

Committee Substitute for
Committee Substitute for Senate Bill No. 2894

An act relating to mental health and vocational rehabilitation services; amending s. 394.9084, F.S.; providing for implementation and expansion of a program for self-directed mental health and vocational rehabilitation services for adults; authorizing the development and implementation of a pilot project for children; providing eligibility and other program requirements; providing limitations; providing authority to request certain federal waivers and to request and use certain grants; providing for transfer of certain funds; providing for ongoing review and reports; providing rulemaking and overall authority; revising an expiration date; providing an effective date.

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

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

~~394.9084 Florida Self-Directed Care Pilot project; client-directed and choice-based adult mental health services.—~~

(1) The Department of Children and Family Services, in cooperation with the Agency for Health Care Administration, may shall develop a client-directed and choice-based pilot project in district 4 and three other districts to provide mental health treatment and support services to adults who have a serious mental illness. The department may also develop and implement a client-directed and choice-based pilot project in one district to provide mental health treatment and support services for children with a serious emotional disturbance who live at home. If established, any staff who work with children must be screened under s. 435.04. The projects project shall implement test a payment model in which each client controls the money that is available for that client's mental health treatment and support services. The department shall establish interagency cooperative agreements and work with the agency, the division, and the Social Security Administration to implement and administer the Florida Self-Directed Care program.

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

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

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

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

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

(d) Social Security Administration.

(4) The managing entity shall pay for the cost-efficient community-based services the participant selects to meet his or her mental health care and vocational rehabilitation needs and goals as identified on his or her recovery plan.

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

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

(6) The department, the agency, and the division may transfer funds to the managing entity.

(7) The department, the agency, and the division shall have rulemaking authority to implement the provisions of this section. These rules shall be for the purpose of enhancing choice in and control over the purchased mental health and vocational rehabilitative services accessed by Florida Self Directed Care participants.

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

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

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

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

1. Re-hospitalization rates.

2. Levels of satisfaction.
3. Service utilization rates.
4. Residential stability.
5. Levels of community integration and interaction.

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

1. Person-centered planning.
2. Individual budgets.
3. Availability of independently brokered services from recovery coaches and quality advocates.
4. Access to the program by all who are eligible to enroll.
5. Participant safety and program incident management planning.
6. An independently mediated grievance process.

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

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

~~The department is authorized to spend up to \$100,000 to pay for the evaluation. If the agency and the department obtain a federal waiver, the evaluation will be used to determine effectiveness. The project shall be evaluated by an independent entity whose evaluation must include an assessment of:~~

~~(a) The criteria for selecting adult mental health clients with serious mental illness eligible for participation in the project.~~

~~(b) The duties and responsibilities of the care coordinator.~~

~~(c) The accessibility and quality of services provided under the project by available community-based providers selected by the client, compared to those services that are available without the project.~~

~~(d) The input by the clients in the development of treatment plans compared to other clients not participating in the project.~~

~~(e) The achievement of individual treatment goals or outcome measures established for each client participating in the project compared to other mental health clients.~~

~~(f) Any demonstrated improvements or cost savings in the delivery of community-based mental health treatment and support services, including an explanation of the analyses used in determining cost savings.~~

~~(g) All monitoring and oversight conducted by the Department of Children and Family Services or the Agency for Health Care Administration.~~

~~(h) Any existing or appointed local advisory group assisting in the design and implementation of the project.~~

~~(2) The Department of Children and Family Services shall submit a report concerning the progress of the project to the appropriate legislative committees by December 1, 2002, and December 1, 2003.~~

~~(10)(3)~~ This section expires July 1, ~~2008~~ 2004.

Section 2. This act shall take effect July 1, 2004.

Approved by the Governor June 24, 2004.

Filed in Office Secretary of State June 24, 2004.