

By Senator Silver

38-1105-00

See HB

1 A bill to be entitled
2 An act relating to older adult mental health
3 and substance abuse services; providing a short
4 title; providing legislative intent; directing
5 the Department of Children and Family Services
6 to develop a comprehensive plan for a mental
7 health and substance abuse service delivery
8 system for older adults; providing plan
9 requirements; requiring reports; requiring
10 collection and analysis of data; specifying
11 populations to be served; providing for
12 performance measures; requiring annual review
13 thereof; directing the department to establish
14 services, within available resources; directing
15 the department to adopt by rule certain
16 statewide standards; providing for a service
17 planning process; providing for case management
18 services; providing training requirements for
19 service providers; directing the department to
20 develop public education and outreach programs;
21 providing for enhancement of existing community
22 mental health and substance abuse systems;
23 providing for solicitation of enhancement
24 projects to be funded on a competitive basis;
25 providing for project evaluation; requiring a
26 report; providing for a consortium to oversee
27 older adult interagency system of care
28 demonstration models; providing for
29 establishment of a local oversight body for
30 each demonstration model; providing for
31 purpose, funding, and evaluation of

1 demonstration models; requiring a report;
2 providing rulemaking authority; providing
3 authority to seek certain federal waivers;
4 providing an effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Short title.--This act may be cited as the
9 "Comprehensive Older Adult Mental Health and Substance Abuse
10 Services Act."

11 Section 2. Legislative intent; guiding principles.--It
12 is the intent of the Legislature that the following principles
13 guide the development and implementation of the publicly
14 funded older adult mental health and substance abuse treatment
15 and support system:

16 (1) There should be a system of care for older adults
17 which includes a continuum of aging, mental health, and
18 substance abuse services that meet the needs of Florida's
19 older adults.

20 (2) The system of care should be centered on the older
21 adult, with the needs and strengths of the older adult and his
22 or her family or support system dictating the types and mix of
23 services provided.

24 (3) Older adults should be active participants in
25 planning, selecting, and delivering mental health and
26 substance abuse services at the local level, as well as in
27 developing statewide policies for older adult mental health
28 and substance abuse services. The families and support systems
29 of older adults should be included where appropriate and in
30 the best interests of the older adult.
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1 (4) Priorities and minimum standards should be
2 established at the state level to foster consistency
3 throughout the state in mental health and substance abuse
4 services.

5 (5) The system of care should be community-based, with
6 accountability, location of services, and responsibility for
7 management and decisionmaking resting at the local level.

8 (6) The system should provide timely access to a
9 comprehensive array of cost-effective mental health and
10 substance abuse services.

11 (7) Older adults should receive individualized
12 services, guided by an individualized service plan, in
13 accordance with the unique needs and strengths of each older
14 adult and his or her family or support system.

15 (8) The system should include comprehensive screening,
16 assessment, internal case finding, and outreach to identify
17 older adults who are in need of mental health or substance
18 abuse services and should target known risk factors.

19 (9) Older adults should receive services within the
20 least restrictive environment appropriate to the service needs
21 and quality of life of the individual.

22 (10) Mental health and substance abuse programs and
23 services should support and strengthen families and support
24 systems so that the family or support system can more
25 adequately meet the mental health and substance abuse
26 treatment needs of the older adult.

27 (11) Services should be delivered in a coordinated
28 manner so that the older adult can move through the system of
29 services according to his or her changing needs and in a way
30 that meets those needs.

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1 (12) The delivery of comprehensive mental health and
2 substance abuse services should enable older adults to
3 function more effectively at home and within the community.

4 (13) Community-based systems of care should educate
5 persons, including health care, long-term care, and aging
6 services providers, to recognize indicators of emotional
7 distress, depression, suicide risk, and substance abuse in
8 older adults and to provide information regarding referral,
9 treatment, and support services.

10 (14) Mental health and substance abuse services should
11 be delivered by staff specifically trained to work with older
12 adult mental health and substance abuse consumers.

13 (15) Mental health and substance abuse services for
14 older adults should be provided in a manner that is sensitive
15 and responsive to the special needs that derive from cultural
16 or gender differences, without regard to race, religion,
17 national origin, gender, disability, or payment source.

