

By Senator Wise

5-1323-07

See HB

1                                   A bill to be entitled

2           An act relating to the Florida Self-Directed

3           Care program; amending s. 394.9084, F.S.;

4           requiring the Department of Children and Family

5           Services to offer the program in districts that

6           provide certain mental health services;

7           providing legislative intent with regard to

8           funding; requiring an independent financial

9           agent to pay for certain services; defining the

10          term "independent financial agent"; authorizing

11          transfer of certain funds; providing rulemaking

12          authority; requiring an annual evaluation of

13          the program; revising provisions relating to

14          expenditures for conducting an evaluation;

15          deleting the expiration date of the program;

16          providing an effective date.

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

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20           Section 1. Section 394.9084, Florida Statutes, is

21 amended to read:

22           394.9084 Florida Self-Directed Care program.--

23           (1) The Department of Children and Family Services, in

24 cooperation with the Agency for Health Care Administration,

25 shall offer the Florida Self-Directed Care program, may

26 ~~develop~~ a client-directed and choice-based program, in all

27 ~~pilot project in district 4 and three other districts that to~~

28 provide mental health treatment and support services to adults

29 who have a serious mental illness. ~~The department may also~~

30 ~~develop and implement a client directed and choice based pilot~~

31 ~~project in one district to provide mental health treatment and~~

1 ~~support services for children with a serious emotional~~  
2 ~~disturbance who live at home. If established, any staff who~~  
3 ~~work with children must be screened under s. 435.04. The~~  
4 department projects shall implement a payment mechanism model  
5 in which each client controls the money that is available for  
6 that participant's client's mental health treatment and  
7 support services. It is the intent of the Legislature that any  
8 new or existing applicable funding shall be made available to  
9 allow individuals to choose to participate in this program.

10 The department shall establish interagency cooperative  
11 agreements and work with the agency, the division, and the  
12 Social Security Administration to implement and administer the  
13 Florida Self-Directed Care program.

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

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

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

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

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

4 (d) Social Security Administration.

5 (4) The independent financial agent ~~managing entity~~  
6 shall pay for the cost-efficient community-based services the  
7 participant selects to meet his or her mental health care and  
8 vocational rehabilitation needs and goals as identified on his  
9 or her recovery plan. For purposes of this section, the term  
10 "independent financial agent" means a third-party  
11 administrator, as defined in s. 409.901(26), that does not  
12 provide mental health services.

13 (5)(a) The department shall take all necessary action  
14 to ensure state compliance with federal regulations. The  
15 agency, in collaboration with the department, shall  
16 expeditiously seek federal Medicaid waivers, and the  
17 department shall expeditiously seek any available Supplemental  
18 Security Administration waivers under s. 1110(b) of the  
19 federal Social Security Act; and the division, in  
20 collaboration with the department, shall expeditiously seek  
21 federal approval to participate in the Florida Self-Directed  
22 Care program. No later than June 30, 2008 ~~2005~~, the  
23 department, the agency, and the division shall amend and  
24 update their strategic and state plans to reflect  
25 participation in the projects, including intent to seek  
26 federal approval to provide cashout options for eligible  
27 services for participants in the projects.

28 (b) The department may apply for and use any funds  
29 from private, state, and federal grants provided for  
30 self-directed care, voucher, and self-determination programs,  
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1 including those providing substance abuse and mental health  
2 care.

3 (6) The department, the agency, and the division may  
4 transfer funds to the independent financial agent ~~managing~~  
5 ~~entity~~.

6 (7) The department, the agency, and the division shall  
7 have rulemaking authority pursuant to ss. 120.536(1) and  
8 120.54 to implement the provisions of this section. These  
9 rules shall be for the purpose of enhancing choice in and  
10 control over the purchased mental health and vocational  
11 rehabilitative services accessed by Florida Self-Directed Care  
12 program participants.

13 (8) The department and the agency shall ~~will~~ complete  
14 a memorandum of agreement to delineate management roles for  
15 operation of the Florida Self-Directed Care program.

16 (9) The department, the agency, and the division shall  
17 each, on an ongoing basis, review and assess the  
18 implementation of the Florida Self-Directed Care program.

19 (a) The department shall ~~will~~ implement an annual  
20 evaluation of the program and shall ~~will~~ include  
21 recommendations for improvements in the program.

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

- 24 1. Re-hospitalization rates.
- 25 2. Levels of satisfaction.
- 26 3. Service utilization rates.
- 27 4. Residential stability.
- 28 5. Levels of community integration and interaction.

29 (c) The evaluation must assess ~~evaluate~~ adherence to  
30 the Centers for Medicare and Medicaid self-direction  
31 requirements, including:

- 1           1. Person-centered planning.
- 2           2. Individual budgets.
- 3           3. Availability of independently brokered services
- 4 from recovery coaches and quality advocates.
- 5           4. Access to the program by all who are eligible to
- 6 enroll.
- 7           5. Participant safety and program incident management
- 8 planning.
- 9           6. An independently mediated grievance process.
- 10           (d) The evaluation must assess the economic
- 11 self-sufficiency of the program participants, including the
- 12 number of Individual Development Accounts.
- 13           (e) The evaluation must assess any adverse incidents
- 14 resulting from the Florida Self-Directed Care program,
- 15 including consumer grievances, conflicts of interest, and
- 16 patterns of self-referral by licensed professions.
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- 18 ~~The department is authorized to spend up to \$100,000 to pay~~
- 19 ~~for the evaluation. If the agency and the department obtain a~~
- 20 ~~federal waiver, the evaluation will be used to determine~~
- 21 ~~effectiveness.~~
- 22           ~~(10) This section expires July 1, 2008.~~
- 23           Section 2. This act shall take effect July 1, 2007.
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