A bill to be entitled 1 2 An act relating to behavioral health services; 3 creating the Behavioral Health Task Force within the 4 Department of Children and Families; specifying 5 membership of the task force; providing for 6 reimbursement for per diem and travel expenses; 7 prescribing duties of the task force; requesting the 8 Florida Supreme Court's Task Force on Substance Abuse 9 and Mental Health Issues in the Courts to act as a 10 subcommittee of the task force; providing for staff 11 support; requiring the task force to submit a report 12 to the Governor and the Legislature by a specified date; amending s. 394.656, F.S.; revising the duties 13 14 of the Criminal Justice, Mental Health, and Substance 15 Abuse Statewide Grant Review Committee; providing additional members of the committee; providing duties 16 of the committee; providing additional qualifications 17 for committee members; authorizing a designated not-18 19 for-profit community provider to apply for certain 20 grants; removing provisions relating to applications 21 for certain planning grants; providing an 2.2 appropriation to the department for the Criminal 23 Justice, Mental Health, and Substance Abuse 24 Reinvestment Grant Program; requiring a specified 25 amount of such appropriation to be provided to the 26 Center for Excellence for Criminal Justice, Mental

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Health, and Substance Abuse; amending s. 394.659, F.S.; creating the statewide Center for Excellence for Criminal Justice, Mental Health, and Substance Abuse at the current Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; providing mission and duties; creating s. 394.9087, F.S.; establishing the Behavioral Health Workforce Loan Forgiveness Program within the department; providing eligibility requirements; specifying limitations and requirements with respect to loan repayment; authorizing the department to adopt rules; providing appropriations for the program; creating s. 394.755, F.S.; directing the department to develop a substance abuse and mental health data collection system; providing purpose; amending s. 163.519, F.S.; providing additional duties of the Department of Legal Affairs relating to contract management; amending s. 394.676, F.S.; revising department rulemaking authority relating to the indigent psychiatric medication program; amending s. 916.12, F.S.; revising the Forensic Client Services Act; requiring fewer mental experts to evaluate certain defendants for determination of competence to proceed; requiring the agency to complete a study regarding targeted case management services; specifying requirements for the study; requiring the agency to submit a report

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regarding the study to the Legislature by a specified date; providing an effective date.

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

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- Section 1. Behavioral Health Task Force.—The Behavioral Health Task Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of Children and Families. The task force is created for the express purpose of recommending a comprehensive plan for the delivery of behavioral health services to the residents of this state, which includes short-term, mid-range, and long-term strategies to ensure the availability of a comprehensive system to serve residents with mental illnesses and substance use disorders.
- (1) The task force shall consist of 23 members, as follows:
- (a) One member from each of the following agencies, selected by the Governor:
 - 1. The Executive Office of the Governor.
 - 2. The Department of Children and Families.
 - 3. The Agency for Health Care Administration.
 - 4. The Department of Corrections.
 - 5. The Department of Elderly Affairs.
- 76 6. The Agency for Persons with Disabilities.
 - 7. The Department of Juvenile Justice.
 - 8. The Department of Financial Services.

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79	(b) One member selected by the President of the Senate.								
80	(c) One member selected by the Speaker of the House of								
81	Representatives.								
82	(d) One member selected by the Florida Conference of								
83	Circuit Judges or the Chief Justice of the Supreme Court.								
84	(e) One member selected by the Florida Prosecuting								
85	Attorneys Association.								
86	(f) One member selected by the Florida Public Defender								
87	Association.								
88	(g) One member shall be the Insurance Consumer Advocate.								
89	(h) Two members selected by the Florida Association of								
90	<u>Health Plans.</u>								
91	(i) One member selected by the Florida Alcohol and Drug								
92	Abuse Association.								
93	(j) One member selected by the Florida Council for								
94	Community Mental Health.								
95	(k) One member selected by the Florida Association of								
96	Managing Entities.								
97	(1) One sheriff selected by the Florida Sheriffs								
98	Association.								
99	(m) One consumer member selected by the program director								
100	of the National Alliance on Mental Illness Florida.								
101	(n) One consumer member selected by Floridians for								
102	Recovery.								
103	(o) One member selected by the Florida Association of								
104	District School Superintendents.								

