

Bill No. SB 1852

Barcode 233660

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Fasano) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 409.91225, Florida Statutes, is created to read:

409.91225 Requirements for residents who reside in an assisted living facility that holds a limited mental health license.--

(1)(a) It is the intent of the Legislature to ensure that each resident living in a licensed assisted living facility that holds a limited mental health license receive access to an adequate and appropriate array of state-funded mental health services.

(b) It is also the intent of the Legislature that the array of state-funded mental health services promote recovery by implementing best practices through cooperative agreements between mental health providers and assisted living facilities

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1 that hold a limited mental health license, by implementing the
2 community living support plans, and by complying with s.
3 394.4574.

4 (c) In addition, it is the intent of the Legislature
5 that the state ensure that a resident of an assisted living
6 facility not be displaced as a result of implementing any
7 managed care plan.

8 (2) Before implementing any managed care plan that
9 proposes to serve residents of assisted living facilities that
10 hold a limited mental health license, the agency must, within
11 existing resources, establish requirements for state-funded
12 mental health services that comply with the resident bill of
13 rights and meet the needs of the residents to ensure
14 appropriateness of placement in a licensed assisted living
15 facility that holds a limited mental health license.

16 (3) Any managed care plan implemented under this
17 section must incorporate certain required provisions in order
18 to provide state-funded mental health services to a resident
19 of an assisted living facility that holds a limited mental
20 health license. Each managed care plan must:

21 (a) Develop and implement a plan that complies with s.
22 394.4574 for providing state-funded mental health services.

23 (b) Ensure that each resident of an assisted living
24 facility that holds a limited mental health license has access
25 to therapeutic medications, including atypical psychotropic
26 medications, as directed by the resident's doctor.

27 (c) Ensure that each resident of an assisted living
28 facility that holds a limited mental health license has access
29 to state-funded primary care and mental health services
30 covered by the Medicaid program.

31 (d) Ensure access to club house programs for enrolled

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1 residents of a licensed assisted living facility that holds a
2 limited mental health license.

3 (e) Ensure implementation of best practices that are
4 identified in the final report of the legislative workgroup on
5 best practices and limited mental health assisted living
6 facilities.

7 (f) Develop and implement an annual plan granting
8 access to adequate and appropriate health care for residents
9 of an assisted living facility that holds a limited mental
10 health license. The plan must be made available to the agency
11 and the Department of Children and Family Services and may be
12 used when evaluating contract performance.

13 (g) As permitted by contract and within available
14 funding, provide after-hours support during the evenings,
15 weekends, and holidays.

16 (h) Establish an assisted living facility advisory
17 subcommittee as part of the managed care advisory committee.
18 The subcommittee may review compliance with the community
19 living support plans for residents of an assisted living
20 facility that holds a limited mental health license, managed
21 care contractor compliance with s. 394.4574 and related
22 service-delivery requirements, and the implementation of best
23 practices that are identified by the legislative workgroup on
24 best practices and limited mental health assisted living
25 facilities.

26 Section 2. Subsections (4) and (5) are added to
27 section 394.4574, Florida Statutes, to read:

28 394.4574 Department responsibilities for a mental
29 health resident who resides in an assisted living facility
30 that holds a limited mental health license.--

31 (4)(a) The department, within existing resources, shall

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1 require each mental health service provider seeking to provide
 2 state-funded behavioral health care services to residents of
 3 an assisted living facility that holds a limited mental health
 4 license to develop and implement a plan that demonstrates how
 5 the mental health service provider plans to comply with this
 6 section and other service-related provisions. The plan must be
 7 prepared annually in consultation with the district program
 8 supervisor of the substance abuse and mental health program
 9 office and with the administrator of the assisted living
 10 facility with whom the mental health service provider seeks to
 11 form a cooperative agreement.

12 (b) Each mental health service provider seeking to
 13 provide state-funded behavioral health care services to
 14 residents of an assisted living facility that holds a limited
 15 mental health license or who has a contract with the
 16 department must:

17 1. Implement best practices that are identified by the
 18 legislative workgroup on best practices and limited mental
 19 health assisted living facilities within funds made available
 20 by the department.

21 2. Establish or collaborate with an assisted living
 22 facility advisory subcommittee as provided in chapter 409. The
 23 advisory subcommittee shall review compliance of the mental
 24 health provider with the community living support plans for
 25 residents of an assisted living facility that holds a limited
 26 mental health license, compliance with this section and
 27 related service-delivery requirements, and the implementation
 28 of best practices.

29 3. Provide access to state-funded behavioral health
 30 care services as permitted by contract and available funding
 31 for those residents who meet the eligibility criteria.

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1 4. Provide access to substance abuse treatment
2 services and programs that address the need for ongoing
3 assessment, intervention, and after-hours support for the
4 residents of an assisted living facility that holds a limited
5 mental health license who are dually diagnosed and meet
6 eligibility criteria as determined by the department.

7 5. Provide access to club house programs and other
8 recovery-based supports that include supportive education and
9 supportive employment.

10 (5)(a) The department, in consultation with the
11 Department of Elderly Affairs and the Agency for Health Care
12 Administration, shall establish a workgroup to be entitled
13 Best Practices and Limited Mental Health Assisted Living
14 Facilities.

