

By Senator Wise

5-741B-05

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

1 living facilities; requiring the agency to  
2 establish a workgroup for the purpose of  
3 preparing an amendment to a waiver; providing  
4 requirements for the amendment; requiring the  
5 Office of Program Policy Analysis and  
6 Government Accountability to conduct an  
7 evaluation; requiring the agency to implement  
8 the waiver amendment; prohibiting the waiver  
9 amendment from increasing costs to the Medicaid  
10 program; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsections (4), (5), (6), (7), (8), (9),  
15 and (10) are added to section 394.4574, Florida Statutes, to  
16 read:

17 394.4574 Department responsibilities for a mental  
18 health resident who resides in an assisted living facility  
19 that holds a limited mental health license.--

20 (4) The Agency for Health Care Administration may  
21 establish a demonstration project within Duval, Nassau, Pasco,  
22 Pinellas, Lee, Volusia, Putnam, Charlotte, Hillsborough, Dade,  
23 Sarasota, Broward, Brevard, Orange, Santa Rosa, Collier, and  
24 Palm Beach Counties for the purpose of developing  
25 evidence-based practices in the delivery of state-funded  
26 behavioral health care services and support through the use of  
27 specialty behavioral health care providers to persons who  
28 reside in assisted living facilities that hold a limited  
29 mental health license.

30 (5)(a) The agency may create an advisory committee to  
31 make recommendations to the Agency for Health Care

1 Administration and the Department of Children and Family  
2 Services for the demonstration project that may be developed  
3 by the Agency for Health Care Administration, in consultation  
4 with the Department of Children and Families Services. The  
5 advisory committee shall solicit input from stakeholders,  
6 residents, facility administrators, and advocates relative to  
7 standards, criteria, and the array of services that will be  
8 included.

9       (b) The members of the advisory committee shall  
10 include local community partners, including residents,  
11 advocates, private and publicly funded behavioral health care  
12 providers, representatives of the Agency for Health Care  
13 Administration and the Department of Children and Family  
14 Services, and facility administrators selected by the agency.  
15 Other representatives may include the following:

- 16       1. One person who is a member of the Florida  
17 Psychiatric Society, selected by the society;
- 18       2. One person who is a member of the Florida Council  
19 for Behavioral Health, selected by the council;
- 20       3. One person who is a member of the National Alliance  
21 for the Mentally Ill, selected by the state affiliate;
- 22       4. One person who is a member of the Florida Assisted  
23 Living Affiliation, selected by the affiliation; and
- 24       5. One person who is a member of the local advocacy  
25 council, selected by the local council.

26  
27 Each member or representative on the advisory committee must  
28 serve at his or her own expense.

29       (c) The advisory committee shall establish goals,  
30 elect a chairperson, and be governed by the latest edition of  
31 Roberts Rules of Order. The chairperson shall direct the work

1 of the advisory committee and may appoint subcommittees as  
2 deemed appropriate by the chairperson. In addition, the  
3 chairperson shall be responsible for ensuring that minutes of  
4 meetings are kept and community input is solicited. The  
5 meetings shall convene upon the call of the chairperson.

6 (6)(a) For the purposes of this demonstration project,  
7 the term "specialty behavioral health care provider" means a  
8 public or private behavioral health care entity, provider, or  
9 organization or coalition of providers which holds a contract  
10 with the Department of Children and Family Services and can  
11 offer a full array of state-funded behavioral health care  
12 services to residents who live in state-licensed assisted  
13 living facilities that hold a limited mental health license in  
14 the counties of Duval, Nassau, Pasco, Pinellas, Lee, Volusia,  
15 Putnam, Charlotte, Hillsborough, Dade, Sarasota, Broward,  
16 Brevard, Orange, Santa Rosa, Collier, or Palm Beach. The  
17 services that are provided on a fee-for-service basis shall be  
18 provided directly by the specialty behavioral health care  
19 provider. For the purpose of this demonstration project, the  
20 Department of Children and Family Services shall allow private  
21 providers the opportunity to seek a contract with the  
22 department in order to compete and provide state-funded  
23 behavioral health care services.

