

By the Committee on Children and Families; and Senators Wise and Webster

300-2153-04

1                                   A bill to be entitled  
2           An act relating to specialty behavioral health  
3           care providers; requiring the Department of  
4           Children and Family Services to establish a  
5           demonstration project in District 4 in order to  
6           determine the benefits of developing a  
7           specialty behavioral health care provider to  
8           deliver behavioral health services to persons  
9           who reside in an assisted living facility that  
10          holds a limited mental health license;  
11          requiring the department to create an advisory  
12          committee; defining the term "specialty  
13          behavioral health provider"; providing the  
14          requirements for the specialty behavioral  
15          health care provider demonstration project;  
16          providing that certain specialty behavioral  
17          health care providers may seek and develop  
18          cooperative agreements with administrators of  
19          certain assisted living facilities; requiring  
20          the Agency for Health Care Administration to  
21          seek federal waivers to implement an  
22          alternative prepaid behavioral health care plan  
23          under certain conditions; requiring the  
24          department to implement the demonstration  
25          project by a specific date; providing for an  
26          independent evaluation; requiring that a report  
27          be submitted to the Legislature; providing an  
28          effective date.

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30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Subsections (4), (5), (6), (7), (8), and  
2 (9) are added to section 394.4574, Florida Statutes, to read:

3           394.4574 Department responsibilities for a mental  
4 health resident who resides in an assisted living facility  
5 that holds a limited mental health license.--

6           (4) The Department of Children and Family Services  
7 shall establish a demonstration project in the Department of  
8 Children and Family Services district 4 for the purpose of  
9 developing evidence-based practices in the delivery of  
10 state-funded behavioral health care services and support  
11 through the use of specialty behavioral health care providers  
12 to persons who reside in assisted living facilities that hold  
13 a limited mental health license. Participation in the program  
14 of fee-for-service options is voluntary for Medicaid  
15 recipients and recipients of state-funded services.

16           (5)(a) The department shall create an advisory  
17 committee to make recommendations to the Agency for Health  
18 Care Administration and the Department of Children and Family  
19 Services for the demonstration project that shall be developed  
20 by the Department of Children and Family Services in  
21 consultation with the Agency for Health Care Administration.  
22 The advisory committee shall solicit input from stakeholders,  
23 residents, facility administrators and advocates relative to  
24 the standards, criteria, and array of services that will be  
25 included.

26           (b) The advisory committee membership shall include  
27 local community partners that include residents, advocates,  
28 private and publicly funded behavioral health care providers,  
29 representatives of the Agency for Health Care Administration  
30 and the Department of Children and Family Services, and local  
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1 government facility administrators. Other representatives may  
2 include the following:

3 1. One person who is a member of the Florida  
4 Psychiatric Society, selected by the society;

5 2. One person who is a member of the Florida Council  
6 for Behavioral Health, selected by the council;

7 3. One person who is a member of the National Alliance  
8 for the Mentally Ill, selected by the state affiliate;

9 4. One person who is a member of the Florida Assisted  
10 Living Affiliation, selected by the affiliation;

11 5. One person who is a member of the local advocacy  
12 council, selected by the local council; and

13 6. A representative from the Advocacy Center for  
14 Persons with Disabilities, selected by the advocacy center.

15 (c) The advisory committee shall establish goals,  
16 elect a chairman, and be governed by the latest edition of  
17 Roberts Rules of Order. The chairman shall direct the work of  
18 the advisory committee and may appoint subcommittees as deemed  
19 appropriate by the chairman. In addition, the chairman shall  
20 be responsible to ensure that minutes of meetings are kept and  
21 community input is solicited. The meetings shall convene upon  
22 the call of the chairman.

23 (6)(a) For the purposes of this demonstration project,  
24 the term "specialty behavioral health provider" means a public  
25 or private behavioral health care entity, provider, or  
26 organization or coalition of providers that holds a contract  
27 with the Department of Children and Family Services and can  
28 offer a full array of state-funded behavioral health care  
29 services to residents who live in state-licensed assisted  
30 living facilities that hold a limited mental health license in  
31 district 4. The services that are provided on a

1 fee-for-service basis shall be provided directly by the  
2 specialty behavioral health care provider. The Department of  
3 Children and Family Services for the purpose of this  
4 demonstration project shall allow private providers the  
5 opportunity to seek a contract in order to compete and provide  
6 state-funded behavioral health care services.

7 (b) In constructing the requirements for the specialty  
8 behavioral health care provider demonstration project, the  
9 Agency for Health Care Administration and the Department of  
10 Children and Family Services shall ensure that the providers  
11 develop and implement a plan to ensure the provision of the  
12 services and requirements as referenced under this section.  
13 The demonstration project shall include requirements for  
14 intensive case management services, provisions for on-call  
15 case managers, and vocational support services, and include a  
16 requirement for the development of evidence-based models and  
17 practices in the delivery of community-based behavioral health  
18 care services that includes strategies for reducing the  
19 utilization of state-funded inpatient psychiatric care. These  
20 models should demonstrate new approaches and allow for maximum  
21 input from consumers, family members, and facility  
22 administrators. Services provided under the demonstration  
23 project shall be fee-for-service and cost-neutral for the  
24 Agency for Health Care Administration and for the Department  
25 of Children and Family Services. The Department of Children  
26 and Family Services in consultation with the Agency for Health  
27 Care Administration shall use a request for information  
28 process for the purpose of procurement and to ensure  
29 competition and choice.