18 Section 3. Comprehensive plan.--

19 (1) The Department of Children and Family Services
20 shall develop a comprehensive plan that shall address the
21 mental health and substance abuse treatment needs of older
22 adults and provide strategies to meet those needs through the
23 interagency coordination of services. The plan shall identify
24 the unique service needs of older adults, determine the types
25 of services delivered, project the services needed, provide an
26 analysis of costs associated with existing and projected
27 services, and recommend modifications to programs and services
28 to more effectively meet the unique mental health and
29 substance abuse treatment needs of older adults, especially
30 underserved populations.

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1 (2) Elements of the comprehensive plan shall be
2 coordinated and integrated with other mental health planning
3 and with the plans of other state agencies that administer
4 programs or services that are or should be components of a
5 comprehensive mental health and substance abuse service
6 delivery system for older adults. To this end, such state
7 agencies shall coordinate with the department the development
8 and integration of elements of the comprehensive plan
9 appropriate to their respective programmatic responsibilities.

10 (3) The comprehensive plan shall be presented to the
11 Governor, the President of the Senate, and the Speaker of the
12 House of Representatives every 3 years on or before August 1,
13 beginning in the year 2001. On or before August 1 of each
14 year, the department shall submit a report to the Governor,
15 the President of the Senate, and the Speaker of the House of
16 Representatives which analyzes the status of the
17 implementation of each element of the comprehensive plan and
18 the relationship of that status to the department's budget
19 request.

20 Section 4. Data collection.--To ensure the adequate
21 provision of services and to meet the needs of older adults in
22 need of mental health and substance abuse services, the
23 department shall ensure that detailed statistical and
24 empirical information on Florida citizens is collected,
25 maintained, and analyzed for the purpose of improving the
26 system. As part of the development of the comprehensive plan,
27 the department shall include provisions regarding data needed,
28 and a time schedule and method for obtaining this information.

29 Section 5. Target populations.--
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1 (1) State-funded older adult mental health and
2 substance abuse services shall serve, to the extent that
3 resources are available, the following groups of older adults:

4 (a) Adults age 55 and older who are experiencing an
5 acute mental or emotional health or substance abuse crisis.

6 (b) Adults age 55 and older who have a severe and
7 persistent mental or emotional illness or substance abuse
8 problem.

9 (c) Adults age 55 and older who are at risk for a
10 mental or emotional health or substance abuse crisis event or
11 are at risk of institutionalization in a long-term care
12 setting or state institution.

13 (2) Older adults who meet the target population
14 criteria of this section shall be served to the extent
15 possible within available resources and consistent with a
16 state plan of care developed by the department. The plan shall
17 specify a service mandate for Florida's underserved older
18 population. Services shall be targeted to prevent further need
19 for the substance abuse, mental health, or aging continuum of
20 services. Services shall be readily available along the mental
21 health, substance abuse, and aging continuum to older adults
22 residing in the community as well as those residing in state
23 institutions. To the extent possible, services shall be
24 community-based. To achieve the continuum of services, the
25 department may develop public-private partnerships as well as
26 sliding fee-scale programs.

27 Section 6. Performance measures.--

28 (1) The older adult mental health treatment and
29 support system shall develop performance measures for older
30 Floridians with mental health and substance abuse problems who
31 are within the target populations.

1 (2) After the development of the initial
2 age-appropriate performance measures, the department shall
3 annually review and adjust as needed the specific performance
4 outcomes and performance measures to assess the performance of
5 the older adult mental health treatment and support system in
6 achieving the intent of this act.

7 Section 7. Programs and services.--

8 (1) The department shall establish, within available
9 resources, an array of services to meet the individualized
10 service and treatment needs of older adults who are members of
11 the target populations and their families and caregivers.

12 (2) The array of services shall include comprehensive
13 holistic assessment services that provide a competent
14 interpretation of the nature of the problems of the older
15 adult and, when appropriate, his or her family or support
16 systems; family issues that may impact such problems;
17 additional factors that contribute to such problems; and the
18 assets, strengths, and resources of the older adult and his or
19 her family or support systems. The assessment services to be
20 provided shall be determined by the clinical needs of each
21 individual.

22 (3) The department shall adopt by rule statewide
23 standards for mental health and substance abuse assessments
24 and definitions of the service array appropriate to older
25 adults.

26 (4) The array of services shall include, but is not
27 limited to:

28 (a) Case management.

29 (b) Prevention services.

30 (c) Home and community-based services and systems of
31 care.