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(2) Task force members shall serve without compensation.									
Per diem and travel expenses for each member shall be the									
responsibility of the member's sponsoring agency or									
organization; however, the consumer members appointed to the									
task force are entitled to reimbursement for per diem and travel									
expenses from the Department of Children and Families, pursuant									
to s. 112.061, Florida Statutes.									

- (3) Task Force members shall be selected by July 30, 2015, and shall hold their first meeting no later than September 1, 2015.
- (4) The task force shall prepare a comprehensive State Strategic Behavioral Health Plan, which must:
- (a) Evaluate whether current funding for the treatment of mental illnesses and substance use disorders is adequate by determining the unmet needs in each managing entity's geographic area. The task force shall compare per capita funding for Medicaid and state-funded services to funding in other states.
- (b) Evaluate whether the behavioral health workforce meets current demand and, if not, recommend strategies to improve inadequacies. In making this determination, the task force shall collect and evaluate data relating to:
- 1. Comparing salaries of the state's behavioral health care workforce employed in programs funded by the Department of Children and Families, Medicaid, and the United States

 Department of Veterans Affairs with salaries of behavioral health workforce employed in other states.

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2. Behavioral health workforce turnover and shortages.

- 3. Aging behavioral health workforce retirement and replacement strategies.
- 4. Recruitment and retention of behavioral health workforce, including consideration of workforce demands relating to prevention, crisis intervention, treatment, and postrecovery support.
- (c) Propose funding mechanisms that maximize available funding through federal, state, and local sources, including the adequacy of current Medicaid services and current rates for Medicaid reimbursement.
- (d) Develop strategies to streamline funding for behavioral health services, including how to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede efforts to efficiently deliver behavioral health services.
- (e) Develop measures to assess cost-effective care and prevent persons with mental illnesses or substance use disorders from homelessness, imprisonment, or seeking care in hospital emergency rooms or crisis stabilization units. In making this determination, the task force shall collect and evaluate data relating to:
- 1. The number of offenders housed in the Department of

 Corrections or local jails and the percentage of offenders with

 a mental health or substance use disorder who are housed in such
 facilities.

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2. The number of homeless individuals and the percentage of homeless individuals with a mental health or substance use disorder.

- 3. The number of emergency room visits for individuals suffering from a mental health or substance use disorder and the amount and percentage of uncompensated health care costs for such individuals.
- (f) Develop strategies for interagency coordination between the criminal justice system and the mental health and substance abuse treatment system.
- implementing the federal Paul Wellstone and Peter Domenici
 Mental Health Parity and Addiction Equity Act of 2008, 29 U.S.C.
 s. 1185a, and propose any strategy necessary to assist in its implementation. In making this determination, the task force shall evaluate and collect data relating to:
- 1. Current rates for behavioral health insurance coverage in health insurance plans, in Medicaid managed care, and through the marketplace.
- 2. Current health insurance plans that require prior authorization or step therapy for behavioral health care services that is not required for other health conditions.
- 3. Medical necessity criteria related to behavioral health care services in health insurance plans.
- 4. Copayments, deductibles, and annual and lifetime maximum limits on medical and surgical benefits and benefits for

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the treatment of mental health and substance use disorders offered in health insurance plans.

- (h) The need and potential placement of a specialized mental health and substance abuse agency within state government.
- Abuse and Mental Health Issues in the Courts is requested to serve as a subcommittee of the Behavioral Health Task Force to evaluate methods to improve the operational effectiveness of both the Baker Act and the Marchman Act and to determine what changes, if any, should be made to such acts.
- (6) The Department of Children and Families shall provide the task force with staff necessary to assist the task force in the performance of its duties.
- (7) The task force shall submit an interim report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2015, and a final report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 2, 2016. The task force shall expire upon submission of its final report.
- Section 2. Section 394.656, Florida Statutes, is amended to read:
- 394.656 Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program.—
 - (1) There is created within the Department of Children and

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Families the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program. The purpose of the program is to provide funding to counties with which they can plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal justice, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems.