24 (b) In constructing the requirements for the specialty  
25 behavioral health care provider demonstration project, the  
26 Agency for Health Care Administration and the Department of  
27 Children and Family Services shall ensure that the providers  
28 develop and implement a plan to ensure the provision of the  
29 services and requirements referenced under this section. The  
30 demonstration project shall include requirements for intensive  
31 case-management services, provisions for on-call case

1 managers, and vocational support services, and shall include a  
2 requirement for the development of evidence-based models and  
3 practices in the delivery of community-based behavioral health  
4 care services which include strategies for reducing the use of  
5 state-funded inpatient psychiatric care. These models should  
6 demonstrate new approaches and allow for maximum input from  
7 consumers, family members, and facility administrators.  
8 Services provided under the demonstration project shall be  
9 provided on a fee-for-service basis for residents who are not  
10 eligible for Medicaid and must be cost-neutral for the Agency  
11 for Health Care Administration and for the Department of  
12 Children and Family Services. The Agency for Health Care  
13 Administration, in consultation with the Department of  
14 Children and Family Services, shall use a  
15 request-for-information process for the purpose of procurement  
16 and to ensure competition and choice.

17 (c) For Medicaid-eligible residents who live in  
18 assisted living facilities that hold a limited mental health  
19 license in the counties of Duval, Nassau, Pasco, Pinellas,  
20 Lee, Volusia, Putnam, Charlotte, Hillsborough, Dade, Sarasota,  
21 Broward, Brevard, Orange, Santa Rosa, Collier, or Palm Beach  
22 and are enrolled in the MediPass program under a  
23 fee-for-service arrangement for the provision of  
24 Medicaid-funded behavioral health care services, the  
25 Department of Children and Family Services and the Agency for  
26 Health Care Administration shall allow any behavioral health  
27 care provider in the counties referenced under this section  
28 which meets the eligibility requirements for this  
29 demonstration project to become a specialty behavioral health  
30 care provider, including a nonprofit or private behavioral  
31

1 health care provider, organization, or entity or coalition of  
2 providers.

3       (d) Each eligible specialty behavioral health care  
4 provider that is qualified under the requirements of the  
5 demonstration project may seek and develop cooperative  
6 agreements with administrators of assisted living facilities  
7 that hold a limited mental health license in the counties of  
8 Duval, Nassau, Pasco, Pinellas, Lee, Volusia, Putnam,  
9 Charlotte, Hillsborough, Dade, Sarasota, Broward, Brevard,  
10 Orange, Santa Rosa, Collier, or Palm Beach. The cooperative  
11 agreement shall be for a minimum of 1 year during the course  
12 of the demonstration project and shall be binding on both  
13 parties for the duration of the agreement. The cooperative  
14 agreement must include provisions that promote the development  
15 of evidence-based practices and models as outlined in the  
16 procurement document for the project. For the purposes of this  
17 demonstration project, the provisions of the cooperative  
18 agreement shall be focused on improving the coordination of  
19 services, improved communication, detailed protocols that  
20 relate to the supervision of the clinical needs of the  
21 residents, and all other provisions required by law.

22       (7) If the Agency for Health Care Administration  
23 implements a prepaid behavioral health care plan in the  
24 counties of Duval, Nassau, Pasco, Pinellas, Lee, Volusia,  
25 Putnam, Charlotte, Hillsborough, Dade, Sarasota, Broward,  
26 Brevard, Orange, Santa Rosa, Collier, or Palm Beach, the  
27 Agency for Health Care Administration may seek federal waivers  
28 to implement an alternative prepaid behavioral health care  
29 plan in the counties of Duval, Nassau, Pasco, Pinellas, Lee,  
30 Volusia, Putnam, Charlotte, Hillsborough, Dade, Sarasota,  
31 Broward, Brevard, Orange, Santa Rosa, Collier, or Palm Beach

1 in order to demonstrate innovation and develop evidence-based  
2 practices that will improve the coordination, satisfaction,  
3 and delivery of all state-funded behavioral health care  
4 services to residents that live in assisted living facilities  
5 that hold a limited mental health license. The Agency for  
6 Health Care Administration, in developing the alternative  
7 prepaid program for persons who reside in assisted living  
8 facilities that hold a limited mental health license in the  
9 counties of Duval, Nassau, Pasco, Pinellas, Lee, Volusia,  
10 Putnam, Charlotte, Hillsborough, Dade, Sarasota, Broward,  
11 Brevard, Orange, Santa Rosa, Collier, or Palm Beach, shall  
12 include provisions that ensure that the demonstration  
13 capitation rate is based on no more than 90 percent of the  
14 historic service utilization from the fee-for-service base,  
15 shall include all outpatient state-funded behavioral health  
16 care services and inpatient psychiatric services and shall  
17 exempt medications. The Department of Children and Family  
18 Services shall calculate a rate for the nonMedicaid residents  
19 served in the demonstration area and shall ensure that the  
20 capitation rate does not result in the displacement of  
21 residents and is consistent with each resident's right of  
22 access to adequate and appropriate health care under s.  
23 400.428.

