

The Scoop

Keeping the Managing Entities in the Loop

March 8, 2019



Discussions with Secretary Poppell: FAME members were in Tallahassee this week meeting with Secretary Poppell, Deputy Secretary Patricia Babcock, SAMH Director John Bryant to discuss direction of the new administration. We submitted FAMEs revised TOP 10 ADMINISTRATIVE BURDENS identified by MEs and providers two years ago. Following the meeting, FAME was asked by staff to resubmit our revised TOP 10 ADMINISTRATIVE BURDENS. See FAME's minutes (March 8) for debriefing notes and possible actions.

Continue educating legislators: Maria Bledsoe walked the halls of the Capitol educating 9 legislators on the value of the managing entities. It was a very productive day.

Care Coordination: FAME was asked to brief Senate staff on CARE COORDINATION/ HOUSING needs. There is an interest in providing resources and enhancing care coordination.

First Week of Session: While we were at DCF, legislators kicked off the 2019 Session with the Senate, House of Representatives, and Cabinet joining together for Governor Ron DeSantis' debut of his State of the State address. He highlighted his priorities including healthcare price transparency. House Speaker Jose Oliva also addressed the House in calling for a wide-ranging overhaul of healthcare and higher education spending reform. In the Senate, President Bill Galvano did not specifically address his priorities but instead asked Senators to carefully vet issues, noting that the only thing they have to do is pass a budget.



Natalie Kelly was interviewed by Comcast on the opioid crisis and the role of the managing entities.

State Budget

The release of the House and Senate budgets are still a couple of weeks away, but budget issues are already in the forefront. What was already shaping up to be a tight budget year is being made even tighter due to the impacts of Hurricane Michael. According to TaxWatch, the state has already spent \$1.3 billion on hurricane recovery and that amount will grow much larger. The next **General Revenue Estimating Conference will be held this coming week** and will produce the final estimates to be used in crafting the budget.

Health Funding

Meanwhile, both houses are meeting in their respective budget committees. The House Appropriations Subcommittees continued to approve scores of Appropriation (Member) Project bills, which qualifies, but does not ensure, those projects' inclusion in the House budget. House members have requested 76 behavioral health/housing projects worth \$64 million. The Senate does not require a bill for each member project. However, Senators are presenting their individual budget requests before budget committees. In the Senate Health and Human

Services Appropriations Committee, Chair Bean gave **Senator Rouson extra time to unveil his “Road to Recovery” plan that includes additional dollars for care coordination, housing, etc.** He also talked about his tour around the state as he “visited all 7 Managing Entities, 40 facilities from large mental health providers and small providers to for-profit providers, and 42 support programs.” Senator Rader added, “...we talk the talk, but he walked the walk.” Chair Bean was publicly supportive of the work of Senator Rouson.

School Funding

The **Governor** wants a \$224 increase in per-student funding, which would fund a \$50 million increase in school safety funding, and a **\$10 million increase in mental health funding.**

Bills to Watch

Below is a brief summary of some of the bills we are following:

Health & SAMH

Peer Specialist: Senator Harrell’s bill, SB 900, promotes the use of peer specialists in behavioral health care and revises requirements for recovery residences (also known as “sober homes”). The bill revises background screening requirements and codifies existing training and certification requirements for peer specialists. The bill also modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. The bill provides due process procedures for actions taken by an approved certifying entity on a recovery residence’s certification. The bill exempts certified recovery residences from landlord/tenant laws in cases where a discharge is deemed necessary to protect the resident at issue, other residents, or staff, provided the recovery residence has an approved discharge policy. The bill also exempts Oxford houses from certification requirements, and treats single and two family recovery residences equal to other residences for purposes of the Florida Fire Prevention Code and Florida Building Code. The bill addresses individuals who have been disqualified for employment with substance abuse service providers following a failed background screening and adds offenses for which individuals may seek an exemption from such disqualification. **SB 900 will be heard on Monday in its first committee of reference.** The companion in the House is sponsored by Rep Caruso and has only one committee left before moving to the House floor for further consideration. **Senator Rouson has a similar bill, SB 528,** (more flexible on background screening) **which has already passed one committee and is on the agenda for HHS Appropriations Committee on Wednesday.** Rep Stevenson has the companion of Rouson’s bill without the Sober Home language.

Office of Drug Policy: There are 4 bills relating to the Office of Drug Policy. None have been heard in committee yet.

