

By Senator Wise

5-01164B-09

20091564\_\_

1                   A bill to be entitled  
2           An act relating to mental health and substance abuse  
3           services; amending s. 394.67, F.S.; redefining the  
4           term "residential treatment center for children and  
5           adolescents"; amending s. 394.674, F.S.; establishing  
6           priority populations of persons who are eligible for  
7           services funded by the Department of Children and  
8           Family Services; amending s. 766.101, F.S.; redefining  
9           the term "medical review committee" to include a  
10          committee to review mental health and substance abuse  
11          treatment services provided by the department;  
12          repealing s. 394.9081, F.S., relating to target groups  
13          for substance abuse and mental health services;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Subsection (21) of section 394.67, Florida  
19           Statutes, is amended to read:

20           394.67 Definitions.—As used in this part, the term:

21           (21) "Residential treatment center for children and  
22           adolescents" means a 24-hour residential program, including a  
23           therapeutic group home, which provides mental health services to  
24           emotionally disturbed children or adolescents as defined in s.  
25           394.492(5) or (6) and which is a private for-profit or not-for-  
26           profit corporation licensed by the agency ~~under contract with~~  
27           ~~the department~~ which offers a variety of treatment modalities in  
28           a more restrictive setting.

29           Section 2. Subsections (1) and (4) of section 394.674,

5-01164B-09

20091564\_\_

30 Florida Statutes, are amended to read:

31 394.674 Client ~~Clinical~~ eligibility for publicly funded  
32 substance abuse and mental health services; fee collection  
33 requirements.—

34 (1) To be eligible to receive substance abuse and mental  
35 health services funded by the department, a person must be a  
36 member of at least one of the department's priority populations  
37 ~~target groups~~ approved by the Legislature, ~~pursuant to s.~~  
38 ~~216.0166.~~ The priority populations include:

39 (a) For adult mental health services:

40 1. Adults who have severe and persistent mental illness, as  
41 designated by the department using criteria that include  
42 severity of diagnosis, duration of the mental illness, ability  
43 to independently perform activities of daily living, and receipt  
44 of disability income for a psychiatric condition. Included  
45 within this group are:

46 a. Older adults in crisis.

47 b. Older adults who are at risk of being placed in a more  
48 restrictive environment because of their mental illness.

49 c. Persons deemed incompetent to proceed or not guilty by  
50 reason of insanity under chapter 916.

51 d. Other persons involved in the criminal justice system.

52 e. Persons diagnosed as having co-occurring mental illness  
53 and substance use disorders.

54 2. Persons who are experiencing an acute mental or  
55 emotional crisis as defined in s. 394.67(17).

56 (b) For children's mental health services:

57 1. Children who are at risk of emotional disturbance as  
58 defined in s. 394.492(4).

5-01164B-09

20091564\_\_

59           2. Children who have an emotional disturbance as defined in  
60 s. 394.492(5).

61           3. Children who have a serious emotional disturbance as  
62 defined in s. 394.492(6).

63           4. Children diagnosed as having a co-occurring substance  
64 abuse and emotional disturbance or serious emotional  
65 disturbance.

66           (c) For substance abuse treatment services:

67           1. Adults who have substance abuse disorders and a history  
68 of intravenous drug use.

69           2. Persons diagnosed as having co-occurring substance abuse  
70 and mental health disorders.

71           3. Parents who put children at risk due to a substance  
72 abuse disorder.

73           4. Persons who have a substance abuse disorder and have  
74 been ordered by the court to receive treatment.

75           5. Children at risk for initiating drug use.

76           6. Children under state supervision.

77           7. Children who have a substance abuse disorder but who are  
78 not under the supervision of a court or in the custody of a  
79 state agency.

80           8. Persons identified as being part of a priority  
81 population as a condition for receiving services funded through  
82 the Mental Health and Substance Abuse Block Grant.

83           (4) The department shall adopt rules to implement client  
84 ~~the clinical~~ eligibility, client enrollment, and fee collection  
85 requirements for publicly funded substance abuse and mental  
86 health services.

87           (a) The rules must require ~~that~~ each provider under

5-01164B-09

20091564\_\_

88 contract with the department which enrolls eligible persons into  
89 treatment to develop a sliding fee scale for persons who have a  
90 net family income at or above 150 percent of the Federal Poverty  
91 Income Guidelines, unless otherwise required by state or federal  
92 law. The sliding fee scale must use the uniform schedule of  
93 discounts by which a provider under contract with the department  
94 discounts its established client charges for services supported  
95 with state, federal, or local funds, using, at a minimum,  
96 factors such as family income, financial assets, and family size  
97 as declared by the person or the person's guardian. The rules  
98 must include uniform criteria to be used by all service  
99 providers in developing the schedule of discounts for the  
100 sliding fee scale.

