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2 An act relating to mental health and vocational
3 rehabilitation services; amending s. 394.9084,
4 F.S.; providing for implementation and
5 expansion of a program for self-directed mental
6 health and vocational rehabilitation services
7 for adults; authorizing the development and
8 implementation of a pilot project for children;
9 providing eligibility and other program
10 requirements; providing limitations; providing
11 authority to request certain federal waivers
12 and to request and use certain grants;
13 providing for transfer of certain funds;
14 providing for ongoing review and reports;
15 providing rulemaking and overall authority;
16 revising an expiration date; providing an
17 effective date.

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19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Section 394.9084, Florida Statutes, is
22 amended to read:

23 394.9084 Florida Self-Directed Care Pilot project;
24 ~~client directed and choice based adult mental health~~
25 ~~services.--~~

26 (1) The Department of Children and Family Services, in
27 cooperation with the Agency for Health Care Administration,
28 may shall develop a client-directed and choice-based pilot
29 project in district 4 and three other districts to provide
30 mental health treatment and support services to adults who
31 have a serious mental illness. The department may also develop

1 and implement a client-directed and choice-based pilot project
2 in one district to provide mental health treatment and support
3 services for children with a serious emotional disturbance who
4 live at home. If established, any staff who work with children
5 must be screened under s. 435.04. The ~~projects~~ ~~project~~ shall
6 implement ~~test~~ a payment model in which each client controls
7 the money that is available for that client's mental health
8 treatment and support services. ~~The department shall establish~~
9 interagency cooperative agreements and work with the agency,
10 the division, and the Social Security Administration to
11 implement and administer the Florida Self-Directed Care
12 program.

13 (2) To be eligible for enrollment in the Florida
14 Self-Directed Care program, a person must be an adult with a
15 severe and persistent mental illness.

16 (3) The Florida Self-Directed Care program has four
17 subcomponents:

18 (a) Department mental health services, which include
19 community mental health outpatient, community support, and
20 case management services funded through the department. This
21 subcomponent excludes Florida Assertive Community Treatment
22 (FACT) services for adults; residential services; and
23 emergency stabilization services, including crisis
24 stabilization units, short-term residential treatment, and
25 inpatient services.

26 (b) Agency mental health services, which include
27 community mental health services and mental health targeted
28 case management services reimbursed by Medicaid.

29 (c) Vocational rehabilitation, which includes funds
30 available for an eligible participant as provided by the
31 Rehabilitation Act of 1973, 29 U.S.C. chapter 16, as amended.

1 (d) Social Security Administration.

2 (4) The managing entity shall pay for the
3 cost-efficient community-based services the participant
4 selects to meet his or her mental health care and vocational
5 rehabilitation needs and goals as identified on his or her
6 recovery plan.

7 (5)(a) The department shall take all necessary action
8 to ensure state compliance with federal regulations. The
9 agency, in collaboration with the department, shall seek
10 federal Medicaid waivers, and the department shall
11 expeditiously seek any available Supplemental Security
12 Administration waivers under s. 1110(b) of the federal Social
13 Security Act; and the division, in collaboration with the
14 department, shall seek federal approval to participate in the
15 Florida Self Directed Care program. No later than June 30,
16 2005, the department, agency, and division shall amend and
17 update their strategic and state plans to reflect
18 participation in the projects, including intent to seek
19 federal approval to provide cashout options for eligible
20 services for participants in the projects.

21 (b) The department may apply for and use any funds
22 from private, state, and federal grants provided for
23 self-directed care, voucher, and self-determination programs,
24 including those providing substance abuse and mental health
25 care.

26 (6) The department, the agency, and the division may
27 transfer funds to the managing entity.

28 (7) The department, the agency, and the division shall
29 have rulemaking authority to implement the provisions of this
30 section. These rules shall be for the purpose of enhancing
31 choice in and control over the purchased mental health and

1 vocational rehabilitative services accessed by Florida Self
2 Directed Care participants.

3 (8) The department and the agency will complete a
4 memorandum of agreement to delineate management roles for
5 operation of the Florida Self Directed Care program.

6 (9) The department, the agency, and the division shall
7 each, on an ongoing basis, review and assess the
8 implementation of the Florida Self Directed Care program.

9 (a) The department will implement an evaluation of the
10 program and will include recommendations for improvements in
11 the program.

12 (b) At a minimum, the evaluation must compare between
13 program participants and nonparticipants:

- 14 1. Re-hospitalization rates.
- 15 2. Levels of satisfaction.
- 16 3. Service utilization rates.
- 17 4. Residential stability.
- 18 5. Levels of community integration and interaction.

19 (c) The evaluation must evaluate adherence to the
20 Centers for Medicare and Medicaid self-direction requirements,
21 including:

- 22 1. Person-centered planning.
 - 23 2. Individual budgets.
 - 24 3. Availability of independently brokered services
25 from recovery coaches and quality advocates.
 - 26 4. Access to the program by all who are eligible to
27 enroll.
 - 28 5. Participant safety and program incident management
29 planning.
 - 30 6. An independently mediated grievance process.
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1 (d) The evaluation must assess the economic
2 self-sufficiency of the program participants, including the
3 number of Individual Development Accounts.

4 (e) The evaluation must assess any adverse incidents
5 resulting from the Florida Self Directed Care, including
6 consumer grievances, conflicts of interest, and patterns of
7 self-referral by licensed professions.

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9 The department is authorized to spend up to \$100,000 to pay
10 for the evaluation. If the agency and the department obtain a
11 federal waiver, the evaluation will be used to determine
12 effectiveness. ~~The project shall be evaluated by an~~
13 ~~independent entity whose evaluation must include an assessment~~
14 ~~of:~~

15 ~~(a) The criteria for selecting adult mental health~~
16 ~~clients with serious mental illness eligible for participation~~
17 ~~in the project.~~

18 ~~(b) The duties and responsibilities of the care~~
19 ~~coordinator.~~

20 ~~(c) The accessibility and quality of services provided~~
21 ~~under the project by available community based providers~~
22 ~~selected by the client, compared to those services that are~~
23 ~~available without the project.~~

24 ~~(d) The input by the clients in the development of~~
25 ~~treatment plans compared to other clients not participating in~~
26 ~~the project.~~

27 ~~(e) The achievement of individual treatment goals or~~
28 ~~outcome measures established for each client participating in~~
29 ~~the project compared to other mental health clients.~~

30 ~~(f) Any demonstrated improvements or cost savings in~~
31 ~~the delivery of community based mental health treatment and~~

1 ~~support services, including an explanation of the analyses~~
2 ~~used in determining cost savings.~~
3 ~~(g) All monitoring and oversight conducted by the~~
4 ~~Department of Children and Family Services or the Agency for~~
5 ~~Health Care Administration.~~
6 ~~(h) Any existing or appointed local advisory group~~
7 ~~assisting in the design and implementation of the project.~~
8 ~~(2) The Department of Children and Family Services~~
9 ~~shall submit a report concerning the progress of the project~~
10 ~~to the appropriate legislative committees by December 1, 2002,~~
11 ~~and December 1, 2003.~~
12 ~~(10)(3)~~ This section expires July 1, 2008 ~~2004~~.
13 Section 2. This act shall take effect July 1, 2004.
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