HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 619 Florida Substance Abuse and Mental Health Corporation
SPONSOR(S): Gibson and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1286

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families Committee	7 Y, 0 N	Davis	Collins
2) Health Care Appropriations Committee			
3) Health & Families Council			
4)			
5)			

SUMMARY ANALYSIS

House Bill 619 amends existing statutory provisions relating to the Florida Substance Abuse and Mental Health Corporation (Corporation). Specifically, the bill adds two additional responsibilities for the Corporation to exercise and it changes the sunset date from October 1, 2006, to October 1, 2011.

The first additional responsibility calls for the Corporation to review and assess the status of the recovery and resiliency-based system for comprehensive mental health care.

The second additional responsibility calls for the Corporation to review and assess the activities relating to the transformation of the substance abuse and mental health system to ensure that a recovery and resiliency-based system of care is maintained.

According to a March 2005, Office of Program Policy Analysis & Government Accountability (OPPAGA) report, the Corporation has not worked closely with other state agencies involved with the substance abuse and mental health systems to address its eight statutory responsibilities. The Corporation is scheduled to sunset on October 1, 2006, unless reenacted by the Legislature. According to the OPPAGA report, the Corporation's work during 2004 shows useful beginning steps, however, it will be difficult to justify its continued existence unless it more fully addresses its statutory responsibilities. OPPAGA is expected to release a follow up to this report by March 1, 2006.

The bill does have a fiscal impact. For the last two years, the Corporation has been funded at $270,000 annually through proviso in the Department of Children and Families appropriation. Half of this funding comes from the Substance Abuse Program Office and the other half from the Mental Health Program Office. The Corporation is requesting the same amount of money for FY 2006-2007 with an additional $100,000 in matching federal Medicaid dollars.

This act shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: This bill increases the responsibilities of the Florida Mental Health and Substance Abuse Corporation (Corporation).

B. EFFECT OF PROPOSED CHANGES:

Effect of Proposed Changes

House Bill 619 amends existing statutory provisions relating to the Florida Substance Abuse and Mental Health Corporation (Corporation). Specifically, the bill adds two additional responsibilities for the corporation to exercise and it changes the sunset date from October 1, 2006, to October 1, 2011.

The first additional responsibility calls for the Corporation to review and assess the status of the recovery and resiliency-based system for comprehensive mental health care.

The second additional responsibility calls for the Corporation to review and assess the activities relating to the transformation of the substance abuse and mental health system to ensure that a recovery and resiliency-based system of care is maintained.

The Corporation is directed in the two new mandates to monitor the process of reform measures and to hold entities accountable to reform actions they have committed to taking. The Corporation already heads a task force comprised of state agencies, consumers, families, providers, local government and advocacy organizations to provide leadership and direction to the transformation initiative.

The Corporation gave priority to the concept of transforming the mental health system. It took the lead in, and worked hand in hand with, state agency management to ensure the mental health system in Florida is transformed from a preferred-provider system to a consumer driven system embracing prevention, resiliency, and recovery for children, adults and families. According to the Corporation, this transformation must ensure that services are directed to the needs and goals of reintegrating consumers into the community where they can successfully live, work, go to school, and enjoy life.

Background

The Corporation, which is administratively housed within the Department of Children and Families, has two employees, an executive director and an administrative assistant. The Corporation is governed by a 12-member board of directors appointed by the Governor, the Speaker of the House, and the President of the Senate.

The idea of an independent entity to provide leadership and oversight for the publicly funded mental health and substance abuse systems came out of the Governor's 1999 Commission on Mental Health and Substance Abuse. The Commission recommended a coordinating council, which would include secretaries from relevant agencies and key constituency groups as its members. The Commission recommended that the coordinating council be responsible for information collection, accountability management, public education, and policy development. These are the essential core responsibilities of the current Florida Substance Abuse and Mental Health Corporation (Corporation).

During the 2003 Legislature, many mental health and substance abuse stakeholders were advocating for the substance abuse and mental health program offices to be placed in the Department of Health or made into separate state agency (as was done with developmental disabilities). The creation of the Corporation as well as the creation of an Assistant Secretary position for substance abuse and mental health in the Department of Children and Families were codified as answers to the desire for a separate state agency and higher visibility for substance abuse and mental health issues.

The 2003 Legislature created the Substance Abuse and Mental Health Corporation to oversee the state's publicly funded substance abuse and mental health systems and make policy and resource recommendations to improve the coordination, quality, and efficiency of the systems. The Corporation is a not-for-profit organization independent of state government and is to annually evaluate and report on the status of the state's substance abuse and mental health systems.

The Corporation has the following eight statutory responsibilities:

1. Provide mechanisms for substance abuse and mental health stakeholders, including consumers, family members, providers, and advocates to provide input concerning the management of the overall system.

2. Review and assess the collection and analysis of needs assessment data as described in s. 394.82, Florida Statutes.

3. Review and assess the status of the publicly funded mental health and substance abuse systems and recommend policy designed to improve coordination and effectiveness.