- (2) The department shall establish a Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee. The committee shall include:
- (a) One representative of the Department of Children and Families;
 - (b) One representative of the Department of Corrections;
- (c) One representative of the Department of Juvenile Justice;
- 227 (d) One representative of the Department of Elderly
 228 Affairs; and
- (e) One representative of the Office of the State Courts
 Administrator;
- 231 (f) One representative of the Department of Veterans' 232 Affairs;
- 233 (g) One representative of the Florida Sheriffs
 234 Association;

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	(h)	One	representative	of	the	Florida	Police	Chiefs
Assoc	ciati	on;						

- (i) One representative of the Florida Association of Counties;
- (j) One representative of the Florida Alcohol and Drug Abuse Association; and
- (k) One representative of the Florida Council for Community Mental Health.
- (3) The committee shall serve as the advisory body to review policy and funding issues that help reduce the impact of persons with mental illnesses and substance use disorders on communities, criminal justice agencies, and the court system.

 The committee shall advise the department in selecting priorities for grants and investing awarded grant moneys.
- (4) The department shall create a grant review and selection committee that has experience in substance use and mental health disorders, community corrections, and law enforcement. To the extent possible, the members of the committee shall have expertise in grant writing, grant reviewing, and grant application scoring.
- (5)(3)(a) A county or not-for-profit community provider designated by the county planning council, as described in s.

 394.657, may apply for a 1-year planning grant or a 3-year implementation or expansion grant. The purpose of the grants is to demonstrate that investment in treatment efforts related to mental illness, substance abuse disorders, or co-occurring

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mental health and substance abuse disorders results in a reduced demand on the resources of the judicial, corrections, juvenile detention, and health and social services systems.

- (b) To be eligible to receive a 1-year planning grant or a 3-year implementation or expansion grant, an a county applicant must have a county planning council or committee that is in compliance with the membership requirements set forth in this section.
- (6)(4) The grant review committee shall notify the department of Children and Families in writing of the names of the applicants who have been selected by the committee to receive a grant. Contingent upon the availability of funds and upon notification by the review committee of those applicants approved to receive planning, implementation, or expansion grants, the department of Children and Families may transfer funds appropriated for the grant program to an approved applicant any county awarded a grant.

Section 3. For the 2015-2016 fiscal year, the sum of \$9 million in recurring funds is appropriated from the General Revenue Fund to the Department of Children and Families for the purpose of funding the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program established in s. 394.656, Florida Statutes, and of those funds, \$500,000 shall be provided to the Center for Excellence for Criminal Justice, Mental Health, and Substance Abuse at the Louis de la Parte Florida Mental Health Institute at the University of South

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287 Florida for the purposes specified in s. 394.659, Florida 288 Statutes. Section 4. Section 394.659, Florida Statutes, is amended 289 290 to read: 291 394.659 Center for Excellence for Criminal Justice, Mental 292 Health, and Substance Abuse Technical Assistance Center .-293 There is created a Center for Excellence for Criminal 294 Justice, Mental Health, and Substance Abuse at the current 295 Criminal Justice, Mental Health, and Substance Abuse Technical 296 Assistance Center at the Louis de la Parte Florida Mental Health 297 Institute at the University of South Florida. The mission of the 298 Center for Excellence is to promote the implementation of evidence-based practices through education, training, technical 299 assistance, strategic planning, data analysis, and evaluation of 300 county-based Criminal Justice, Mental Health, and Substance 301 302 Abuse Reinvestment Grant Program grants and systems of care. The 303 Center for Excellence shall collaborate with substance abuse, 304 mental health, criminal justice, and law enforcement officials, 305 families, and counties to improve and expand jail diversion and 306 reentry recovery services for individuals in need of treatment 307 as an alternative to incarceration. The Center for Excellence, 308 which shall provide for: 309 Strategic planning, including sequential intercept 310 mapping of county-level cross-system stakeholders. 311 (b) Establishment of a voluntary learning community of 312 Criminal Justice, Mental Health, and Substance Abuse

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Reinvestment Grant Program grantees to implement a variety of evidence-based practices using state and national content experts.

- (c) Through the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program request for application process, voluntary participation of an applicant county in a formal multicounty evaluation conducted by the Center for Excellence.
- (d) Statewide webinars and workforce development seminars focusing on cross-system training opportunities.
- (e) Expanded levels of data collection to inform the public about cost-effective interventions.
- (f) Enhanced understanding of service sectors through the integrated analysis of statewide administrative databases.
- (g) Dissemination of evidence-based practices, research, and evaluation through various methods, including participation in statewide conferences.
- (h) (a) Provide Technical assistance to an applicant county counties in preparing a grant application.
- (i) (b) Assistance for Assist an applicant county in projecting the effect of the proposed intervention on the population of the county detention facility.
- (j) (c) Assistance for Assist an applicant county in monitoring the effect of a grant award on the criminal justice system in the county.
 - (k) (d) Dissemination and sharing of Disseminate and share

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evidence-based practices and best practices among grantees.

(1) (e) Serving Act as a clearinghouse for information and resources related to criminal justice, juvenile justice, mental health, and substance abuse.

- (m) (f) Coordination and organization of Coordinate and organize the process of the state interagency justice, mental health, and substance abuse work group with the outcomes of the local grant projects for state and local policy and budget developments and system planning.
- (2) The Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year. The report must include:
- (a) A detailed description of the progress made by each grantee in meeting the goals described in the application;
- (b) A description of the effect the grant-funded initiatives have had on meeting the needs of adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders, thereby reducing the number of forensic commitments to state mental health treatment facilities;
- (c) A summary of the effect of the grant program on the growth and expenditures of the jail, juvenile detention center, and prison;
 - (d) A summary of the initiative's effect on the

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availability and accessibility of effective community-based mental health and substance abuse treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders. The summary must describe how the expanded community diversion alternatives have reduced incarceration and commitments to state mental health treatment facilities; and

- (e) A summary of how the local matching funds provided by the county or consortium of counties leveraged additional funding to further the goals of the grant program.
- Section 5. Section 394.9087, Florida Statutes, is created to read:
- 394.9087 Behavioral Health Workforce Loan Forgiveness

 Program.—
- (1) The Behavioral Health Workforce Loan Forgiveness
 Program is established within the department. The purpose of the
 program is to increase employment and retention among qualified
 personnel employed at substance abuse treatment providers or
 community behavioral health centers where critical workforce
 shortages exist by making repayments toward loans received by
 applicants through federal or state programs or commercial
 lending institutions for the support of pursuing postsecondary
 study in the behavioral health field.
 - (2) To be eligible for the program, an applicant must:
- (a) Have graduated from an accredited or approved postsecondary degree program in counseling, psychology, or

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391 social work.

- (b) Be employed as a qualified professional, as defined in s. 397.311, at a licensed substance abuse or mental health treatment facility that provides state-funded substance abuse or mental health treatment.
- (3) Only loans to pay the costs of tuition, books, fees, and living expenses shall be covered.
- (4) All program participants must remain employed as provided in paragraph (2)(b) for a period of 4 years after completion of a qualifying postsecondary degree. If employment ends before the 4-year period has concluded, the benefit shall be repaid according to a pro rata calculation based on the number of years of service.
- (5) From the funds available, the department may make loan principal payments of up to \$3,000 each calendar year for up to 4 years on behalf of a program participant. All payments are contingent upon proof of the participant's continued employment as provided in paragraph (2)(b) and shall be made directly to the loan holder. The state is not responsible for the collection of any interest charges or other remaining loan balance. A participant shall continue to be eligible for loan forgiveness as long as he or she continues to work at the facility for which the original loan repayment was made and otherwise meets all conditions of eligibility as provided in subsection (2).
- (6) Applications must be reviewed on a quarterly basis, and applicant rewards shall be based on the applicant's

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417 financial need.

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The department may adopt rules to administer this section.

Section 6. Beginning in the 2015-2016 fiscal year and each year thereafter through the 2020-2021 fiscal year, the sum of \$450,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Children and Families for the purpose of funding the Behavioral Health Workforce Loan Forgiveness Program as created in s. 394.9087, Florida Statutes. Section 7. Section 394.755, Florida Statutes, is created

to read:

394.755 Substance abuse and mental health data collection system.—The department shall develop, in consultation with managing entities, mental health and substance abuse treatment providers, and other state agencies that are involved with mental health or substance use disorders, a comprehensive, webbased data collection system and warehouse that incorporates advances in information technology to reduce fragmentation and improve coordination of care among individuals receiving publicly funded substance use and mental health disorders treatment services. The data collection system shall integrate a substance use and mental health disorders model for care that is patient-centered, focusing on the type of treatment patients received, the length of treatment, the cost of treatment, and service outcomes across state agencies serving these individuals.