- 1 (d) Family therapy and support.
2 (e) Respite services and day care.
3 (f) Outpatient treatment.
4 (g) Day treatment.
5 (h) Crisis intervention and stabilization.
6 (i) Residential treatment facilities.
7 (j) Inpatient hospitalization.
8 (k) Medical services.
9 (l) Overlay services.
10 (m) Supported housing.
11 (n) Transportation services.
12 (o) Consumer-operated and peer support services.
13 (p) Vocational services.
14 (q) Individual counseling, both in-home and
15 community-based.
16 (r) Partial hospitalization.
17 (s) Transitional services.
18 (t) Outreach, including to in-home settings.
19 (u) Residential services.
20 (v) Services to victims of sex offenses.
21 (w) Medication management.
22 (x) Mobile crisis intervention.
23 (y) Therapeutic foster and family care homes.
24 (z) Caregiver support.
25 Section 8. Service planning.--
26 (1) The service planning process shall:
27 (a) Focus on individualized treatment aligned with the
28 highest priority needs of the older adult.
29 (b) Concentrate on the service needs of the older
30 adult's formal and informal support system.
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1 (c) Involve appropriate family and support system
2 members and pertinent community-based health, education, and
3 social agencies.

4 (2) The principles of the service planning process
5 shall:

6 (a) Enable case management.

7 (b) Include a mechanism to discern opportunities for
8 early intervention in developing cases of older adult mental
9 health or substance abuse problems. The same mechanism shall
10 afford crisis intervention and prevention capacity.

11 (c) Assist the family and other caregivers in
12 developing and implementing a workable services plan for
13 treating the mental health or substance abuse problems of the
14 older adult.

15 (d) Use all available resources in the community,
16 including informal support services, which will assist in
17 carrying out the goals and objectives of the services plan.

18 (e) Maintain the older adult in the most normal
19 environment possible and as close to home, family, or support
20 system as is feasible.

21 (f) Ensure the ability of family to participate in the
22 treatment of the older adult, when appropriate, and strive to
23 enhance the older adult's independence by building on family
24 strengths and assets.

25 (3) The services plan shall include:

26 (a) A mental health description of the older adult and
27 his or her personal perspective on the problem being
28 addressed.

29 (b) A description of the services or treatment to be
30 provided to the older adult, and his or her family or support
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1 system, if appropriate, which address the identified problem,
2 including:
3 1. The frequency and duration of services or
4 treatment.
5 2. The location at which the services or treatment are
6 to be provided.
7 3. The name of each accountable provider of services
8 or treatment.
9 4. Medication management and continuity of care.
10 (c) A description of the measurable objectives of
11 treatment which, if met, will result in measurable
12 improvements in the condition of the older adult.
13 (d) The older adult's personal vision and goals.
14 (4) The department shall adopt by rule criteria for
15 determining when an older adult who receives mental health
16 services must have an individualized services plan.
17 (5) The services plan shall be driven by the needs of
18 the older adult upon whom it is centered. The services plan,
19 where possible, shall be developed in conference with the
20 older adult and, if appropriate, family or primary support
21 members. An appeal process shall be established.
22 (6) The services plan shall be reviewed with changes
23 in client status or level of care, or at least annually, for
24 programmatic and financial appropriateness.
25 (7) The department shall adopt by rule criteria that
26 define the population to be assigned case managers. The
27 department shall develop standards for case management
28 services and procedures for appointing case managers. It is
29 the intent of the Legislature that case management services
30 not be duplicated or fragmented and that such services promote
31 the continuity and stability of a case manager assigned to an

1 older adult. For the purpose of this section, case management
2 includes:

3 (a) Developing and implementing the services plan.

4 (b) Providing advocacy services.

5 (c) Linking service providers to an older adult and,
6 when appropriate, his or her family or support system.

7 (d) Monitoring the delivery of services.

8 (e) Collecting information to determine the effect of
9 services and treatment.

10 Section 9. Training requirements.--Individuals
11 treating or serving older adults should have appropriate and
12 ongoing training in aging and mental health and in substance
13 abuse. The department shall work with providers, licensure
14 boards, professional organizations, and educators to establish
15 appropriate education and training. The department is
16 encouraged to foster the development of continuing education
17 by existing professional membership organizations and
18 educational institutions.

19 Section 10. Public education and outreach.--The
20 department shall develop methods of information dissemination
21 designed to overcome the barriers to treatment within the
22 target populations. Innovative outreach programs must be
23 developed and promoted to improve the diversion of older
24 persons from expensive and intensive forms of care. The
25 department shall develop a marketing and public education plan
26 for how best to develop prevention and treatment strategies
27 aimed at an older audience. At least one of the older adult
28 interagency system of care demonstration models shall be
29 centered around the development of innovative marketing and
30 public education materials and strategies.