4. Make recommendations concerning strategies for improving the performance of the systems.

5. Review data regarding the performance of the publicly funded substance abuse and mental health systems.

6. Recommend priorities for service expansion.

7. Prepare budget recommendations to be submitted to the appropriate departments for consideration in the development of their legislative budget requests and provide copies to the Governor, President of the Senate, and Speaker of the House for their consideration.

8. Review, assess, and forecast substance abuse and mental health manpower needs and work with the department and the educational system to establish policies, consistent with the direction of the Legislature, which will ensure that the state has the personnel it needs to continuously implement and improve its services.

The 2004 Legislature directed the Corporation in its first report to provide a specific analysis of managed care behavioral health care contracts, and the impact of these contracts on the mental health service delivery system in Florida. The Corporation completed its report and provided that report to the Agency for Health Care Administration, the Governor and the Legislature.

HB 619 adds two additional mandates to the eight mandates the Corporation already has. These two new mandates relate to the initiative being commenced in Florida to reform the mental health and substance abuse systems.

This year, the Corporation participated in drafting the application for a federal Mental Health Transformation Grant and was designated by Governor Bush to be the lead entity to administer the grant. Florida was not successful in this grant award cycle.

The grant would have required changes in provider contracts, rules and regulations, training and education and amendments to Chapter 394, F.S., to articulate public policy emphasizing recovery and resiliency in the community and person centered services. The grant also emphasized that Florida must include consumers, families and youth as part of the service delivery teams and treatment planning teams, while utilizing a "strengths model" that focuses on a person's worth and strengths; and increase the use of peer and family support workers.

The grant articulated the need for uniform outcome measures to be developed across state government agencies such as competitive employment, independent living, days in school, graduation from high school, days in the community, reduction in contact with law enforcement, reduction in hospitalizations, and reduction in out of home placements.

One of the major reforms envisioned in the grant was transforming the mental health crisis and emergency response service system to a system in which mobile outreach and immediate crisis response teams where readily available. According to the grant, Florida should reduce the use of state hospital beds and crisis stabilization beds and divert persons with mental illness from the criminal justice system. At the same time, Florida should develop specialized substance abuse and mental health aftercare services for juvenile and adult offenders, and individualize services so that people can resolve crises using minimally intrusive and maximally effective options.

The Corporation is recommending that Governor Bush again apply for a transformation grant when there is another grant cycle. The Corporation would again offer to be the lead entity in administering the grant.

The sunset date in HB 619 is the date of the last year of the grant if Florida is successful in being awarded a transformation grant.

Research

In March of 2005, OPPAGA released a report studying the Corporation. OPPAGA found that the Corporation's annual report included many related recommendations pertaining to access to care, quality of care, administration, and financial requirements. However, the Corporation did not work closely with other state agencies that are part of the substance abuse and mental health systems to improve the coordination, quality, and efficiency of the systems. Of its eight designated responsibilities, the Corporation fully addressed one by providing a forum for stakeholder involvement. It partially met three by reviewing needs assessment data and making policy and strategy recommendations to improve the performance of the systems. It made little progress in four areas: the Corporation did not address prioritizing recommendations for service expansion; agency budget recommendations; reviewing agency performance data; and forecasting staffing needs for DCF. According to OPPAGA, the Corporation's work during 2004 evinces useful beginning steps, unless the Corporation demonstrates value to the state by more fully addressing its statutory responsibilities during 2005, it will be difficult to justify its continued existence. OPPAGA is expected to release it's follow up report on the Corporation by March 1, 2006.

The Substance Abuse and Mental Health Corporation provided a written response to the 2005 OPPAGA report. In summary, the Corporation disagreed with the report's conclusion that the Corporation has not addressed fully its statutory responsibilities and stated that its mission was redirected by a stipulation in the General Appropriations Act for Fiscal Year 2004-05 to look at the transition of Medicaid funded behavioral health care services from fee-for-service to managed care. However, based on OPPAGA's analysis of the legislation and discussions with legislative staff, the analysis of managed care contracts was to be in addition to, not in lieu of, the Corporation's responsibility to improve the coordination, quality, and efficiency of the substance abuse and mental health systems across state agencies.

C. SECTION DIRECTORY:

Section 1: Amends s. 394.655 (3)(a), F.S., adding responsibilities to the Corporation and changing the sunset provision.

Section 2: Provides an effective date upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

   See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Corporation provided the following:

> For the last two years, the Corporation has been funded at $270,000 annually through proviso in the DCF appropriation -- half funded from the Substance Abuse Program Office and the other half from the Mental Health Program Office. The Corporation is requesting the same amount for FY 2006-2007 with an additional $100,000 in matching federal Medicaid dollars. A memorandum of agreement has already been developed between DCF and AHCA to allow for the GR dollars to match $100,000 in federal Medicaid dollars. Medicaid allows for some administrative costs for billing.
>
> The appropriation covers two staff positions, the website, office supplies and equipment, publications, staff and board travel.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The Corporation has sufficient rulemaking authority in existing law to carry out its current functions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES