

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 358

INTRODUCER: Senator Garcia

SUBJECT: Mental Health and Substance Abuse

DATE: February 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Favorable
2.			AHS	
3.			AP	

I. Summary:

SB 358 authorizes the Department of Children and Families to approve behavioral healthcare receiving systems, designate and monitor receiving and treatment facilities and suspend or withdraw such designation for failure to comply with the law and the department’s adopted rules. This bill revises the reporting requirements to the crisis stabilization unit database by the managing entities. The department is required in this bill to post certain data on its website on a monthly basis.

The court is required to schedule a hearing on a petition for involuntary services for substance use disorder within 5 court working days unless a continuance is granted.

The bill has an effective date of July 1, 2017 and is not expected to have a fiscal impact on the state.

II. Present Situation:

In 2016, the Legislature passed Senate Bill 12 which addressed the fragmentation and inefficiency of the state’s behavioral health services, making it difficult for persons with complex, persistent and co-occurring mental health and substance use disorders to obtain needed services. The legislative intent of SB 12 was, among other things, to create a coordinated system of care in regions or communities with a “No Wrong Door model” delivery system of behavioral health services.

The Department of Children and Families (DCF or department) designates receiving systems and designates and monitors receiving and treatment facilities. A receiving facility is defined as a public or private facility or hospital designated to receive and hold or refer involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider. A treatment facility is a state-

owned, state-operated, or state-supported hospital, center, or clinic designated for extended treatment and hospitalization of persons who have a mental illness. The department has the authority to withdraw such designation for a receiving or treatment facility's failure to comply with any rules adopted by the department to administer the designation of such facilities. The department also has the authority to designate receiving systems. A designated receiving system consists of one or more receiving facilities that serves a defined geographical area and is responsible for the assessment and evaluation, both voluntary and involuntary, and treatment or triage of people with a mental health or substance abuse disorder, or co-occurring disorders.

Managing entities are required to collect utilization data from providers of public receiving facilities situated in its geographical service area and all detoxification and addictions receiving facilities under contract with the managing entity. This data is submitted to the managing entity in real time or at least daily. The providers submit admissions and discharges of clients receiving public receiving facility services who qualify as indigent; all admissions and discharges of clients receiving substance abuse services in an addictions receiving facility or detoxification facility who qualify as indigent; and the current active census of total licensed and utilized beds, the number of beds purchased by the department, the number of clients qualifying as indigent who occupy any of those beds, the total number of unoccupied licensed beds, regardless of funding, and the number in excess of licensed capacity. Crisis units licensed for both adult and child use will report as a single unit.

A petition for involuntary services for a substance abuse impaired person shall be filed with the clerk of the court. The court shall immediately determine whether the respondent is represented by counsel or if the appointment of counsel for the respondent is appropriate. The court shall schedule a hearing on the petition within 5 days unless a continuance is granted.

III. Effect of Proposed Changes:

Section 1 amends s. 394.461, F.S., to clarify that the department will approve rather than designate receiving systems. The department will continue to designate receiving and treatment facilities and have the authority to suspend or withdraw a facility's designation for failure to comply with the law and rules adopted to administer the facilities. A facility designated as a public receiving or treatment facility is required to submit its initial report of certain data to the department within 6 months of such designation.

Section 2 amends s. 394.879, F.S., to delete an obsolete provision requiring a report by the department and the Agency for Health Care Administration on the efforts of the department and agency to develop a plan to provide options for a single, consolidated license for a provider that offers multiple types of either mental health services or substance abuse services, or both.

Section 3 amends s. 394.9082, F.S., to remove the requirement that providers of public receiving facilities submit, in real time or at least daily, the number of clients qualifying as indigent occupying total licensed beds purchased by the department in excess of licensed capacity. The crisis stabilization units licensed for both adult and child use will report each unit separately. The bill requires the department to post the data collected from the providers on its website, by facility and update such data monthly.

Section 4 amends s. 397.6955, F.S., to clarify that a petition for involuntary services for a substance abuse impaired person will be scheduled by the court within 5 court working days unless a continuance is granted.

Section 5 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.461, 394.879, 394.9082, 397.6955.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