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Section 8. Subsections (6) and (10) of section 163.519, Florida Statutes, are amended to read:

163.519 Duties of Department of Legal Affairs.—The Department of Legal Affairs shall:

- (6) Provide for contract management, including the review of contract closeout reports for accountability and conformance with state law and the required administrative procedures <u>and</u> the evaluation of outcome measures of consultant contracts.
- (10) Provide for consultant contracts for statewide training on safe neighborhood development for planners, engineers, local officials, property owners' associations, and boards of directors of special neighborhood improvement districts and training for crisis intervention teams.
- Section 9. Section 394.676, Florida Statutes, is amended to read:
 - 394.676 Indigent psychiatric medication program.-
- (1) Within legislative appropriations, the department may establish the indigent psychiatric medication program to purchase psychiatric medications for persons as defined in s. 394.492(5) or (6) or pursuant to s. 394.674(1), who do not reside in a state mental health treatment facility or an inpatient unit.
- (2) The department must adopt rules to administer the indigent psychiatric medication program. The rules must prescribe the clinical and financial eligibility of clients who may receive services under the indigent psychiatric medication

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program, the requirements that community-based mental health or substance abuse providers must meet to participate in the program, and the sanctions to be applied for failure to meet those requirements.

- (3) To the extent possible within existing appropriations, the department must ensure that non-Medicaid-eligible indigent individuals discharged from mental health or substance abuse treatment facilities continue to receive the medications which effectively stabilized their mental illness in the treatment facility, or newer medications, without substitution by a service provider unless such substitution is clinically indicated as determined by the licensed physician responsible for such individual's psychiatric care.
- Section 10. Subsection (2) of section 916.12, Florida Statutes, is amended to read:
 - 916.12 Mental competence to proceed.-
- (2) Mental health experts appointed pursuant to s. 916.115 shall first determine whether the defendant has a mental illness and, if so, consider the factors related to the issue of whether the defendant meets the criteria for competence to proceed as described in subsection (1). A defendant must be evaluated by no fewer than two experts before the court commits the defendant or takes other action authorized by this chapter or the Florida Rules of Criminal Procedure, except if one expert finds that the defendant is incompetent to proceed and the parties stipulate to that finding, the court may commit the defendant or take other

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action authorized by this chapter or the rules without further evaluation or hearing, or the court may appoint no more than two additional experts to evaluate the defendant. For defendants whose most serious charge is a misdemeanor, third degree felony, or nonviolent second degree felony, the evaluation for determination of competence to proceed shall be made by only one mental health expert. Notwithstanding any stipulation by the state and the defendant, the court may require a hearing with testimony from the expert or experts before ordering the commitment of a defendant.

Section 11. The Agency for Health Care Administration shall complete a study to examine the feasibility, and any associated costs and benefits, of including persons with substance use disorders as a target population for targeted case management services. Such case management services must be comprehensive services that include face-to-face interaction with the recipient, coordination of services for the recipient and the recipient's family members, and access to communitybased supports such as housing and community recovery supports. Such services may not be duplicative of care coordination available through the statewide Medicaid managed care program. For purposes of the study, the term "target population" means individuals with a substance use disorder who are pregnant or have a child younger than 8 years of age, who have a comorbid behavioral or physical health condition, or whose treatment is complicated by factors such as transient housing, homelessness,

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521 or multiple admissions to treatment. The study must address how case management services can reduce the need for Medicaid-funded services such as inpatient detoxification and multiple hospitalizations, improve family stability and avoid negative consequences for young children, decrease involvement with the criminal justice system, and reduce the cost of physical health care for persons with comorbid conditions, and how reductions in health care costs can reduce the financial impact of such services on the state. The study must also provide an estimate of the amount of state and federal funds needed to add targeted case management services for persons with substance use disorders to the state Medicaid plan while accounting for potential financial offsets. In completing the study, the agency shall collaborate with the Department of Children and Families and the Florida Alcohol and Drug Abuse Association. The agency shall submit a report detailing the findings of the study to the President of the Senate and the Speaker of the House of Representatives by February 1, 2016. Section 12. This act shall take effect July 1, 2015.

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