

By Senator Garcia

36-00566-17

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1                   A bill to be entitled  
 2           An act relating to mental health and substance abuse;  
 3           amending s. 394.461, F.S.; authorizing the Department  
 4           of Children and Families to approve receiving systems  
 5           for behavioral health care; making technical changes;  
 6           requiring the department to approve specified  
 7           facilities as receiving systems under certain  
 8           circumstances; authorizing the department to adopt  
 9           rules for the approval and the suspension or  
 10          withdrawal of approval of receiving systems; amending  
 11          s. 394.879, F.S.; deleting an obsolete provision  
 12          requiring a report by the department and the Agency  
 13          for Health Care Administration; amending s. 394.9082,  
 14          F.S.; revising the reporting requirements of the acute  
 15          care services utilization database; requiring the  
 16          department to post certain data on its website;  
 17          amending s. 397.6955, F.S.; specifying that certain  
 18          court hearings must be scheduled within 5 court  
 19          working days unless a continuance is granted;  
 20          providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Section 394.461, Florida Statutes, is amended to  
 25           read:

26           394.461 Designation of receiving and treatment facilities;  
 27           ~~and approval of receiving systems.~~—The department is authorized  
 28           to designate and monitor receiving facilities, and treatment  
 29           facilities, ~~and receiving systems~~ and ~~may~~ suspend or withdraw  
 30           such designation for a facility's failure to comply with this  
 31           part and rules adopted under this part. The department is  
 32           authorized to approve receiving systems developed pursuant to s.

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33 394.4573. Unless designated by the department, facilities may  
34 not ~~are not permitted to~~ hold or treat involuntary patients  
35 under this part.

36 (1) RECEIVING FACILITY.—The department may designate any  
37 community facility as a receiving facility. Any other facility  
38 within the state, including a private facility or a federal  
39 facility, may be so designated by the department, provided that  
40 such designation is agreed to by the governing body or authority  
41 of the facility.

42 (2) TREATMENT FACILITY.—The department may designate any  
43 state-owned, state-operated, or state-supported facility as a  
44 state treatment facility. A civil patient may ~~shall~~ not be  
45 admitted to a state treatment facility without previously  
46 undergoing a transfer evaluation. Before a court hearing for  
47 involuntary placement in a state treatment facility, the court  
48 shall receive and consider the information documented in the  
49 transfer evaluation. Any other facility, including a private  
50 facility or a federal facility, may be designated as a treatment  
51 facility by the department, provided that such designation is  
52 agreed to by the appropriate governing body or authority of the  
53 facility.

54 (3) PRIVATE FACILITIES.—Private facilities designated as  
55 receiving and treatment facilities by the department may provide  
56 examination and treatment of involuntary patients, as well as  
57 voluntary patients, and are subject to all the provisions of  
58 this part.

59 (4) REPORTING REQUIREMENTS.—

60 (a) A facility designated as a public receiving or  
61 treatment facility under this section shall report to the

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62 department on an annual basis the following data, unless these  
63 data are currently being submitted to the Agency for Health Care  
64 Administration:

- 65 1. Number of licensed beds.
- 66 2. Number of contract days.
- 67 3. Number of admissions by payor class and diagnoses.
- 68 4. Number of bed days by payor class.
- 69 5. Average length of stay by payor class.
- 70 6. Total revenues by payor class.

71 (b) For the purposes of this subsection, "payor class"  
72 means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-  
73 pay health insurance, private-pay health maintenance  
74 organization, private preferred provider organization, the  
75 Department of Children and Families, other government programs,  
76 self-pay patients, and charity care.

77 (c) The data required under this subsection shall be  
78 submitted to the department no later than 90 days following the  
79 end of the facility's fiscal year. A facility designated as a  
80 public receiving or treatment facility shall submit its initial  
81 report for the 6-month period following such designation ~~ending~~  
82 ~~June 30, 2008~~.

83 (d) The department shall issue an annual report based on  
84 the data required pursuant to this subsection. The report must  
85 ~~shall~~ include individual facilities' data, as well as statewide  
86 totals. The report shall be submitted to the Governor, the  
87 President of the Senate, and the Speaker of the House of  
88 Representatives.

89 (5) RECEIVING SYSTEM.—The department shall approve  
90 ~~designate~~ as a receiving system one or more facilities serving a

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91 defined geographic area developed pursuant to s. 394.4573 which  
92 is responsible for assessment and evaluation, both voluntary and  
93 involuntary, and treatment, stabilization, or triage for  
94 patients who have a mental illness, a substance use disorder, or  
95 co-occurring disorders. Any transportation plans developed  
96 pursuant to s. 394.462 must support the operation of the  
97 receiving system.