24 (8) The demonstration project may be implemented by  
25 the Agency for Health Care Administration at the direction of  
26 the agency Secretary. When the Secretary of Health Care  
27 Administration authorizes implementation of the demonstration  
28 project, the project shall continue for at least 3 years  
29 following the date of implementation. The advisory committee  
30 shall complete its work at the end of the 3-year period.

31

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 each 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  
10 case-management relationships with residents, and  
11 implementation of meaningful plans of recovery. Following the  
12 evaluation and review, the office shall prepare a report and  
13 submit a copy to the President of the Senate and the Speaker  
14 of the House of Representatives in a timely manner.

15           (10) The Agency for Health Care Administration may  
16 seek the necessary federal waivers or approval to amend a  
17 current waiver for the purpose of addressing the needs of  
18 individuals who reside in an assisted living facility that  
19 holds a limited mental health license. The agency shall  
20 establish a workgroup to assist in the preparation and  
21 development of the amendment to the waiver to provide input  
22 and information relevant to the completion and successful  
23 submission of an amendment. The amendment must address the  
24 needs of certain individuals that reside in state-licensed  
25 assisted living facilities that hold a limited mental health  
26 license. The amendment must provide for a mechanism by which  
27 those individuals having increased medical needs who are under  
28 the age of 65 and meet certain criteria would be eligible  
29 based on the availability of funding for additional services  
30 that would enable these individuals to remain as a resident in  
31 an assisted living facility that holds a limited mental health



1 license. The Office of Program Policy Analysis and Government  
2 Accountability shall conduct an evaluation of the waiver  
3 amendment after the first year of implementation. The  
4 evaluation shall assess whether the amendment to the waiver  
5 and the services provided have reduced, delayed, or otherwise  
6 improved the ability of the assisted living facility to  
7 retrain individuals who otherwise would have been homeless or  
8 placed in an institutional setting. The agency shall implement  
9 the waiver and serve 400 individuals who meet the criteria and  
10 reside in an assisted living facility that holds a limited  
11 mental health license in the counties of Duval, Nassau, Pasco,  
12 Sarasota, Putnam, Volusia, Dade, Charlotte, Santa Rosa,  
13 Collier, Palm Beach, or Lee. The agency shall implement the  
14 waiver amendment upon approval from appropriate federal  
15 agencies and access to available funding. The waiver amendment  
16 may not increase costs to the Medicaid program and must  
17 demonstrate savings.

18           Section 2. This act shall take effect July 1, 2005.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

1  
2  
3 Authorizes the Agency for Health Care Administration to  
4 establish a demonstration project in certain counties in  
5 order to determine the benefits of developing a specialty  
6 behavioral health care provider to deliver behavioral  
7 health services to persons who reside in an assisted  
8 living facility that holds a limited mental health  
9 license. Authorizes the agency to create an advisory  
10 committee. Provides the requirements for the specialty  
11 behavioral health care provider demonstration project.  
12 Provides that certain specialty behavioral health care  
13 providers may seek and develop cooperative agreements  
14 with administrators of certain assisted living  
15 facilities. Authorizes the agency to seek federal waivers  
16 to implement an alternative prepaid behavioral health  
17 care plan under certain conditions. Authorizes the agency  
18 to implement the demonstration project and the advisory  
19 committee to complete work by a specific date. Requires  
20 that a report be submitted to the Legislature. Authorizes  
21 the agency to seek a waiver or approval for an amendment  
22 to a waiver for the purpose of addressing needs of  
23 individuals who reside in certain assisted living  
24 facilities. Requires the agency to establish a workgroup  
25 for the purpose of preparing an amendment to a waiver.  
26 Requires the Office of Program Policy Analysis and  
27 Government Accountability to conduct an evaluation.  
28 Prohibits the waiver amendment from increasing costs to  
29 the Medicaid program.  
30  
31