

1 A bill to be entitled
2 An act relating to specialty behavioral health care
3 providers; amending s. 394.4574, F.S.; authorizing the
4 Agency for Health Care Administration to establish a
5 demonstration project in certain counties in order to
6 determine the benefits of developing a specialty
7 behavioral health care provider to deliver behavioral
8 health services to persons who reside in an assisted
9 living facility that holds a limited mental health
10 license; authorizing the agency to create an advisory
11 committee; providing for membership, duties, and purpose
12 of the committee; defining the term "specialty behavioral
13 health care provider"; providing the requirements for the
14 specialty behavioral health care provider demonstration
15 project; providing that certain specialty behavioral
16 health care providers may seek and develop cooperative
17 agreements with administrators of certain assisted living
18 facilities; authorizing the agency to seek federal waivers
19 to implement an alternative prepaid behavioral health care
20 plan under certain conditions; authorizing the agency to
21 implement the demonstration project and the advisory
22 committee to complete work; providing for an independent
23 evaluation; requiring that a report be submitted to the
24 Legislature; authorizing the agency to seek a waiver or
25 approval for an amendment to a waiver for the purpose of
26 addressing needs of individuals who reside in certain
27 assisted living facilities; requiring the agency to
28 establish a workgroup for the purpose of preparing an

29 amendment to a waiver; providing requirements for the
 30 amendment; requiring the Office of Program Policy Analysis
 31 and Government Accountability to conduct an evaluation;
 32 requiring the agency to implement the waiver amendment;
 33 prohibiting the waiver amendment from increasing costs to
 34 the Medicaid program; providing an effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

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 38 Section 1. Subsections (4), (5), (6), (7), (8), (9), and
 39 (10) are added to section 394.4574, Florida Statutes, to read:

40 394.4574 Department responsibilities for a mental health
 41 resident who resides in an assisted living facility that holds a
 42 limited mental health license.--

43 (4) The Agency for Health Care Administration may
 44 establish a demonstration project within Duval, Nassau, Pasco,
 45 Pinellas, Lee, Volusia, Putnam, Charlotte, Hillsborough, Dade,
 46 Broward, Brevard, Orange, Santa Rosa, Collier, and Palm Beach
 47 Counties for the purpose of developing evidence-based practices
 48 in the delivery of state-funded behavioral health care services
 49 and support through the use of specialty behavioral health care
 50 providers to persons who reside in assisted living facilities
 51 that hold a limited mental health license.

52 (5)(a) The agency may create an advisory committee to make
 53 recommendations to the Agency for Health Care Administration and
 54 the Department of Children and Family Services for the
 55 demonstration project that may be developed by the Agency for
 56 Health Care Administration, in consultation with the Department

57 of Children and Families Services. The advisory committee shall
 58 solicit input from stakeholders, residents, facility
 59 administrators, and advocates relative to standards, criteria,
 60 and the array of services that will be included.

61 (b) The members of the advisory committee shall include
 62 local community partners, including residents, advocates,
 63 private and publicly funded behavioral health care providers,
 64 representatives of the Agency for Health Care Administration and
 65 the Department of Children and Family Services, and facility
 66 administrators selected by the agency. Other representatives may
 67 include the following:

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

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

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

74 4. One person who is a member of the Florida Assisted
 75 Living Affiliation, selected by the affiliation; and

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

78
 79 Each member or representative on the advisory committee must
 80 serve at his or her own expense.

81 (c) The advisory committee shall establish goals, elect a
 82 chairperson, and be governed by the latest edition of Roberts
 83 Rules of Order. The chairperson within district 4 shall direct
 84 the work of the advisory committee and may appoint subcommittees

85 as deemed appropriate by the chairperson. In addition, the
 86 chairperson shall be responsible for ensuring that minutes of
 87 meetings are kept and community input is solicited. The meetings
 88 shall convene upon the call of the chairperson.