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1 Section 11. Community mental health and substance
2 abuse system enhancement.--

3 (1) DEVELOPMENT.--The current community mental health
4 and substance abuse systems shall be enhanced to identify,
5 attract, and serve older adults. The system enhancement should
6 address staffing, training, and program development for older
7 adults.

8 (2) IMPLEMENTATION.--

9 (a) As the Legislature provides funding for the
10 enhancement of older adult mental health and substance abuse
11 services, the Alcohol, Drug Abuse and Mental Health Program
12 Office of the department shall create a competitive selection
13 process for soliciting proposals for use of funds within the
14 community mental health and substance abuse systems to
15 implement this section.

16 1. The department shall use an independent review
17 panel to evaluate the proposals.

18 2. Each project or initiative funded through the
19 enhancement program shall be evaluated and continued based on
20 whether the project or initiative achieves established goals.

21 (b) The department shall establish the proposal
22 process by October 1, 2000, with project awards to be made no
23 later than December 1, 2000. Evaluations of the enhancement
24 projects shall be performed on a schedule to be determined by
25 the department.

26 (3) EVALUATION.--An independent evaluation of each
27 enhancement project shall be conducted to identify more
28 effective ways in which to serve the most complex cases of
29 older adults who have a serious emotional disturbance, mental
30 illness, or substance abuse problem; to determine better
31 utilization of public resources; to assess ways that community

1 agencies may share pertinent client information; and to
2 determine to what extent the project achieved its stated
3 goals. The department shall identify each enhancement project
4 to be evaluated. The evaluation must analyze all
5 administrative costs associated with operating each
6 enhancement project. The evaluator must be independent of the
7 department and the service providers and must have
8 demonstrated experience in evaluating mental health and
9 substance abuse programs for older adults. The department
10 shall submit a report to the President of the Senate and the
11 Speaker of the House of Representatives by December 31, 2003,
12 which must include findings and conclusions for each
13 enhancement project and provide recommendations for statewide
14 implementation.

15 Section 12. Older adult interagency system of care
16 demonstration models.--

17 (1) DEVELOPMENT.--

18 (a) The Agency for Health Care Administration, the
19 Department of Health, the Department of Children and Family
20 Services, and the Department of Elderly Affairs shall form a
21 consortium, hereinafter referred to as "the consortium," by
22 entering into a partnership agreement to create and oversee
23 older adult interagency system of care demonstration models.
24 The partnership agreement may not divest any public or private
25 agency of its responsibility for an older adult but may allow
26 participating agencies to better meet the needs of older
27 adults through the sharing of resources. The consortium shall
28 ensure that funds appropriated in the General Appropriations
29 Act for direct services to the target populations are not
30 expended for any other purpose. The departments shall

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1 collaborate to implement this section, and the Department of
2 Elderly Affairs shall be the lead agency.

3 (b) The consortium shall establish a local oversight
4 body that is responsible for directing each demonstration
5 model. The oversight body shall include representatives of the
6 state agencies that comprise the consortium, representatives
7 of local government as well as other appropriate community
8 entities, and older adults.

9 (c) A demonstration model, unless otherwise authorized
10 by the consortium, shall operate for 3 years, utilizing
11 existing funds. Pursuant to the direction of the consortium,
12 each demonstration model shall maintain appropriate program
13 and fiscal accountability.

14 (2) PURPOSE.--The purpose of the older adult
15 interagency system of care demonstration models is to test
16 various designs and strategies for the planning, integration,
17 or coordination of the interagency delivery of services to
18 older adults who have mental health or substance abuse
19 problems and their families or support systems. In addition to
20 the guiding principles specified in section 2 and the
21 principles of the service planning process specified in
22 section 8(2), each demonstration model shall seek to:

23 (a) Enhance and expedite services to older adults with
24 mental health or substance abuse problems.

25 (b) Refine the process of case management using the
26 strengths approach in assessment and service planning and
27 eliminate case management duplication.

28 (c) Employ natural supports in the family and the
29 community to help meet the service needs of the older adult.

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1 (d) Improve interagency planning efforts through
2 greater collaboration between public and private
3 community-based agencies.

4 (e) Test creative and flexible strategies for
5 financing and purchasing mental health and substance abuse
6 services for older adults.

