



175230

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2023	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 334

and insert:

Section 3. Paragraphs (b) and (j) of subsection (4), paragraph (b) of subsection (5), paragraph (b) of subsection (6), and subsections (8) and (10) of section 394.9082, Florida Statutes, are amended, and paragraph (n) is added to subsection (3) and paragraph (v) is added to subsection (5) of that section, to read:



11 394.9082 Behavioral health managing entities.—
12 (3) DEPARTMENT DUTIES.—The department shall:
13 (n) Complete an analysis of the use of funding designations
14 and contract deliverables with the managing entities every 3
15 years.
16 (4) CONTRACT WITH MANAGING ENTITIES.—
17 (b) The department shall issue an invitation to negotiate
18 under s. 287.057 to select an organization to serve as a
19 managing entity. If the department receives fewer than two
20 responsive bids to the solicitation, the department may ~~shall~~
21 reissue the solicitation and managed behavioral health
22 organizations shall be eligible to bid and be awarded a
23 contract.
24 (j) ~~By June 30, 2019,~~ If ~~all other~~ contract requirements
25 and performance standards are met and the department determines
26 that a managing entity under contract as of July 1, 2016, has
27 received network accreditation pursuant to subsection (6), the
28 department may continue its contract with the managing entity
29 for up to, but not exceeding, 5 years, including any and all
30 renewals and extensions. Thereafter, the department must issue a
31 competitive solicitation pursuant to paragraph (b).
32 (5) MANAGING ENTITY DUTIES.—A managing entity shall:
33 (b) Conduct a community behavioral health care needs
34 assessment every 3 years in the geographic area served by the
35 managing entity which identifies needs by subregion. The process
36 for conducting the needs assessment shall include an opportunity
37 for public participation. The assessment shall include, at a
38 minimum, the information the department needs for its annual
39 report to the Governor and Legislature pursuant to s. 394.4573.



175230

40 The assessment shall also include a list and descriptions of any
41 gaps in the arrays of services for children or adolescents
42 identified pursuant to s. 394.4955 and recommendations for
43 addressing such gaps. The managing entity shall provide the
44 needs assessment to the department. The department, in
45 consultation with the managing entities, shall review such
46 assessments for inclusion in the department's legislative budget
47 request.

48 (v) Collaborate with county emergency operation centers to
49 identify contracted provider organizations that are deemed
50 essential for critical public health infrastructure.

51 (6) NETWORK ACCREDITATION AND SYSTEMS COORDINATION
52 AGREEMENTS.—

53 (b) If no accreditations are available or deemed acceptable
54 pursuant to paragraph (a) which address coordination between the
55 provider network and major systems and programs with which the
56 provider network interacts, each managing entity shall enter
57 into memoranda of understanding which details mechanisms for
58 communication and coordination. The managing entity shall enter
59 into such memoranda with any community-based care lead agencies,
60 circuit courts, county courts, sheriffs' offices, offices of the
61 public defender, offices of criminal conflict and civil regional
62 counsel, Medicaid managed medical assistance plans, and homeless
63 coalitions in its service area. ~~Each managing entity under~~
64 ~~contract on July 1, 2016, shall enter into such memoranda by~~
65 ~~June 30, 2017, and~~ Each managing entity under contract after
66 July 1, 2016, shall enter into such memoranda within 1 year
67 after its contract execution date.

68 (8) ENHANCEMENT PLANS.—By June ~~September~~ 1 of each year,



69 ~~beginning in 2017,~~ each managing entity shall develop and submit
70 to the department a description of strategies for enhancing
71 services and addressing three to five priority needs in the
72 service area. The planning process sponsored by the managing
73 entity shall include consumers and their families, community-
74 based care lead agencies, local governments, law enforcement
75 agencies, service providers, community partners and other
76 stakeholders. Each strategy must be described in detail and
77 accompanied by an implementation plan that specifies action
78 steps, identifies responsible parties, and delineates specific
79 services that would be purchased, projected costs, the projected
80 number of individuals that would be served, and the estimated
81 benefits of the services. The department shall consider
82 enhancement plans submitted by the managing entities in the
83 department's legislative budget request ~~All or parts of these~~
84 ~~enhancement plans may be included in the department's annual~~
85 ~~budget requests submitted to the Legislature.~~

