

By Senator Hargrett

21-438-00

1 A bill to be entitled
2 An act relating to health care; transferring
3 powers, duties, functions, and funds of the
4 Department of Children and Family Services
5 relating to alcohol, drug abuse, and mental
6 health programs, including mental health
7 institutions, to the Department of Health;
8 authorizing the Department of Health to
9 organize and classify positions transferred;
10 amending s. 20.19, F.S.; removing from the
11 Department of Children and Family Services
12 responsibilities relating to alcohol, drug
13 abuse, and mental health programs; amending s.
14 20.43, F.S.; establishing within the Department
15 of Health a Division of Mental Health and a
16 Division of Substance Abuse; providing for a
17 behavioral health care transition advisory
18 committee; providing membership and duties;
19 authorizing the Department of Health to use
20 unit-costing contract payments; authorizing
21 reimbursement of expenditures for start-up
22 contracts; providing for rules; requiring
23 reports; providing effective dates.

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

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27 Section 1. Effective January 1, 2001, all powers,
28 duties, functions, records, personnel, property, and
29 unexpended balances of appropriations, allocations, and other
30 funds of the Department of Children and Family Services
31 relating to alcohol, drug abuse, and mental health programs,

1 including all mental health institutions, are transferred by a
2 type two transfer, as defined in section 20.06(2), Florida
3 Statutes, to the Department of Health. Any rules adopted by or
4 for the Department of Children and Family Services for the
5 administration and operation of such programs or institutions
6 are included in this transfer and shall remain in effect until
7 specifically changed in the manner provided by law. The
8 Department of Health may organize, classify, and manage the
9 positions transferred in a manner that will reduce
10 duplication, achieve maximum efficiency, and ensure
11 accountability.

12 Section 2. Effective January 1, 2001, paragraph (b) of
13 subsection (1), subsection (5), paragraph (e) of subsection
14 (10), and paragraph (j) of subsection (17) of section 20.19,
15 Florida Statutes, are amended to read:

16 20.19 Department of Children and Family
17 Services.--There is created a Department of Children and
18 Family Services.

19 (1) MISSION AND PURPOSE.--

20 (b) The purposes of the Department of Children and
21 Family Services are to deliver, or provide for the delivery
22 of, all family services offered by the state through the
23 department to its citizens and include, but are not limited
24 to:

25 1. Cooperating with other state and local agencies in
26 integrating the delivery of all family and health services
27 offered by the state to those citizens in need of assistance.

28 2. Providing such assistance as is authorized to all
29 eligible clients in order that they might achieve or maintain
30 economic self-support and self-sufficiency to prevent, reduce,
31 or eliminate dependency.

1 3. Preventing or remedying the neglect, abuse, or
2 exploitation of children and of adults unable to protect their
3 own interests.

4 4. Aiding in the preservation, rehabilitation, and
5 reuniting of families.

6 5. Preventing or reducing inappropriate institutional
7 care by providing for community-based care, home-based care,
8 or other forms of less intensive care.

9 6. Securing referral or admission for institutional
10 care when other forms of care are not appropriate, or
11 providing services to individuals in institutions when
12 necessary.

13 7. Improving the quality of life for ~~persons with~~
14 ~~mental illnesses and~~ persons with developmental disabilities.

15 (5) PROGRAM OFFICES.--

16 (a) There are created program offices, each of which
17 shall be headed by an assistant secretary who shall be
18 appointed by and serve at the pleasure of the secretary. Each
19 program office shall have the following responsibilities:

20 1. Ensuring that family services programs are
21 implemented according to legislative intent and as provided in
22 state and federal laws, rules, and regulations.

23 2. Establishing program standards and performance
24 objectives.

25 3. Reviewing, monitoring, and ensuring compliance with
26 statewide standards and performance measures.

27 4. Providing general statewide supervision of the
28 administration of service programs, including, but not limited
29 to:

30 a. Developing and coordinating training for service
31 programs.

