

By the Committees on Health, Aging, and Long-Term Care;  
Children and Families; and Senators Wise and Webster

317-2407-04

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 and the advisory committee to complete  
26          work by a specific date; providing for an  
27          independent evaluation; requiring that a report  
28          be submitted to the Legislature; providing an  
29          effective date.

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

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  
31

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; and

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

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14 Each member or representative on the advisory committee must  
15 serve at his or her own expense.

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

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

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

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

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

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

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

26           (8) The district 4 demonstration project must be  
27 implemented no later than January 1, 2005, and shall continue  
28 for not less than 3 years following the date of  
29 implementation. The advisory committee shall complete its work  
30 at the end of the 3-year period.

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1           (9) The Office of Program Policy Analysis and  
2 Government Accountability shall conduct an evaluation of the  
3 demonstration project at the end of the first year and a  
4 review at the end of the 3-year period. The evaluation must  
5 assess the recidivism of residents from the assisted living  
6 facility that holds a limited mental health license to the  
7 inpatient hospital setting, improvement in resident behavioral  
8 health outcomes, resident satisfaction with care, improvements  
9 in program competencies and linkages, increased tenure of case  
10 management relationships with residents, and implementation of  
11 meaningful plans of recovery. Following the evaluation and  
12 review, the office shall prepare a report and submit a copy to  
13 the President of the Senate and the Speaker of the House of  
14 Representatives in a timely manner.

15           Section 2. This act shall take effect July 1, 2004.

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17                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18   COMMITTEE SUBSTITUTE FOR  
19   CS for SB 1706

20 The committee substitute makes the following changes to CS/SB  
21 1706:

22 Deletes a representative from the Advocacy Center for Persons  
23 with Disabilities from the advisory committee and specifies  
24 that members of the advisory committee will serve at their own  
expense. Specifies that the advisory committee shall complete  
it's work at the end of the first 3-year period the project is  
in operation.

25 Requires OPPAGA to do an evaluation of the demonstration  
26 project after the first year, then a review of the project at  
the end of the 3rd year.