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DATE: February 7, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CHILD & FAMILY SECURITY
ANALYSIS**

BILL #: HB 751
RELATING TO: Community Mental Health Services
SPONSOR(S): Representative Murman
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) CHILD & FAMILY SECURITY YEAS 10 NAYS 0
 - (2) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

House Bill 751 requires that the Department of Children and Family Services (department) expand community mental health services with funds appropriated under the General Appropriations Acts for fiscal years 2001-2002 and 2002-2003 and under future legislative appropriations by implementing programs that emphasize treatment, rehabilitation, support, and case management as defined in ch. 394, F.S. An implementation plan must be completed by September 1 of each year that funds are appropriated by the Legislature. Except for special legislative projects designated for a specific geographic area of Florida, the Comptroller may not release funds until the appropriations committees of the Legislature approve the implementation plan. Status reports must be submitted to the Governor and the Legislature on October 1, 2002, and October 1, 2003, concerning the progress made toward expanding the community mental health services with new legislative appropriations.

The bill requires that crisis services be implemented as appropriated by January 1, 2004, and mental health services be implemented, as appropriated, by January 1, 2006, in Florida's publicly funded community mental health system.

The bill requires the department to specifically expand community mental health services and crisis services to the extent that it is funded in the annual Appropriations Act for such purpose. Based on unmet need, the department reports that a statewide expansion of community mental health and crisis services as required by HB 751 would cost \$53,992,813 for FY 2002-2003 and \$144,319,865 for FY 2003-2004. The FY 2002-2003 cost is nonrecurring.

The bill provides that the act takes effect upon becoming law.

On February 7, 2002, The Committee on Child & Family Security adopted a "strike everything" amendment to HB 751. The amendment is traveling with the bill. The differences between the bill and the amendment are delineated in Section V of this analysis.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 394.67(16), F.S., defines mental health services as those therapeutic interventions and activities that help to eliminate, reduce, or manage symptoms or distress for persons who have severe emotional distress or a mental illness and to effectively manage the disability that often accompanies a mental illness so that the person can recover from the mental illness, become appropriately self-sufficient for his or her age, and live in a stable family or in the community. The term also includes those preventive interventions and activities that reduce the risk for or delay the onset of mental disorders. The types of services include:

- Treatment services, such as psychiatric medications and supportive psychotherapies, which are intended to reduce or ameliorate the symptoms of severe distress or mental illness.
- Rehabilitative services, which are intended to reduce or eliminate the disability that is associated with mental illness. Rehabilitative services may include assessment of personal goals and strengths, readiness preparation, specific skill training, and assistance in designing environments that enable individuals to maximize their functioning and community participation.
- Support services, which include services that assist individuals in living successfully in environments of their choice. These services may include income supports, social supports, housing supports, vocational supports, or accommodations related to the symptoms or disabilities associated with mental illness.
- Case management services, which are intended to assist individuals in obtaining the formal and informal resources that they need to successfully cope with the consequences of their illness. Resources may include treatment or rehabilitative or supportive interventions by both formal and informal providers. Case management may include an assessment of client needs; intervention planning with the client, his or her family, and service providers; linking the client to needed services; monitoring service delivery; evaluating the effect of services and supports; and advocating on behalf of the client.

Mental health services may be delivered in a variety of settings, such as inpatient, residential, partial hospital, day treatment, outpatient, club house, or a drop-in or self-help center, as well as in other community settings, such as the client's residence or workplace. The types and intensity of services provided are based on the client's clinical status, age and goals, community resources, and preferences.

Community-based services are provided by private non-profit mental health centers that contract with the department's districts and regions. The Mental Health Program expects to serve over 183,000 children and adults statewide in Fiscal Year 2001-2002. Appropriations for FY 2001/2002 include \$152,553,624 for adult mental health (This does not include \$9,757,369 for the Community Treatment Initiatives) and \$41,438,954 for children. Neither of these appropriations includes Baker Act services, purchased therapeutic residential services for children, or indigent psychiatric drugs.

The Office of Program Policy and Government Accountability's Justification Review of the Alcohol, Drug Abuse and Mental Health Program, Report No. 99-09, September 1999 found that the program:

- provides beneficial services to clients, and cost benefits to the state;
- should remain within the Department of Children and Families;
- is highly privatized; and
- is generally effective in achieving its primary goal, which is to keep clients in the community where they receive less expensive care than in institutions.

Section 394.67(4), F.S., defines crisis services as short-term evaluation, stabilization, and brief intervention services provided to a person who is experiencing an acute mental or emotional crisis to prevent further deterioration of the person's mental health. Crisis services include services provided in a crisis stabilization unit, an inpatient unit, a short-term residential treatment program, a detoxification facility, or an addictions receiving facility; at the site of the crisis by a mobile crisis response team; or at a hospital on an outpatient basis.