15 (b) The workgroup shall identify best practices
16 associated with implementing a state-funded behavioral health
17 care service system for residents of an assisted living
18 facility that holds a limited mental health license. The
19 workgroup shall also review the need for developing enhanced
20 services for residents that have additional needs due to
21 increasing medical needs or associated with aging.

22 (c) The workgroup shall consider various models or
23 proposals that would address the need to divert individuals
24 from more expensive institutional settings to residential
25 settings that are less restrictive. The workgroup shall also
26 review and, when appropriate, recommend changes to laws,
27 administrative rules, policies, and associated legislative
28 budget recommendations needed to implement the recommendations
29 of the workgroup.

30 (d) The workgroup members shall include, but are not
31 limited to, representatives from the department, the Agency

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1 for Health Care Administration, the Department of Elderly
 2 Affairs, the Department of Health, the Department of
 3 Corrections, managed care providers or their representatives,
 4 the Florida Council for Community Mental Health, the Florida
 5 Psychiatric Society, Florida Coalition for Assisted Living and
 6 Mental Health, the National Alliance for the Mentally Ill, the
 7 Human Rights Advocacy Council, Americans with Disabilities Act
 8 Working Group, and the Long-Term Care Ombudsman Council.

9 (e) The workgroup may request the Florida Mental
 10 Health Institute to provide such research or analysis as the
 11 workgroup may need to accomplish its tasks.

12 (f) The workgroup shall elect a chair who is not an
 13 employee of the state. The workgroup shall hold meetings at
 14 the call of the chair. The workgroup shall be administered by
 15 staff of the department. The workgroup members shall each
 16 serve at his or her own expense.

17 (g) The workgroup shall prepare a report and deliver a
 18 copy of the report to the Governor, the President of the
 19 Senate, and the Speaker of the House of Representatives no
 20 later than January 5, 2006.

21 (h) The workgroup may continue to work until January
 22 5, 2007. The workgroup shall submit a followup report to the
 23 Governor and the Legislature on that date which includes
 24 additional recommendations, issues that require further study,
 25 the status of implementation of the workgroup's earlier
 26 recommendations within state agencies, and the report's impact
 27 on managed care plans and state-funded behavioral health care
 28 services made available to residents of an assisted living
 29 facility that holds a limited mental health license.

30 Section 3. The Agency for Health Care Administration
 31 may seek the necessary federal waivers or approval to amend a

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1 current 1915C waiver or other appropriate waiver for the
2 purpose of addressing the needs of individuals who reside in
3 an assisted living facility that holds a limited mental health
4 license. If the agency seeks to implement this authority, the
5 agency shall establish a workgroup to assist in the
6 preparation and development of the necessary amendment or
7 waiver request to provide input and information that is
8 relevant to the completion and successful approval of a
9 waiver, amendment, or other needed authorization. The
10 amendment, waiver, or other authorization that might be sought
11 under this authority must address the needs of certain
12 individuals who reside in an assisted living facility that
13 holds a limited mental health license. The amendment, waiver,
14 or other needed authorization must provide for a mechanism by
15 which those individuals with increased medical needs or need
16 for increased personal care services who are under the age of
17 65 and meet certain criteria would be eligible based on the
18 availability of funding for services that would enable these
19 residents to be retained in an assisted living facility that
20 holds a limited mental health license. The Office of Program
21 Policy Analysis and Government Accountability shall conduct an
22 evaluation of the amendment, waiver, or other needed
23 authorization requested under this section after the first
24 year of implementation. The evaluation must assess whether the
25 amendment, waiver, or other needed authorization and the
26 services provided have reduced, delayed, or otherwise improved
27 the ability of the assisted living facility to retain
28 individuals who otherwise would be homeless or at risk of
29 placement in a more restrictive setting. If the agency
30 implements the amendment, waiver, or other needed
31 authorization, it shall attempt to serve 400 individuals who

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1 live in certain facilities that meet certain requirements. The
 2 agency may consider implementation in the following counties:
 3 Duval, Broward, Pasco, Sarasota, Nassau, Volusia, Miami-Dade,
 4 Orange, Pinellas, and Hillsborough. The amendment, waiver, or
 5 other needed authorization may not increase costs to the
 6 Medicaid program and must demonstrate savings.

7 Section 4. This act shall take effect July 1, 2005.

10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

14 and insert:

15 A bill to be entitled

16 An act relating to specialty behavioral health
 17 care providers; creating s. 409.91225, F.S.;

18 providing legislative intent relating to
 19 providing state-funded mental health services
 20 to residents of an assisted living facility
 21 having a limited mental health license;
 22 requiring the Agency for Health Care
 23 Administration to establish standards before a
 24 managed care plan may be approved; requiring
 25 that a managed care plan designed to serve
 26 residents of an assisted living facility having
 27 a limited mental health license meet certain
 28 specified requirements; amending s. 394.4574,
 29 F.S.; requiring the Department of Children and
 30 Family Services to ensure that each mental
 31 health care provider has a plan demonstrating

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1 how it can provide mental health services to
2 residents of an assisted living facility having
3 a limited mental health license; requiring each
4 mental health service provider to adhere to
5 certain specified criteria; requiring the
6 department to establish a workgroup for best
7 practices; providing membership and duties;
8 requiring the workgroup to prepare a report for
9 the Governor and the Legislature; requiring the
10 agency to implement the waiver amendment;
11 prohibiting the waiver amendment from
12 increasing costs to the Medicaid program;
13 providing an effective date.

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