be formulated.

17 (2) CREATION.--There is created, within the Executive
18 Office of the Governor, the Commission on Mental Health and
19 Substance Abuse.

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

22 (a) Conducting a review and evaluation of the
23 management and functioning of the existing publicly supported
24 mental health and substance abuse systems and services in the
25 Department of Children and Family Services, the Agency for
26 Health Care Administration, and all other departments which
27 administer mental health and substance abuse services. Such
28 review shall include, at a minimum, a review of current goals
29 and objectives, current planning, services strategies,
30 coordination management, purchasing, contracting, financing,
31 local government funding responsibility, and accountability

1 mechanisms. The commission shall coordinate its activities and
2 recommendations with the Office of Drug Control.

3 (b) Addressing the unique mental health and substance
4 abuse needs of older persons shall be an integral component of
5 the duties of the commission as specified in paragraph (a).

6 (c) Addressing access to, and financing of, and scope
7 of responsibility in the delivery of emergency behavioral
8 health care services.

9 (d) Addressing the quality and effectiveness of
10 current mental health and substance abuse services delivery
11 systems, professional staffing and clinical structure of
12 services, roles and responsibilities of public and private
13 providers, such as community mental health centers, community
14 substance abuse agencies, hospitals, including emergency
15 services departments, law enforcement, and the judicial
16 system.

17 (e) Addressing: priority population groups for
18 publicly funded mental health and substance abuse services; a
19 description of the comprehensive mental health and substance
20 abuse delivery systems; district mental health and substance
21 abuse needs assessment and planning activities; and local
22 government responsibilities for funding mental health and
23 substance abuse services.

24 (f) Formulating recommendations to the Governor and
25 Legislature regarding the mission and objectives of
26 state-supported mental health and substance abuse services and
27 the planning, management, staffing, financing, contracting,
28 coordination, and accountability mechanisms which will best
29 foster the recommended mission and objectives.

30 (4) MEMBERSHIP.--The commission shall be composed of
31 22 members.

1 (a) One member shall be a member of the Florida Senate
2 and shall be appointed by the Senate President.

3 (b) One member shall be a member of the Florida House
4 of Representatives and shall be appointed by the Speaker of
5 the House of Representatives.

6 (c) One member shall be the Secretary of the
7 Department of Children and Family Services or his or her
8 designee.

9 (d) One member shall be the Director of the Agency for
10 Health Care Administration or his or her designee.

11 (e) The following members shall be appointed by the
12 Governor:

13 1. One consumer of publicly funded mental health or
14 substance abuse services.

15 2. One family member of a consumer of publicly funded
16 mental health or substance abuse services.

17 3. One representative of county government.

18 4. One representative of the Florida Mental Health
19 Institute.

20 5. One corporate employer of a corporation providing
21 mental health and substance abuse benefits to employees but
22 who is not in the business of providing mental health or
23 substance abuse services.

24 6. One representative of an acute care hospital with
25 psychiatric beds or a mental health program.

26 7. One representative of a community mental health
27 provider.

28 8. One representative of a community substance abuse
29 provider.

30 9. A licensed psychiatrist working within the mental
31 health or substance abuse delivery system.

1 10. A licensed psychologist working within the mental
2 health or substance abuse delivery system.

3 11. Two other licensed mental health or substance
4 abuse professionals.

5 12. An emergency room physician.

6 13. One representative of an insurer offering
7 behavioral and physical health insurance benefits.

8 14. One representative of a specialty hospital
9 licensed pursuant to chapter 395, Florida Statutes, providing
10 mental health care and addictive services.

11 15. One representative from law enforcement.

12 16. One representative from the judicial system.

13 17. One representative of a child welfare agency
14 involved in the delivery of behavioral health services.

15 (5) ADVISORY COMMITTEE.--The commission shall appoint
16 at least one advisory committee representative of all state
17 agencies involved in the delivery of mental health and
18 substance abuse services, and consumers, family members of
19 consumers, and current providers of public mental health or
20 substance abuse services.

21 (6) STAFF.--The Executive Office of the Governor shall
22 appoint an executive director recommended by the commission,
23 who shall provide professional expertise and arrange for
24 required consultation, analysis, and secretarial and clerical
25 support for the commission. Additional staff support shall be
26 provided by the Department of Children and Family Services.

27 (7) MEETINGS; REPORTS.--

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

30 (b) The commission shall meet as often as necessary to
31 fulfill its responsibilities.

1 (c) Committees shall be assigned as needed, composed
2 of representatives of the commission and the advisory
3 committee and employees of the involved state agencies.

4 (d) All commission meetings shall be open to the
5 public and shall be held at various locations around the state
6 to facilitate public participation.

7 (e) The commission shall elect a chairperson from
8 among its members.

9 (f) The commission shall, as one of its first duties,
10 adopt rules of procedure, which shall, at a minimum, include a
11 requirement that the recommendations of the commission be
12 adopted by at least two-thirds of those commission members
13 present.

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

17 (h) A final report with recommendations, including any
18 modifications to current law, shall be submitted to the
19 Governor, the President of the Senate, and the Speaker of the
20 House of Representatives no later than December 1, 2000.

21 (i) Authorization for the commission on Mental Health
22 and Substance Abuse expires effective May 15, 2001.

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

29 Section 6. This act shall take effect upon becoming a
30 law.

31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bills 2388 and 1946
4 SB 2388
5 Removes the provision that unit cost contracting is effective
6 through June 30, 2000.
7 Includes provisions for the department to propose statutory
8 revisions to chapter 394, part IV, F.S., no later than October
9 1, 2000.
10 Creates the Commission on Mental Health and Substance Abuse
11 and specifies its membership and duties.
12 SB 1946
13 Removes the provision that unit cost contracting is effective
14 through June 30, 2000.
15 Deletes the provision that the Department of Children and
16 Family Services propose statutory revisions to part IV of
17 Chapter 394, F.S., by December 1, 1999.
18 Creates the Commission on Mental Health and Substance Abuse
19 and specifies its membership and duties.
20
21
22
23
24
25
26
27
28
29
30
31