

PCB HCC 07-08

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A bill to be entitled
 An act relating to self-directed care and mental health system improvements; amending s. 394.9084, F.S., relating to the Florida Self-Directed Care program; requiring the Department of Children and Family Services to expand access to the program, subject to funding; deleting provisions relating to development of a pilot project; providing for children with serious emotional disturbances who reside in designated districts to be included in the program; requiring program applicants to be considered for enrollment regardless of level of functioning; requiring eligible individuals to agree with program requirements and responsibilities; defining the term "independent financial agent"; requiring the independent financial agent, rather than the managing entity, to pay for certain services; removing obsolete provisions relating to obtaining federal waivers; requiring an annual evaluation of the program; removing a provision authorizing the department to provide certain funding for the evaluation; deleting the expiration date of the program; 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 program.--

(1) The Department of Children and Family Services, in cooperation with the Agency for Health Care Administration, shall

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30 make the Florida Self-Directed Care program model of service
 31 delivery available in every district of the department to the
 32 extent that funds are available. The Florida Self-Directed Care
 33 program is a participant-directed ~~may develop a client-directed~~
 34 and choice-based program that provides ~~pilot project in district~~
 35 ~~4 and three other districts to provide~~ mental health treatment
 36 and support services for ~~to~~ adults with severe and persistent ~~who~~
 37 ~~have a serious~~ mental illness and children with serious emotional
 38 disturbances. ~~The department may also develop and implement a~~
 39 ~~client-directed and choice-based pilot project in one district to~~
 40 ~~provide mental health treatment and support services for children~~
 41 ~~with a serious emotional disturbance who live at home. If~~
 42 ~~established, any staff who work with children must be screened~~
 43 ~~under s. 435.04. The department projects shall implement a~~
 44 payment mechanism ~~model~~ in which each participant ~~client~~ controls
 45 the money that is available for that participant's ~~client's~~
 46 mental health treatment and support services. The department
 47 shall establish interagency cooperative agreements and work with
 48 the agency, the division, and the Social Security Administration
 49 to implement and administer the Florida Self-Directed Care
 50 program.

51 (2) To be eligible for enrollment in the Florida Self-
 52 Directed Care program, a person must be an adult with a severe
 53 and persistent mental illness or a child with a serious emotional
 54 disturbance who resides in the district designated by the
 55 department. Florida Self-Directed Care program applicants shall
 56 be considered for enrollment regardless of their level of
 57 functioning in home, school, work, and community settings.

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58 | Individuals eligible for enrollment must agree to Florida Self-
 59 | Directed Care program requirements and responsibilities.

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

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

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

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

75 | (d) Social Security Administration.

76 | (4) The independent financial agent ~~managing entity~~ shall
 77 | pay for the cost-efficient community-based services the
 78 | participant selects to meet his or her mental health care and
 79 | vocational rehabilitation needs and goals as identified on his or
 80 | her recovery plan. For purposes of this section, the term
 81 | "independent financial agent" means a third-party administrator,
 82 | as defined in s. 409.901(26), that does not provide mental health
 83 | services.

84 | (5) (a) The department shall take all necessary action to
 85 | ensure state compliance with federal regulations. ~~The agency, in~~
 86 | ~~collaboration with the department, shall seek federal Medicaid~~

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87 ~~waivers, and the department shall expeditiously seek any~~
 88 ~~available Supplemental Security Administration waivers under s.~~
 89 ~~1110(b) of the federal Social Security Act; and the division, in~~
 90 ~~collaboration with the department, shall seek federal approval to~~
 91 ~~participate in the Florida Self Directed Care program. No later~~
 92 ~~than June 30, 2005, the department, agency, and division shall~~
 93 ~~amend and update their strategic and state plans to reflect~~
 94 ~~participation in the projects, including intent to seek federal~~
 95 ~~approval to provide cashout options for eligible services for~~
 96 ~~participants in the projects.~~

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

101 (6) The department, the agency, and the division may
 102 transfer funds to the independent financial agent ~~managing~~
 103 ~~entity.~~

104 (7) The department, the agency, and the division shall have
 105 rulemaking authority pursuant to ss. 120.536(1) and 120.54 to
 106 implement the provisions of this section. These rules shall be
 107 for the purpose of enhancing choice in and control over the
 108 purchased mental health and vocational rehabilitative services
 109 accessed by Florida Self-Directed Care program participants.

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

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

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116 (a) The department shall ~~will~~ implement an annual
 117 evaluation of the program and shall ~~will~~ include recommendations
 118 for improvements in the program.

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

- 121 1. Re-hospitalization rates.
- 122 2. Levels of satisfaction.
- 123 3. Service utilization rates.
- 124 4. Residential stability.
- 125 5. Levels of community integration and interaction.

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

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

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

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

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145 | ~~The department is authorized to spend up to \$100,000 to pay for~~
146 | ~~the evaluation. If the agency and the department obtain a federal~~
147 | ~~waiver, the evaluation will be used to determine effectiveness.~~

148 | ~~(10) This section expires July 1, 2008.~~

149 | Section 2. This act shall take effect July 1, 2007.