89 (6)(a) For the purposes of this demonstration project, the
 90 term "specialty behavioral health care provider" means a public
 91 or private behavioral health care entity, provider, or
 92 organization or coalition of providers which holds a contract
 93 with the Department of Children and Family Services and can
 94 offer a full array of state-funded behavioral health care
 95 services to residents who live in state-licensed assisted living
 96 facilities that hold a limited mental health license in the
 97 counties of Duval, Nassau, Pasco, Pinellas, Lee, Volusia,
 98 Putnam, Charlotte, Hillsborough, Dade, Broward, Brevard, Orange,
 99 Santa Rosa, Collier, or Palm Beach. The services that are
 100 provided on a fee-for-service basis shall be provided directly
 101 by the specialty behavioral health care provider. For the
 102 purpose of this demonstration project, the Department of
 103 Children and Family Services shall allow private providers the
 104 opportunity to seek a contract with the department in order to
 105 compete and provide state-funded behavioral health care
 106 services.

107 (b) In constructing the requirements for the specialty
 108 behavioral health care provider demonstration project, the
 109 Agency for Health Care Administration and the Department of
 110 Children and Family Services shall ensure that the providers
 111 develop and implement a plan to ensure the provision of the
 112 services and requirements referenced under this section. The

113 demonstration project shall include requirements for intensive
 114 case-management services, provisions for on-call case managers,
 115 and vocational support services and shall include a requirement
 116 for the development of evidence-based models and practices in
 117 the delivery of community-based behavioral health care services
 118 which include strategies for reducing the use of state-funded
 119 inpatient psychiatric care. These models should demonstrate new
 120 approaches and allow for maximum input from consumers, family
 121 members, and facility administrators. Services provided under
 122 the demonstration project shall be provided on a fee-for-service
 123 basis for residents who are not eligible for Medicaid and must
 124 be cost neutral for the Agency for Health Care Administration
 125 and for the Department of Children and Family Services. The
 126 Agency for Health Care Administration, in consultation with the
 127 Department of Children and Family Services, shall use a request-
 128 for-information process for the purpose of procurement and to
 129 ensure competition and choice.

130 (c) For Medicaid-eligible residents who live in assisted
 131 living facilities that hold a limited mental health license in
 132 the counties of Duval, Nassau, Pasco, Pinellas, Lee, Volusia,
 133 Putnam, Charlotte, Hillsborough, Dade, Broward, Brevard, Orange,
 134 Santa Rosa, Collier, or Palm Beach and are enrolled in the
 135 MediPass program under a fee-for-service arrangement for the
 136 provision of Medicaid-funded behavioral health care services,
 137 the Department of Children and Family Services and the Agency
 138 for Health Care Administration shall allow any behavioral health
 139 care provider in the counties referenced under this section
 140 which meets the eligibility requirements for this demonstration

141 project to become a specialty behavioral health care provider,
 142 including a nonprofit or private behavioral health care
 143 provider, organization, or entity or coalition of providers.

144 (d) Each eligible specialty behavioral health care
 145 provider that is qualified under the requirements of the
 146 demonstration project may seek and develop cooperative
 147 agreements with administrators of assisted living facilities
 148 that hold a limited mental health license in the counties of
 149 Duval, Nassau, Pasco, Pinellas, Lee, Volusia, Putnam, Charlotte,
 150 Hillsborough, Dade, Broward, Brevard, Orange, Santa Rosa,
 151 Collier, or Palm Beach. The cooperative agreement shall be for a
 152 minimum of 1 year during the course of the demonstration project
 153 and shall be binding on both parties for the duration of the
 154 agreement. The cooperative agreement must include provisions
 155 that promote the development of evidence-based practices and
 156 models as outlined in the procurement document for the project.
 157 For the purposes of this demonstration project, the provisions
 158 of the cooperative agreement shall be focused on improving the
 159 coordination of services, improved communication, detailed
 160 protocols that relate to the supervision of the clinical needs
 161 of the residents, and all other provisions required by law.