30 (c) For Medicaid-eligible residents that live in  
31 assisted living facilities that hold a limited mental health

1 license in district 4 and are enrolled in the MediPass program  
2 under a "fee for service" arrangement for the provision of  
3 Medicaid-funded behavioral health care services, the  
4 Department of Children and Family Services and the Agency for  
5 Health Care Administration shall allow any behavioral health  
6 care provider in district 4 that meets the eligibility  
7 requirements for this demonstration project to become a  
8 "specialty behavioral health care" provider. This shall  
9 include both nonprofit and private behavioral health care  
10 providers, organizations, and entities or coalitions of  
11 providers.

12 (d) Each eligible specialty behavioral health care  
13 provider that is qualified under the requirements of the  
14 demonstration project shall be permitted to seek and develop  
15 cooperative agreements with administrators of assisted living  
16 facilities that hold a limited mental health license in  
17 district 4. The cooperative agreements shall be for a minimum  
18 period of 1 year during the course of the demonstration  
19 project and shall be binding on both parties for the duration  
20 of the agreement. The cooperative agreements shall include  
21 provisions that will serve to promote the development of  
22 evidence-based practices and models as outlined in the  
23 procurement document for the project. For the purposes of  
24 this demonstration project, the provisions of the cooperative  
25 agreement shall be focused on improving the coordination of  
26 services, improved communication, detailed protocols that  
27 relate to the supervision of the clinical needs of the  
28 residents, and all other provisions currently required under  
29 existing statute.

30 (7) If the Agency for Health Care Administration  
31 implements a prepaid behavioral health care plan in district

1 4, the Agency for Health Care Administration shall seek  
2 federal waivers to implement an alternative prepaid behavioral  
3 health care plan in district 4 to demonstrate innovation and  
4 to develop evidence-based practices that will improve the  
5 coordination, satisfaction, and delivery of all state-funded  
6 behavioral health care services to residents that live in  
7 assisted living facilities located in district 4 that hold a  
8 limited mental health license. The Agency for Health Care  
9 Administration in developing the alternative prepaid program  
10 for persons who reside in assisted living facilities that hold  
11 a limited mental health license in district 4 shall include  
12 provisions that ensure that the demonstration capitation rate  
13 shall be based on no more than 90 percent of the historic  
14 service utilization, and shall include all outpatient  
15 state-funded behavioral health care services and inpatient  
16 psychiatric services and shall exempt medications. The Agency  
17 for Health Care Administration and the Department of Children  
18 and Family Services shall also calculate a rate for the  
19 non-Medicaid residents served in the demonstration area and  
20 shall ensure that the capitation rate does not result in the  
21 displacement of residents and is consistent with the  
22 resident's right of access to adequate and appropriate health  
23 care under s. 400.428.

24 (8) The district 4 demonstration project must be  
25 implemented no later than January 1, 2005, and shall continue  
26 for not less than 3 years following the date of  
27 implementation.

28 (9) The Office of Program Policy Analysis and  
29 Government Accountability shall conduct an evaluation of the  
30 demonstration project. The evaluation must assess the  
31 recidivism of residents from the assisted living facility that

1 holds a limited mental health license to the inpatient  
2 hospital setting, improvement in resident behavioral health  
3 outcomes, resident satisfaction with care, improvements in  
4 program competencies and linkages, increased tenure of case  
5 management relationships with residents, and implementation of  
6 meaningful plans of recovery. Following the evaluation, the  
7 office shall prepare a report and submit a copy to the  
8 President of the Senate and the Speaker of the House of  
9 Representatives by January 1, 2008.

10           Section 2. This act shall take effect July 1, 2004.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1706

- 4 \*       Deletes the requirement to select one exclusive specialty  
5 behavioral health care services provider for the  
6 demonstration project.
- 7 \*       Specifies that participation in the fee-for-services  
8 option is voluntary for Medicaid recipients and  
9 recipients of state funded services who participate in  
10 the demonstration project.
- 11 \*       Directs the Department of Children and Families (DCF or  
12 the department) to create an advisory committee instead  
13 of a board to make recommendations to the department and  
14 the Agency for Health Care Administration (AHCA or the  
15 agency) regarding the demonstration project and specifies  
16 the membership of that committee.
- 17 \*       Provides a definition for the term "specialty behavioral  
18 health provider."
- 19 \*       Specifies the array of services that must be provided by  
20 the "specialty behavioral health provider."
- 21 \*       Specifies that the services provided under the  
22 demonstration project are to be fee-for-service and cost  
23 neutral to the department and AHCA.
- 24 \*       Directs DCF and AHCA to allow any health care provider  
25 meeting specified requirements to become a specialty  
26 behavioral health care provider for the demonstration  
27 project.
- 28 \*       Directs that the department utilize a request for  
29 information process instead of a competitive bid process  
30 to select specialty behavioral health care providers.
- 31 \*       Authorizes eligible specialty behavioral health care  
providers to develop cooperative agreements with the  
administrators of assisted living facilities holding a  
limited mental health license and specifies requirements  
for those cooperative agreements.
- \*       Deletes the requirement that AHCA implement a capitated  
payment arrangement with the specialty behavioral health  
care provider if a managed care system is implemented in  
District 4 and instead directs the agency to seek federal  
waivers to implement an alternative behavioral health  
care plan in District 4 if a pre-paid behavioral health  
plan is implemented.
- \*       Deletes the language authorizing the specialty behavioral  
health care provider to identify medically necessary  
services that must be provided by Medicaid.
- \*       Directs the Office of Program Policy Analysis and  
Government Accountability to conduct an evaluation of the



1 demonstration project and provide a report to the  
2 Legislature instead of requiring the department to  
3 contract for an independent evaluation.  
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