- 1 b. Coordinating program research.
- 2 c. Identifying statewide program needs and
- 3 recommending solutions and priorities.
- 4 d. Providing technical assistance for the
- 5 administrators and staff of the service districts.
- 6 e. Assisting district administrators in staff
- 7 development and training.
- 8 f. Monitoring service programs to ensure program
- 9 quality among service districts.
- 10 5. Developing workload and productivity standards.
- 11 6. Developing resource allocation methodologies.
- 12 7. Compiling reports, analyses, and assessment of
- 13 client needs on a statewide basis.
- 14 8. Ensuring the continued interagency collaboration
- 15 with the Department of Education for the development and
- 16 integration of effective programs to serve children and their
- 17 families.
- 18 9. Other duties as are assigned by the secretary.
- 19 (b) The following program offices are established and
- 20 may be consolidated, restructured, or rearranged by the
- 21 secretary; provided any such consolidation, restructuring, or
- 22 rearranging is for the purpose of encouraging service
- 23 integration through more effective and efficient performance
- 24 of the program offices or parts thereof:
- 25 1. Economic Self-Sufficiency Program Office.--The
- 26 responsibilities of this office encompass income support
- 27 programs within the department, such as temporary assistance
- 28 to families with dependent children, food stamps, welfare
- 29 reform, and state supplementation of the supplemental security
- 30 income (SSI) program.
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1 2. Developmental Services Program Office.--The
2 responsibilities of this office encompass programs operated by
3 the department for developmentally disabled persons.
4 Developmental disabilities include any disability defined in
5 s. 393.063.

6 3. Children and Families Program Office.--The
7 responsibilities of this program office encompass early
8 intervention services for children and families at risk;
9 intake services for protective investigation of abandoned,
10 abused, and neglected children; interstate compact on the
11 placement of children programs; adoption; child care;
12 out-of-home care programs and other specialized services to
13 families.

14 ~~4. Alcohol, Drug Abuse, and Mental Health Program~~
15 ~~Office.--The responsibilities of this office encompass all~~
16 ~~alcohol, drug abuse, and mental health programs operated by~~
17 ~~the department.~~

18 (10) DISTRICT ADMINISTRATOR.--

19 (e) Programs at the district level are in the
20 following areas: ~~alcohol, drug abuse, and mental health~~
21 developmental services; economic self-sufficiency services;
22 and children and family services. There may be a program
23 supervisor for each program, or the district administrator may
24 combine programs under a program manager or program supervisor
25 if such arrangement is approved by the secretary.

26 (17) CONTRACTING AND PERFORMANCE STANDARDS.--

27 (j) If a provider fails to meet the performance
28 standards established in the contract, the department may
29 allow a reasonable period for the provider to correct
30 performance deficiencies. If performance deficiencies are not
31 resolved to the satisfaction of the department within the

1 prescribed time, and if no extenuating circumstances can be
2 documented by the provider to the department's satisfaction,
3 the department must cancel the contract with the provider. The
4 department may not enter into a new contract with that same
5 provider for the services for which the contract was
6 previously canceled for a period of at least 24 months after
7 the date of cancellation. ~~If an adult substance abuse~~
8 ~~services provider fails to meet the performance standards~~
9 ~~established in the contract, the department may allow a~~
10 ~~reasonable period, not to exceed 6 months, for the provider to~~
11 ~~correct performance deficiencies. If the performance~~
12 ~~deficiencies are not resolved to the satisfaction of the~~
13 ~~department within 6 months, the department must cancel the~~
14 ~~contract with the adult substance abuse provider, unless there~~
15 ~~is no other qualified provider in the service area.~~

16 Section 3. Effective January 1, 2001, subsections (1)
17 and (3) of section 20.43, Florida Statutes, are amended to
18 read:

19 20.43 Department of Health.--There is created a
20 Department of Health.

21 (1) The purpose of the Department of Health is to
22 promote and protect the health of all residents and visitors
23 in the state through organized state and community efforts,
24 including cooperative agreements with counties. The
25 department shall:

26 (a) Prevent to the fullest extent possible, the
27 occurrence and progression of communicable and noncommunicable
28 diseases and disabilities and mental and substance-abuse
29 impairment.