Vet 211: HB 365 allows the Department of Children and Families (DCF) to create the Florida Veteran’s Care Coordination Program to provide statewide, dedicated behavioral healthcare referral services to veterans and their families through Florida’s 211 Network modeled after the pilot program. If DCF establishes the program, **DCF is required to contract with the managing entities to enter into agreements with Florida 211 Network participants** to provide program services. The bill requires that the program provide peer support, suicide assessment, and treatment and resource coordination. In addition to the requirement for services, the bill requires the program team to track and follow up with callers and advertise the program. If DCF establishes the program, the bill requires DCF to provide a report on the program’s implementation to the Governor, President of the Senate, and Speaker of the House of Representatives by December 15, 2020, using data provided to DCF by the Florida 211 Network participants. **The bill is on HHS Appropriations agenda for Tuesday.**

Telehealth: HB 23 establishes standards of practice for services provided using telehealth, including patient examination, record-keeping, and prohibition on prescribing controlled substances for chronic malignant pain. In addition, to “kickstart” telehealth in Florida, the bill would create a tax credit for health insurers and health maintenance organizations that cover services provided by telehealth. The

Legislature has debated how to regulate and encourage telehealth for four straight sessions. Research has shown that telehealth can be used to increase access to quality care and can be used as an innovative tool to reduce costly medical interventions such as emergency room utilization and length of hospital stay. According to TaxWatch, if telehealth could reduce these interventions by even 1%, the state would realize a cost-savings of more than \$1 billion. **HB 23 was approved by the Health Quality Subcommittee this week.**

SB 1526, by Senator Harrell, prohibits Medicaid managed care plans from using providers who exclusively provide services through telehealth to achieve network adequacy; defining the terms “telehealth” and “telehealth provider”; prohibiting a telehealth provider from using telehealth to prescribe a controlled substance; prohibiting a health maintenance organization from requiring a subscriber to receive services.

Outside of Tallahassee: Second Florida health system launches a telehealth deal with Publix.

Florida’s Network of Care

Legislature: **Network of Care for Behavioral Health is a comprehensive database that enables consumers to quickly locate local programs and services and make informed choices about what they need for their mental health.** The site, which was built for the Florida Department of Children and Families through a legislative budget appropriation last year, was recommended nationally by the President’s 2003 New Freedom Commission on Mental Health. **HB 2645 would authorize funding** in the FY 2019-2020 budget for the Florida Department of Children and Families to continue offering Florida’s Network of Care website. **HB 3271 would authorize funding for the Florida Department of Veteran Affairs to expand Florida’s Network of Care to veterans**, military service members and their families. Senator Joe Gruters (R-Sarasota) is filing companion measures in the Senate to fund both the behavioral health network and the veteran services network. There was a press conference including Representative Ray Rodriguez, Rep. David Smith, and Bruce Bronzan, President of Trilogy Integrated Resources, the developer of Network of Care.

MMA’s

Legislative: See Harrell’s telehealth bill above.

Executive Branch: The Agency for Health Care Administration has proposed amending Rule 59B-13.001 regarding quality indicators that managed-care plans must report to the state.

Outside of Tallahassee: All MEs met with the MMA plan who toured the state to discuss future collaborations. FAME members have reviewed notes of all meetings and will submit recommendations.

Mental Health

Legislative : SB 818 filed by Senator Book

*Requires that persons with serious substance abuse addictions and serious mental illness be afforded the essential elements of care and placed in a continuum of care regimen- (post discharge) which includes the essential elements of recovery. Requires DCF to adopt rules specifying what services must be provided i.e. To determine essential elements of care. **This is a capacity issue.**

*Expands definition for involuntary treatment to include neglect- refusal to care for self, unable to satisfy basic needs for nourishment, medical care, shelter or safety in a manner that creates a substantial probability of imminent death, serious physical debilitation or disease, and includes potential to commit property damage. Defines neglect and refusal to care for self.

*Allows courts to initiate Baker or Marchman evaluation directly from court to receiving facility without appointment of attorney if court determines a emergency exists, and requires law enforcement or agent of court to take into custody and deliver to nearest receiving facility.

*Increases court ordered involuntary outpatient from 90 days to 6 months. However the entire document has not been updated to reflect the change to 6 months and uses 90 days in several sections. Identifies requirements for involuntary treatment and supervision of patient which can be family/friend in addition to guardians, case manager, social worker etc. Requires court approval of treatment plan and any significant

modifications. Defines involuntary treatment of habitual abusers – any person who has been involuntarily treated three or more times during the 24 months.