101 (b) The rules must address the most expensive types of  
102 treatment, such as residential and inpatient treatment, in order  
103 to make it possible for a client to responsibly contribute to  
104 his or her mental health or substance abuse care without  
105 jeopardizing the family's financial stability. A person who is  
106 not eligible for Medicaid and whose net family income is less  
107 than 150 percent of the Federal Poverty Income Guidelines must  
108 pay a portion of his or her treatment costs which is comparable  
109 to the copayment amount required by the Medicaid program for  
110 Medicaid clients pursuant to s. 409.9081.

111 (c) The rules must require that persons who receive  
112 financial assistance from the Federal Government because of a  
113 disability and are in long-term residential treatment settings  
114 contribute to their board and care costs and treatment costs and  
115 must be consistent with the provisions in s. 409.212.

116 (5) A person who meets the eligibility criteria in

5-01164B-09

20091564\_\_

117 subsection (1) shall be served in accordance with the  
118 appropriate district substance abuse and mental health services  
119 plan specified in s. 394.75 and within available resources.

120 Section 3. Paragraph (a) of subsection (1) of section  
121 766.101, Florida Statutes, is amended to read:

122 766.101 Medical review committee, immunity from liability.-

123 (1) As used in this section:

124 (a) The term "medical review committee" or "committee"  
125 means:

126 1.a. A committee of a hospital or ambulatory surgical  
127 center licensed under chapter 395 or a health maintenance  
128 organization certificated under part I of chapter 641,

129 b. A committee of a physician-hospital organization, a  
130 provider-sponsored organization, or an integrated delivery  
131 system,

132 c. A committee of a state or local professional society of  
133 health care providers,

134 d. A committee of a medical staff of a licensed hospital or  
135 nursing home, provided the medical staff operates pursuant to  
136 written bylaws that have been approved by the governing board of  
137 the hospital or nursing home,

138 e. A committee of the Department of Corrections or the  
139 Correctional Medical Authority as created under s. 945.602, or  
140 employees, agents, or consultants of either the department or  
141 the authority or both,

142 f. A committee of a professional service corporation formed  
143 under chapter 621 or a corporation organized under chapter 607  
144 or chapter 617, which is formed and operated for the practice of  
145 medicine as defined in s. 458.305(3), and which has at least 25

5-01164B-09

20091564\_\_

146 health care providers who routinely provide health care services  
147 directly to patients,

148 g. A committee of the Department of Children and Family  
149 Services which includes employees, agents, or consultants to the  
150 department as deemed necessary to provide peer review,  
151 utilization review, and mortality review of treatment services  
152 provided pursuant to chapters 394, 397, and 916,

153 ~~h.g.~~ A committee of a mental health treatment facility  
154 licensed under chapter 394 or a community mental health center  
155 as defined in s. 394.907, provided the quality assurance program  
156 operates pursuant to the guidelines which have been approved by  
157 the governing board of the agency,

158 ~~i.h.~~ A committee of a substance abuse treatment and  
159 education prevention program licensed under chapter 397 provided  
160 the quality assurance program operates pursuant to the  
161 guidelines which have been approved by the governing board of  
162 the agency,

163 ~~j.i.~~ A peer review or utilization review committee  
164 organized under chapter 440,

165 ~~k.j.~~ A committee of the Department of Health, a county  
166 health department, healthy start coalition, or certified rural  
167 health network, when reviewing quality of care, or employees of  
168 these entities when reviewing mortality records, or

169 ~~l.k.~~ A continuous quality improvement committee of a  
170 pharmacy licensed pursuant to chapter 465,

171  
172 which committee is formed to evaluate and improve the quality of  
173 health care rendered by providers of health service, ~~or~~ to  
174 determine that health services rendered were professionally

5-01164B-09

20091564\_\_

175 indicated or were performed in compliance with the applicable  
176 standard of care, or that the cost of health care rendered was  
177 considered reasonable by the providers of professional health  
178 services in the area; or

179 2. A committee of an insurer, self-insurer, or joint  
180 underwriting association of medical malpractice insurance, or  
181 other persons conducting review under s. 766.106.

182 Section 4. Section 394.9081, Florida Statutes, is repealed.

183 Section 5. This act shall take effect July 1, 2009.