7 (f) Establish information-sharing mechanisms with
8 state and community agencies.

9 (3) MODEL ENHANCEMENTS.--

10 (a) The Legislature finds that reimbursement
11 restrictions, such as narrowly defined cost centers or
12 appropriation categories, do not typically allow for the
13 integrated and coordinated interagency purchase of formal and
14 informal services that are needed by older adults who have
15 mental health or substance abuse problems. Therefore, each
16 demonstration model may use an integrated blend of state,
17 federal, and local funds, and may expend funds, chapter 216,
18 Florida Statutes, notwithstanding, for services without
19 categorical or cost-center restraints. Funds shall be
20 allocated so as to allow the demonstration models to provide
21 the most appropriate care and treatment to the older adult,
22 including a range of traditional and nontraditional services,
23 in the least restrictive setting that is clinically
24 appropriate to the needs of the older adult.

25 (b) The consortium may use prospective payment
26 mechanisms through which a demonstration model and its
27 contracted service providers accept financial risk for
28 producing outcomes for the target populations.

29 (c) The consortium shall reinvest cost savings in the
30 community-based older adult mental health and substance abuse
31 services system.

1 (d) The consortium shall establish a funding plan that
2 allocates proportionate costs to the participating state
3 agencies. The funding plan shall be developed based on an
4 analysis of expenditures made by each participating state
5 agency during the previous 2 fiscal years in which services
6 were provided for members of the target populations or for
7 individuals who have characteristics that are similar to the
8 members of the target populations. Based on the results of
9 this cost analysis, funds shall be collected from each of the
10 participating state agencies and deposited into a central
11 financial account. A financial body shall be designated by the
12 consortium to manage the pool of funds and shall have the
13 capability to pay for individual services specified in a
14 services plan.

15 (4) EVALUATION.--An independent evaluation of each
16 demonstration model shall be conducted to identify more
17 effective ways in which to serve the most complex cases of
18 older adults who have a serious emotional disturbance, mental
19 illness, or substance abuse problem; to determine better
20 utilization of public resources; to assess ways that community
21 agencies may share pertinent client information; and to
22 determine to what extent the project achieved its stated
23 goals. The consortium shall identify each demonstration model
24 to be evaluated. The evaluation must analyze all
25 administrative costs associated with operating the
26 demonstration models. The evaluator must be independent of the
27 consortium and the model service providers and must have
28 demonstrated experience in evaluating mental health and
29 substance abuse programs for older adults. The consortium
30 shall submit a report to the President of the Senate and the
31 Speaker of the House of Representatives by December 31, 2003,

1 which must include findings and conclusions for each local
2 demonstration model and provide recommendations for statewide
3 implementation.

4 (5) RULES.--Each participating state agency shall have
5 the authority to adopt rules for implementing the
6 demonstration models. These rules shall be developed in
7 cooperation with other appropriate state agencies for
8 implementation within 90 days after obtaining any necessary
9 federal waivers. The Medicaid program within the Agency for
10 Health Care Administration may obtain any federal waivers
11 necessary for implementing the demonstration models.

12 Section 13. The Department of Children and Family
13 Services is authorized to adopt rules as necessary for the
14 implementation of the Comprehensive Older Adult Mental Health
15 and Substance Abuse Services Act.

16 Section 14. This act shall take effect July 1, 2000.
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LEGISLATIVE SUMMARY

Creates the "Comprehensive Older Adult Mental Health and Substance Abuse Services Act." Provides guiding principles for development of a publicly funded older adult mental health and substance abuse treatment and support system of services. Directs the Department of Children and Family Services to develop a comprehensive plan for service delivery, to be submitted periodically to the Governor and Legislature, beginning August 1, 2001. Provides for data collection and analysis. Specifies older adult target populations. Provides for statewide standards, programs and services, performance measures, a service planning process, case management services, training requirements for service providers, and public education and outreach programs. Provides for competitive selection of projects to be funded to enhance existing community mental health and substance abuse systems to serve older adults. Requires evaluation of such projects and a report to the Legislature by December 31, 2003. Provides for 3-year demonstration models to test strategies for delivery of services to older adults, overseen by a consortium of the Agency for Health Care Administration and the Departments of Health, Children and Family Services, and Elderly Affairs. Provides for establishment of a local oversight body for each demonstration model. Provides requirements for services and funding, provides for independent evaluation of each demonstration model, and requires a report to the Legislature by December 31, 2003.