

By the Committee on Health and Human Services Appropriations;
and Senator Webster

603-07352-08

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1 A bill to be entitled

2 An act relating to the Florida Self-Directed Care program;
3 amending s. 394.9084, F.S.; providing for the expansion of
4 the program to all districts of the Department of Children
5 and Family Services; defining the term "fiscal
6 intermediary"; providing for the duties of the
7 intermediary; deleting an obsolete provision; requiring an
8 evaluation of the program by the Office of Program Policy
9 Analysis and Government Accountability by a certain date;
10 revising the evaluation criteria; abrogating the
11 expiration date of the program; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 394.9084, Florida Statutes, is amended
17 to read:

18 394.9084 Florida Self-Directed Care program.--

19 (1) The Department of Children and Family Services, in
20 cooperation with the Agency for Health Care Administration, may
21 provide ~~develop~~ a client-directed and choice-based Florida Self-
22 Directed Care program, in all department ~~pilot project in~~
23 ~~district 4 and three other~~ districts to provide mental health
24 treatment and support services to adults who have a serious
25 mental illness. The department may also develop and implement a
26 client-directed and choice-based pilot project in one district to
27 provide mental health treatment and support services for children
28 with a serious emotional disturbance who live at home. If
29 established, ~~any~~ staff who work with children must be screened

603-07352-08

20082390c1

30 | under s. 435.04. The department ~~projects~~ shall implement a
31 | payment mechanism ~~model~~ in which each participant ~~client~~ controls
32 | the money that is available for that client's mental health
33 | treatment and support services. The department shall establish
34 | interagency cooperative agreements and work with the agency, the
35 | Division of Vocational Rehabilitation, and the Social Security
36 | Administration to implement and administer the Florida Self-
37 | Directed Care program.

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

41 | (3) The Florida Self-Directed Care program has four
42 | subcomponents:

43 | (a) Department mental health services, which include
44 | community mental health outpatient, community support, and case
45 | management services funded through the department. This
46 | subcomponent excludes Florida Assertive Community Treatment
47 | (FACT) services for adults; residential services; and emergency
48 | stabilization services, including crisis stabilization units,
49 | short-term residential treatment, and inpatient services.

50 | (b) Agency mental health services, which include community
51 | mental health services and mental health targeted case management
52 | services reimbursed by Medicaid.

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

56 | (d) Social Security Administration.

57 | (4) A fiscal intermediary ~~The managing entity~~ shall pay for
58 | the cost-efficient community-based services the participant

603-07352-08

20082390c1

59 | selects to meet his or her mental health care and vocational
60 | rehabilitation needs and goals as identified on his or her
61 | recovery plan. For purposes of this section, the term "fiscal
62 | intermediary" means an entity approved by the department which
63 | helps the participant manage his or her budget allowance, retains
64 | the funds, processes employment information, if any, and tax
65 | information, reviews records to ensure correctness, and writes
66 | paychecks to providers.

67 | (5) ~~(a)~~ The department shall take all necessary action to
68 | ensure state compliance with federal regulations.

69 | (a) The agency, in collaboration with the department, shall
70 | seek federal Medicaid waivers; ~~and~~ the department shall
71 | expeditiously seek any available Supplemental Security
72 | Administration waivers under s. 1110(b) of the federal Social
73 | Security Act; and the division, in collaboration with the
74 | department, shall seek federal approval to participate in the
75 | Florida Self-Directed Care program. ~~No later than June 30, 2005,~~
76 | ~~the department, agency, and division shall amend and update their~~
77 | ~~strategic and state plans to reflect participation in the~~
78 | ~~projects, including intent to seek federal approval to provide~~
79 | ~~cashout options for eligible services for participants in the~~
80 | ~~projects.~~

81 | (b) The department may apply for and use any funds from
82 | private, state, and federal grants provided for self-directed
83 | care, voucher, and self-determination programs, including those
84 | providing substance abuse and mental health care.

85 | (6) The department, the agency, and the division may
86 | transfer funds to the fiscal intermediary ~~managing entity.~~

603-07352-08

20082390c1

87 (7) The department, the agency, and the division are
88 authorized to adopt rules to administer ~~shall have rulemaking~~
89 ~~authority to implement the provisions of~~ this section. These
90 rules shall be for the purpose of enhancing choice in and control
91 over the purchased mental health and vocational rehabilitative
92 services accessed by Florida Self-Directed Care participants.

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

96 (9) By December 31, 2009, the Office of Program Policy
97 Analysis and Government Accountability shall evaluate the
98 effectiveness ~~the department, the agency, and the division shall~~
99 ~~each, on an ongoing basis, review and assess the implementation~~
100 of the Florida Self-Directed Care program. The evaluation shall
101 include an assessment of participant choice and access to
102 services, cost savings, coordination and quality of care,
103 adherence to principles of self-directed care, barriers to
104 implementation, progress toward statewide expansion of the
105 program, and recommendations for improvement in the program.

106 ~~(a) The department will implement an evaluation of the~~
107 ~~program and will include recommendations for improvements in the~~
108 ~~program.~~

109 ~~(b) At a minimum, the evaluation must compare between~~
110 ~~program participants and nonparticipants:~~

- 111 ~~1. Re-hospitalization rates.~~
- 112 ~~2. Levels of satisfaction.~~
- 113 ~~3. Service utilization rates.~~
- 114 ~~4. Residential stability.~~
- 115 ~~5. Levels of community integration and interaction.~~

603-07352-08

20082390c1

116 ~~(c) The evaluation must evaluate adherence to the Centers~~
117 ~~for Medicare and Medicaid self-direction requirements, including:~~

118 ~~1. Person-centered planning.~~

119 ~~2. Individual budgets.~~

120 ~~3. Availability of independently brokered services from~~
121 ~~recovery coaches and quality advocates.~~

122 ~~4. Access to the program by all who are eligible to enroll.~~

123 ~~5. Participant safety and program incident management~~
124 ~~planning.~~

125 ~~6. An independently mediated grievance process.~~

126 ~~(d) The evaluation must assess the economic self-~~
127 ~~sufficiency of the program participants, including the number of~~
128 ~~Individual Development Accounts.~~

129 ~~(e) The evaluation must assess any adverse incidents~~
130 ~~resulting from the Florida Self-Directed Care, including consumer~~
131 ~~grievances, conflicts of interest, and patterns of self-referral~~
132 ~~by licensed professions.~~

133
134 ~~The department is authorized to spend up to \$100,000 to pay for~~
135 ~~the evaluation. If the agency and the department obtain a federal~~
136 ~~waiver, the evaluation will be used to determine effectiveness.~~

137 ~~(10) This section expires July 1, 2008.~~

138 Section 2. This act shall take effect July 1, 2008.