Section 394.67(18), F.S., defines a person who is experiencing an acute mental or emotional crisis to include a child, adolescent, or adult who is experiencing a psychotic episode or a high level of mental or emotional distress which may be precipitated by a traumatic event or a perceived life problem for which the individual's typical coping strategies are inadequate.

Section 394.674(3), F.S., states that mental health services, substance abuse services, and crisis services must be available to each person who is a member of one of the department's target groups approved by the Legislature under ch. 216, F.S., and within the limitations of available state and local matching resources. Those target groups include: seriously emotionally disturbed children, emotionally disturbed children, children at risk of an emotional disturbance, adults with a serious and persistent mental illness, adults in mental health crisis, and forensic clients on conditional release.

EFFECT OF PROPOSED CHANGES:

If funded, HB 751 will allow the department to increase their contracts with the private mental health providers which will result in additional treatment and rehabilitation capacity in the publicly funded mental health system.

C. SECTION-BY-SECTION ANALYSIS:

Section 1

Subsection (1)

Requires that the department expand community mental health services with funds appropriated under the General Appropriations Acts for fiscal years 2001-2002 and 2002-2003,

and with future legislative appropriations, by implementing programs that emphasize treatment, rehabilitation, support, and case management as defined in s. 394.67(16), F.S.

Subsection (2)

The department must complete an implementation plan by September 1 of each year that funds are appropriated by the Legislature for new community mental health services. The plan must include a schedule for phasing in services in each service district and must describe how the new services will be integrated and coordinated with all current community-based health and human services. The Comptroller may not release those funds until the legislative appropriations committees approve the implementation plan. A plan is not required for special legislative projects designated for a specific geographic area of Florida.

Subsection (3)

Requires that the department provide a status report to the Governor and the Legislature on October 1, 2002, concerning the progress made toward expanding community mental health services with the legislative appropriation for Fiscal Year 2001-2002, and a status report on October 1, 2003, for new programs developed with funds appropriated by the 2002 Legislature for Fiscal Year 2002-2003.

Subsection (4)

Requires that by January 1, 2004, crisis services as defined in s. 394.67(4), F.S., be implemented as appropriate in Florida's publicly funded community mental health system to serve children and adults who are experiencing an acute mental or emotional crisis as defined in s. 394.67(18), F.S. The bill requires that by January 1, 2006, mental health services as defined in s. 394.67(16), F.S., be implemented as appropriate in Florida's publicly funded community mental health system.

Section (2) Provides that the act takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The department estimates that Florida's publicly funded mental health system is currently meeting approximately 33 percent of the treatment needs of children and adolescents and 15 percent of the treatment needs of adults. Based on unmet need, the department reports that a statewide expansion of community mental health and crisis services as required by HB 751 would cost \$53,992,813 for FY 2002-2003 and \$144,319,865 for FY 2003-2004. The FY 2002-2003 cost is nonrecurring.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If funded, HB 751 will allow the department to increase their contracts with the private mental health providers which will result in additional treatment and rehabilitation capacity in the publicly funded mental health system.

D. FISCAL COMMENTS:

The bill requires the department to expand community mental health services and crisis services be "implemented as appropriate." No appropriation amount is specified in the bill.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 7, 2002, The Committee on Child & Family Security adopted a "strike everything" amendment to HB 751. The differences between the bill and the amendment are as follows:

- Both the bill and the amendment require that the department expand community mental health services with funds appropriated under the General Appropriations Acts for Fiscal Years 2001-2002 and 2002-

2003, and with future legislative appropriations, by implementing programs that emphasize treatment, rehabilitation, support, case management and crisis services. Both the bill and the amendment require that by January 1, 2004, crisis services be implemented as appropriate to serve children and adults who are experiencing an acute mental or emotional crisis and by January 1, 2006, mental health services be implemented as appropriate in Florida's publicly funded community mental health system.

- The amendment requires funding increases in the General Appropriations Act to be appropriated in a "lump-sum" category with a spending plan developed by the department. The spending plan must be submitted to the Governor. The plan must include a schedule for phasing in services in each district and must describe how the new services will be integrated and coordinated with all current community-based health and human services.
- The amendment requires that DCF & AHCA develop and submit annual estimates of the need for mental health services.
- The amendment specifies the expansion of community mental health services be implemented to the extent funds are appropriated for such purpose in the General Appropriations Act.
- The amendment removes the provision that directs the Comptroller to withhold funds until the legislative appropriations committees approve the implementation plan.

VI. SIGNATURES:

COMMITTEE ON CHILD & FAMILY SECURITY:

Prepared by:

Staff Director:

Robert Brown-Barrios

Robert Brown-Barrios