98 (6) RULES.—The department may adopt rules relating to:

99 (a) Procedures and criteria for receiving and evaluating  
100 facility applications for designation, which may include onsite  
101 facility inspection and evaluation of an applicant's licensing  
102 status and performance history, as well as consideration of  
103 local service needs.

104 (b) Minimum standards consistent with this part that a  
105 facility must meet and maintain in order to be designated as a  
106 receiving or treatment facility and procedures for monitoring  
107 continued adherence to such standards.

108 (c) Procedures and criteria for designating and approving  
109 receiving systems which may include consideration of the  
110 adequacy of services provided by facilities within the receiving  
111 system to meet the needs of the geographic area using available  
112 resources.

113 (d) Procedures for receiving complaints against a  
114 designated facility or designated receiving system and for  
115 initiating inspections and investigations of facilities or  
116 receiving systems alleged to have violated ~~the provisions of~~  
117 this part or rules adopted under this part.

118 (e) Procedures and criteria for the suspension or  
119 withdrawal of designation as a receiving or treatment facility

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120 and for the suspension or withdrawal of approval of a or  
121 receiving system.

122 Section 2. Subsection (6) of section 394.879, Florida  
123 Statutes, is amended to read:

124 394.879 Rules; enforcement.—

125 (6) The department and the Agency for Health Care  
126 Administration shall develop a plan to provide options for a  
127 single, consolidated license for a provider that offers multiple  
128 types of either mental health services or substance abuse  
129 services, or both, regulated under this chapter and chapter 397,  
130 respectively. In the plan, the department and the agency shall  
131 identify the statutory revisions necessary to accomplish the  
132 consolidation. To the extent possible, the department and the  
133 agency shall accomplish such consolidation administratively and  
134 by rule. ~~The department and the agency shall submit the plan to~~  
135 ~~the Governor, the President of the Senate, and the Speaker of~~  
136 ~~the House of Representatives by November 1, 2016.~~

137 Section 3. Paragraph (a) of subsection (10) of section  
138 394.9082, Florida Statutes, is republished, paragraph (b) of  
139 that subsection is amended, and paragraph (f) is added to that  
140 subsection, to read:

141 394.9082 Behavioral health managing entities.—

142 (10) ACUTE CARE SERVICES UTILIZATION DATABASE.—The  
143 department shall develop, implement, and maintain standards  
144 under which a managing entity shall collect utilization data  
145 from all public receiving facilities situated within its  
146 geographical service area and all detoxification and addictions  
147 receiving facilities under contract with the managing entity. As  
148 used in this subsection, the term "public receiving facility"

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149 means an entity that meets the licensure requirements of, and is  
150 designated by, the department to operate as a public receiving  
151 facility under s. 394.875 and that is operating as a licensed  
152 crisis stabilization unit.

153 (a) The department shall develop standards and protocols to  
154 be used for data collection, storage, transmittal, and analysis.  
155 The standards and protocols shall allow for compatibility of  
156 data and data transmittal between public receiving facilities,  
157 detoxification facilities, addictions receiving facilities,  
158 managing entities, and the department for the implementation,  
159 and to meet the requirements, of this subsection.

160 (b) A managing entity shall require providers specified in  
161 paragraph (a) to submit data, in real time or at least daily, to  
162 the managing entity for:

163 1. All admissions and discharges of clients receiving  
164 public receiving facility services who qualify as indigent, as  
165 defined in s. 394.4787.

166 2. All admissions and discharges of clients receiving  
167 substance abuse services in an addictions receiving facility or  
168 detoxification facility pursuant to parts IV and V of chapter  
169 397 who qualify as indigent.

170 3. The current active census of total licensed ~~and utilized~~  
171 beds, the number of beds purchased by the department, the number  
172 of clients qualifying as indigent occupying ~~who occupy any of~~  
173 those beds, and the total number of unoccupied licensed beds,  
174 regardless of funding, ~~and the number in excess of licensed~~  
175 ~~capacity. Crisis units licensed for both adult and child use~~  
176 ~~will report as a single unit.~~

177 (f) The department shall post on its website, by facility,

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178 the data collected pursuant to this subsection and update such  
179 posting monthly.

180 Section 4. Subsection (2) of section 397.6955, Florida  
181 Statutes, is amended to read:

182 397.6955 Duties of court upon filing of petition for  
183 involuntary services.—

184 (2) The court shall schedule a hearing to be held on the  
185 petition within 5 court working days unless a continuance is  
186 granted. The court may appoint a magistrate to preside at the  
187 hearing.

188 Section 5. This act shall take effect July 1, 2017.