86 (10) ACUTE CARE SERVICES UTILIZATION DATABASE.—The
87 department shall develop, implement, and maintain standards
88 under which a managing entity shall collect utilization data
89 from all contracted public receiving facilities situated within
90 its geographical service area and all detoxification and
91 addictions receiving facilities under contract with the managing
92 entity. As used in this subsection, the term "public receiving
93 facility" means an entity that meets the licensure requirements
94 of, and is designated by, the department to operate as a public
95 receiving facility under s. 394.875 and that is operating as a
96 licensed crisis stabilization unit.

97 (a) The department shall develop standards and protocols to



175230

98 be used for data collection, storage, transmittal, and analysis.
99 The standards and protocols shall allow for compatibility of
100 data and data transmittal between public receiving facilities,
101 detoxification facilities, addictions receiving facilities,
102 managing entities, and the department for the implementation,
103 and to meet the requirements, of this subsection.

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

107 1. All admissions and discharges of clients receiving
108 public receiving facility services who qualify as indigent, as
109 defined in s. 394.4787.

110 2. All admissions and discharges of clients receiving
111 substance abuse services in an addictions receiving facility or
112 detoxification facility pursuant to parts IV and V of chapter
113 397 who qualify as indigent.

114 3. The current active census of total licensed beds, the
115 number of beds purchased by the department, the number of
116 clients qualifying as indigent occupying those beds, and the
117 total number of unoccupied licensed beds, regardless of funding.

118 (c) A managing entity shall require providers specified in
119 paragraph (a) to submit data, on a monthly basis, to the
120 managing entity which aggregates the daily data submitted under
121 paragraph (b). The managing entity shall reconcile the data in
122 the monthly submission to the data received by the managing
123 entity under paragraph (b) to check for consistency. If the
124 monthly aggregate data submitted by a provider under this
125 paragraph are inconsistent with the daily data submitted under
126 paragraph (b), the managing entity shall consult with the



175230

127 provider to make corrections necessary to ensure accurate data.

128 (d) A managing entity shall require providers specified in
129 paragraph (a) within its provider network to submit data, on an
130 annual basis, to the managing entity which aggregates the data
131 submitted and reconciled under paragraph (c). The managing
132 entity shall reconcile the data in the annual submission to the
133 data received and reconciled by the managing entity under
134 paragraph (c) to check for consistency. If the annual aggregate
135 data submitted by a provider under this paragraph are
136 inconsistent with the data received and reconciled under
137 paragraph (c), the managing entity shall consult with the
138 provider to make corrections necessary to ensure accurate data.

139 (e) After ensuring the accuracy of data pursuant to
140 paragraphs (c) and (d), the managing entity shall submit the
141 data to the department on a monthly and an annual basis. The
142 department shall create a statewide database for the data
143 described under paragraph (b) and submitted under this paragraph
144 for the purpose of analyzing the use of publicly funded crisis
145 stabilization services and detoxification and addictions
146 receiving services provided on a statewide and an individual
147 provider basis.

148 (f) The department shall post on its website, by facility,
149 the data collected pursuant to this subsection and update such
150 posting monthly.

151
152 ===== T I T L E A M E N D M E N T =====

153 And the title is amended as follows:

154 Delete lines 8 - 35

155 and insert:



175230

156 amending s. 394.9082, F.S.; revising the duties of the
157 department; revising department requirements for, and
158 authorizations relating to, contracting with managing
159 entities; requiring the department to review
160 assessments, in consultation with the managing
161 entities, for inclusion in the department's
162 legislative budget request; revising managing entity
163 duties; revising the timeframe for annually submitting
164 enhancement plans; revising requirements relating to
165 the acute care services utilization database;
166 providing an