

PCB HCC 08-21

Redraft - A

YEAR

1                                   A bill to be entitled  
 2           An act relating to the Florida Self-Directed Care program;  
 3           amending s. 394.9084, F.S.; authorizing the Department of  
 4           Children and Family Services to expand the program  
 5           statewide; requiring the department to implement a payment  
 6           mechanism for mental health treatment and support  
 7           services; defining the term "fiscal intermediary";  
 8           providing for the duties of the fiscal intermediary;  
 9           permitting the fiscal intermediary to receive funds on  
 10          behalf of participants; requiring an evaluation by the  
 11          Office of Program Policy Analysis and Government  
 12          Accountability by a certain date; providing evaluation  
 13          criteria; deleting provisions relating to the evaluation  
 14          of the original pilot program; deleting the expiration  
 15          date of the program; providing an effective date.

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

18  
 19           Section 1. Subsections (1), (4), (6), (8), (9), and (10)  
 20 of section 394.9084, Florida Statutes, are amended to read:

21           394.9084 Florida Self-Directed Care program.--

22           (1) The Department of Children and Family Services, in  
 23 cooperation with the Agency for Health Care Administration, may  
 24 provide ~~develop~~ a client-directed and choice-based Florida Self-  
 25 Directed Care program in all department service districts, in  
 26 addition to the pilot projects established ~~project~~ in district 4  
 27 and district 8, ~~three other districts~~ to provide mental health  
 28 treatment and support services to adults who have a serious

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29 | mental illness. The department may also develop and implement a  
 30 | client-directed and choice-based pilot project in one district  
 31 | to provide mental health treatment and support services for  
 32 | children with a serious emotional disturbance who live at home.  
 33 | If established, any staff who work with children must be  
 34 | screened under s. 435.04. The department ~~projects~~ shall  
 35 | implement a payment mechanism ~~model~~ in which each client  
 36 | controls the money that is available for that client's mental  
 37 | health treatment and support services. The department shall  
 38 | establish interagency cooperative agreements and work with the  
 39 | agency, the Division of Vocational Rehabilitation, and the  
 40 | Social Security Administration to implement and administer the  
 41 | Florida Self-Directed Care program.

42 |       (4) The fiscal intermediary ~~managing entity~~ shall pay for  
 43 | the cost-efficient community-based services the participant  
 44 | selects to meet his or her mental health care and vocational  
 45 | rehabilitation needs and goals as identified on his or her  
 46 | recovery plan. For purposes of this section, the term "fiscal  
 47 | intermediary" means an entity approved by the department that  
 48 | helps the client manage his or her budget allowance, retains the  
 49 | funds, processes employment information, if any, and tax  
 50 | information, reviews records to ensure correctness, and writes  
 51 | paychecks to providers.

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

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

57           (9) By December 31, 2009, the Office of Program Policy  
 58 Analysis and Government Accountability shall evaluate the  
 59 effectiveness ~~The department, the agency, and the division shall~~  
 60 ~~each, on an ongoing basis, review and assess the implementation~~  
 61 of the Florida Self-Directed Care program. The evaluation shall  
 62 include an assessment of participant choice and access to  
 63 services, cost savings, coordination and quality of care,  
 64 adherence to principles of self-directed care, barriers to  
 65 implementation, progress toward expansion of the program  
 66 statewide, and recommendations for improvement in the program.

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

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

- 72           1. ~~Re-hospitalization rates.~~
- 73           2. ~~Levels of satisfaction.~~
- 74           3. ~~Service utilization rates.~~
- 75           4. ~~Residential stability.~~
- 76           5. ~~Levels of community integration and interaction.~~

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

- 80           1. ~~Person-centered planning.~~
- 81           2. ~~Individual budgets.~~
- 82           3. ~~Availability of independently brokered services from~~  
 83 ~~recovery coaches and quality advocates.~~

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84           ~~4. Access to the program by all who are eligible to~~  
 85 ~~enroll.~~  
 86           ~~5. Participant safety and program incident management~~  
 87 ~~planning.~~  
 88           ~~6. An independently mediated grievance process.~~  
 89           ~~(d) The evaluation must assess the economic self-~~  
 90 ~~sufficiency of the program participants, including the number of~~  
 91 ~~Individual Development Accounts.~~  
 92           ~~(e) The evaluation must assess any adverse incidents~~  
 93 ~~resulting from the Florida Self-Directed Care, including~~  
 94 ~~consumer grievances, conflicts of interest, and patterns of~~  
 95 ~~self-referral by licensed professions.~~  
 96  
 97 ~~The department is authorized to spend up to \$100,000 to pay for~~  
 98 ~~the evaluation. If the agency and the department obtain a~~  
 99 ~~federal waiver, the evaluation will be used to determine~~  
 100 ~~effectiveness.~~  
 101           ~~(10) This section expires July 1, 2008.~~  
 102           Section 2. This act shall take effect July 1, 2008.