162 (7) If the Agency for Health Care Administration
 163 implements a prepaid behavioral health care plan in the counties
 164 of Duval, Nassau, Pasco, Pinellas, Lee, Volusia, Putnam,
 165 Charlotte, Hillsborough, Dade, Broward, Brevard, Orange, Santa
 166 Rosa, Collier, or Palm Beach, the Agency for Health Care
 167 Administration may seek federal waivers to implement an
 168 alternative prepaid behavioral health care plan in the counties

169 of Duval, Nassau, Pasco, Pinellas, Lee, Volusia, Putnam,
170 Charlotte, Hillsborough, Dade, Broward, Brevard, Orange, Santa
171 Rosa, Collier, or Palm Beach in order to demonstrate innovation
172 and develop evidence-based practices that will improve the
173 coordination, satisfaction, and delivery of all state-funded
174 behavioral health care services to residents who reside in
175 assisted living facilities that hold a limited mental health
176 license. The Agency for Health Care Administration, in
177 developing the alternative prepaid program for persons who
178 reside in assisted living facilities that hold a limited mental
179 health license in the counties of Duval, Nassau, Pasco,
180 Pinellas, Lee, Volusia, Putnam, Charlotte, Hillsborough, Dade,
181 Broward, Brevard, Orange, Santa Rosa, Collier, or Palm Beach,
182 shall include provisions that ensure that the demonstration
183 capitation rate is based on no more than 90 percent of the
184 historic service utilization from the fee-for-service base,
185 shall include all outpatient state-funded behavioral health care
186 services and inpatient psychiatric services, and shall exempt
187 medications. The Department of Children and Family Services
188 shall calculate a rate for the non-Medicaid residents served in
189 the demonstration area and shall ensure that the capitation rate
190 does not result in the displacement of residents and is
191 consistent with each resident's right of access to adequate and
192 appropriate health care under s. 400.428.

193 (8) The demonstration project may be implemented by the
194 Agency for Health Care Administration at the direction of the
195 Secretary of Health Care Administration. When the secretary
196 authorizes implementation of the demonstration project, the

197 project shall continue for at least 3 years following the date
 198 of implementation. The advisory committee shall complete its
 199 work at the end of the 3-year period.

200 (9) The Office of Program Policy Analysis and Government
 201 Accountability shall conduct an evaluation of the demonstration
 202 project at the end of the first year and a review at the end of
 203 the 3-year period. The evaluation must assess the recidivism of
 204 residents from each assisted living facility that holds a
 205 limited mental health license to the inpatient hospital setting,
 206 improvements in resident behavioral health outcomes, resident
 207 satisfaction with care, improvements in program competencies and
 208 linkages, increased tenure of case-management relationships with
 209 residents, and implementation of meaningful plans of recovery.
 210 Following the evaluation and review, the office shall prepare a
 211 report and submit a copy to the President of the Senate and the
 212 Speaker of the House of Representatives in a timely manner.

213 (10) The Agency for Health Care Administration may seek
 214 the necessary federal waivers or approval to amend a current
 215 waiver for the purpose of addressing the needs of individuals
 216 who reside in an assisted living facility that holds a limited
 217 mental health license. The agency shall establish a workgroup to
 218 assist in the preparation and development of the amendment to
 219 the waiver to provide input and information relevant to the
 220 completion and successful submission of an amendment. The
 221 amendment must address the needs of certain individuals that
 222 reside in state-licensed assisted living facilities that hold a
 223 limited mental health license. The amendment must provide for a
 224 mechanism by which those individuals having increased medical

225 needs who are under the age of 65 and meet certain criteria
226 would be eligible based on the availability of funding for
227 additional services that would enable those individuals to
228 remain as residents in an assisted living facility that holds a
229 limited mental health license. The Office of Program Policy
230 Analysis and Government Accountability shall conduct an
231 evaluation of the waiver amendment after the first year of
232 implementation. The evaluation shall assess whether the
233 amendment to the waiver and the services provided have reduced,
234 delayed, or otherwise improved the ability of the assisted
235 living facility to retrain individuals who otherwise would have
236 been homeless or placed in an institutional setting. The agency
237 shall implement the waiver and serve 400 individuals who meet
238 the criteria and reside in an assisted living facility that
239 holds a limited mental health license in the counties of Duval,
240 Nassau, Pasco, Putnam, Volusia, Dade, Charlotte, Santa Rosa,
241 Collier, Palm Beach, or Lee. The agency shall implement the
242 waiver amendment upon approval from appropriate federal agencies
243 and access to available funding. The waiver amendment may not
244 increase costs to the Medicaid program and must demonstrate
245 savings.

246 Section 2. This act shall take effect July 1, 2005.