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1 (b) Maintain a constant surveillance of disease
2 occurrence and accumulate health statistics necessary to
3 establish disease trends and to design health programs.

4 (c) Conduct special studies of the causes of diseases
5 and formulate preventive strategies.

6 (d) Promote the maintenance and improvement of the
7 environment as it affects public health.

8 (e) Promote the maintenance and improvement of health
9 in the residents of the state.

10 (f) Provide leadership, in cooperation with the public
11 and private sectors, in establishing statewide and community
12 public health and behavioral health delivery systems.

13 (g) Provide health care and early intervention
14 services to infants, toddlers, children, adolescents, and
15 high-risk perinatal patients who are at risk for disabling
16 conditions or have chronic illnesses.

17 (h) Provide services to abused and neglected children
18 through child protection teams and sexual abuse treatment
19 programs.

20 (i) Develop working associations with all agencies and
21 organizations involved and interested in health and behavioral
22 health care delivery.

23 (j) Analyze trends in the evolution of health and
24 behavioral health systems, and identify and promote the use of
25 innovative, cost-effective ~~health~~ delivery systems.

26 (k) Serve as the statewide repository of all aggregate
27 data accumulated by state agencies related to health care;
28 analyze that data and issue periodic reports and policy
29 statements, as appropriate; require that all aggregated data
30 be kept in a manner that promotes easy utilization by the
31 public, state agencies, and all other interested parties;

1 provide technical assistance as required; and work
2 cooperatively with the state's higher education programs to
3 promote further study and analysis of health and behavioral
4 health care systems and ~~health care~~ outcomes.

5 (l) Biennially publish, and annually update, a state
6 health plan that assesses current health programs, systems,
7 and costs; makes projections of future problems and
8 opportunities; and recommends changes needed in the health
9 care system to improve the public health.

10 (m) Regulate health practitioners, to the extent
11 authorized by the Legislature, as necessary for the
12 preservation of the health, safety, and welfare of the public.

13 (n) Improve the quality of life for persons with
14 mental illnesses and persons with substance-abuse problems,
15 including the promotion of appropriate levels of care and
16 community-based treatment and support systems.

17 (3) The following divisions of the Department of
18 Health are established. Each division shall be under the
19 direct supervision of a division director appointed by the
20 secretary. The secretary shall appoint a Deputy Secretary for
21 Behavioral Health Care who shall have direct supervision over
22 the Division of Mental Health and the Division of Substance
23 Abuse.÷

24 (a) Division of Administration.

25 (b) Division of Environmental Health.

26 (c) Division of Disease Control.

27 (d) Division of Family Health Services.

28 (e) Division of Children's Medical Services Network.

29 (f) Division of Emergency Medical Services and
30 Community Health Resources.

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- 1 (g) Division of Medical Quality Assurance, which is
2 responsible for the following boards and professions
3 established within the division:
- 4 1. Nursing assistants, as provided under s. 400.211.
 - 5 2. Health care services pools, as provided under s.
6 402.48.
 - 7 3. The Board of Acupuncture, created under chapter
8 457.
 - 9 4. The Board of Medicine, created under chapter 458.
 - 10 5. The Board of Osteopathic Medicine, created under
11 chapter 459.
 - 12 6. The Board of Chiropractic Medicine, created under
13 chapter 460.
 - 14 7. The Board of Podiatric Medicine, created under
15 chapter 461.
 - 16 8. Naturopathy, as provided under chapter 462.
 - 17 9. The Board of Optometry, created under chapter 463.
 - 18 10. The Board of Nursing, created under chapter 464.
 - 19 11. The Board of Pharmacy, created under chapter 465.
 - 20 12. The Board of Dentistry, created under chapter 466.
 - 21 13. Midwifery, as provided under chapter 467.
 - 22 14. The Board of Speech-Language Pathology and
23 Audiology, created under part I of chapter 468.
 - 24 15. The Board of Nursing Home Administrators, created
25 under part II of chapter 468.
 - 26 16. The Board of Occupational Therapy, created under
27 part III of chapter 468.
 - 28 17. Respiratory therapy, as provided under part V of
29 chapter 468.
 - 30 18. Dietetics and nutrition practice, as provided
31 under part X of chapter 468.

- 1 19. The Board of Athletic Training, created under part
2 XIII of chapter 468.
- 3 20. The Board of Orthotists and Prosthetists, created
4 under part XIV of chapter 468.
- 5 21. Electrolysis, as provided under chapter 478.
- 6 22. The Board of Massage Therapy, created under
7 chapter 480.
- 8 23. The Board of Clinical Laboratory Personnel,
9 created under part III of chapter 483.
- 10 24. Medical physicists, as provided under part IV of
11 chapter 483.
- 12 25. The Board of Opticianry, created under part I of
13 chapter 484.
- 14 26. The Board of Hearing Aid Specialists, created
15 under part II of chapter 484.
- 16 27. The Board of Physical Therapy Practice, created
17 under chapter 486.
- 18 28. The Board of Psychology, created under chapter
19 490.
- 20 29. School psychologists, as provided under chapter
21 490.
- 22 30. The Board of Clinical Social Work, Marriage and
23 Family Therapy, and Mental Health Counseling, created under
24 chapter 491.
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- 26 The department may contract with the Agency for Health Care
27 Administration who shall provide consumer complaint,
28 investigative, and prosecutorial services required by the
29 Division of Medical Quality Assurance, councils, or boards, as
30 appropriate.
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1 (h) Division of Children's Medical Services Prevention
2 and Intervention.

3 (i) Division of Information Resource Management.

4 (j) Division of Health Awareness and Tobacco.

5 (k) Division of Mental Health.

6 (l) Division of Substance Abuse.

7 Section 4. Behavioral health care transition advisory
8 committee.--

9 (1) Effective July 1, 2000, the Secretary of Health
10 and the Secretary of Children and Family Services shall each
11 appoint three staff members to a behavioral health care
12 transition advisory committee. The members of the committee
13 must represent staff of the respective departments, including
14 representatives from the headquarter's level area office or
15 district offices, and local staff including a facility staff
16 representative, who are involved in the transferred functions.
17 The Secretary of Health shall also appoint one committee
18 member to represent the mental health provider community. The
19 Secretary of Children and Family Services shall also appoint
20 one member to represent the substance-abuse services provider
21 community. In addition, the two secretaries shall jointly
22 appoint one person to represent the behavioral health care
23 consumer and advocacy groups on the committee. The Secretary
24 of Health shall designate a member of the committee to serve
25 as committee chair.

26 (2) The purpose of the committee is to prepare for the
27 transfer of behavioral health care functions from the
28 Department of Children and Family Services to the Department
29 of Health. The committee shall be located, for administrative
30 purposes, in the Department of Health.

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1 (3) By October 1, 2000, the committee shall prescribe
2 a schedule of transition activities and functions with respect
3 to the transfer of responsibilities. The schedule must, at a
4 minimum, address: office space, information support systems,
5 cash ownership and transfer, administrative support functions,
6 inventory and transfer of equipment and supplies, expenditure
7 transfers, budget authority and positions, and certifications
8 forward.

9 Section 5. Interim contract and payment
10 authorization.--

11 (1) Notwithstanding section 394.76(3)(a) and (c),
12 Florida Statutes, the Department of Health may use
13 unit-costing methods of payment in contracts for purchasing
14 mental health and substance-abuse services through June 30,
15 2002. The unit-cost contracting system shall account for those
16 patient fees that are paid on behalf of a specific client and
17 those that are earned and used by the provider for those
18 services funded in whole or in part by the department.

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

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

25 Section 6. Except as otherwise provided in this act,
26 this act shall take effect July 1, 2000.

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SENATE SUMMARY

Effective January 1, 2000, transfers responsibility for alcohol, drug abuse, and mental health programs and services, including mental health institutions, from the Department of Children and Family Services to the Department of Health. Establishes within the Department of Health a Division of Mental Health and a Division of Substance Abuse. Provides for appointment of a Deputy Secretary for Behavioral Health Care who is responsible for the direct supervision of both divisions. Establishes a behavioral health care transition committee to prepare and prescribe a schedule for the transfer of activities and functions.