*Involuntary outpatient: **Deletes all language regarding provider agreeing to accept and that appropriate resources are available. Also takes out language requiring managing entity to document efforts to obtain services but does keep in that managing entity will be notified.**

*Adds responsible family members/friends to list of who can supervise the patient while in IOP.

*Clarifies that person with DD or dementia cannot be placed in State tx facility unless primary diagnosis is MH and identifies that the person must be evaluated on specific assessments to determine ability to benefit from MH treatment.

*States that purpose of chapter is to provide for a comprehensive continuum of accessible and quality substance abuse (and or MH) prevention, intervention, clinical treatment and recovery services in **the Most appropriate** and least restrictive environment. **(most appropriate is new)**

*Adds requirement to drug court programs to provide the coordinated strategy to the participant in writing prior to participant agreeing to participate.

*Adds minors as eligible for IOP and defines requirements and process.

*Requires all service providers licensed to provide residential treatment to install necessary security features in their facilities to safely prevent the premature departure of involuntary patients and enact policies that enable the differentiation of voluntary and involuntary patients. States that this does not make the facility a secure facility or require the center to comply with other regulations of “secured” facilities. **This will cost providers \$\$\$**

*Allows court to waive fees for filing for involuntary person if petitioner is determined to be indigent.

*Adds testimony to court through teleconferencing or the most convenient technology.

*Amends fl st. 212.055 related to discretionary sales taxes and public hospital surtax and county health plans.?????

*There were no changes to transportation plan requirements from previous bill.

Criminal Justice

Legislature: Corrections reform is a major focus of the 2019 Session. Numerous bills and have been moving.

Florida First Step Act - SB 642 would allow a court to depart from the imposition of a mandatory minimum sentence in certain drug trafficking cases. The bill would also require the Department of Corrections (DOC) to provide inmates with a comprehensive community reentry resource directory, permit specified entities to apply to provide inmate reentry services, authorize DOC to develop a Prison Entrepreneurship Program (PEP) that can provide education gain-time, require each circuit to create alternative sanctions for technical violations of probation or community control with the judge’s concurrence, and require DOC to include in the Florida Crime Information Center system all conditions of probation as determined by the court.

Inmate Reentry - HB 953 proposes several enhancements to DOC’s reentry services to help offender reintegration into the community workforce. The bill would Increase the number of DOC transition assistance and employment specialists, provide job assignment credentialing information to inmates, establish a reentry referral hotline, provide a comprehensive community reentry resource directory to every inmate, and authorize DOC to develop a Prison Entrepreneurship Program.

Pretrial Release - SB 534 authorizes counties to implement a Bond Program to allow certain defendants—who may not currently be eligible--to be released on active supervision and some form of bond while awaiting trial. The bill also authorizes judicial circuits to use a risk assessment instrument in pretrial release determinations, providing that the court retains sole discretion to determine the appropriateness of pretrial release and any necessary pretrial release conditions.

Problem-Solving Courts are specialized, non-traditional courts addressing the underlying causes of crime to reduce recidivism and promote rehabilitation. These include **drug courts, veterans courts, mental health courts, early childhood courts, permanency courts, and DUI courts.** **HB 919** authorizes each judicial circuit to establish a new problem-solving court—the community court. These community courts

would divert eligible misdemeanor offenders from the normal judicial channels of prosecution, require participation in treatment programs, and allow for alternatives to traditional jail time. An advisory committee would review each case and make recommendations, but the judge would have final authority on sentencing. **SB 910** would **expand the eligibility for veterans' court** programs which provide treatment intervention to veterans and servicemembers who are charged with or convicted of criminal offenses and who are also suffering military-related injuries, such as post-traumatic stress disorder, traumatic brain injury, or a **substance abuse disorder**.

Juvenile Record Expungement – Current law permits a juvenile to have his or her nonjudicial arrest record expunged following the successful completion of a diversion program for a misdemeanor offense. **SB 966** expands this to any offense, including a felony.

Youthful Offenders - SB 782 would permit a court to impose a sentence as a youthful offender if a person committed a felony before they turned 21, instead of the current requirement that the person be under 21 at the time of sentencing.

A Look Ahead: March 11-15, 2019

Monday, March 11

Legislature:

HEALTH CARE SPENDING CONSIDERED: The House Health Care Appropriations Subcommittee will take up dozens of bills seeking funding for local projects and programs.

Peer Support: Harrell SB 900 up before Children, Families & Elder Affairs Committee.

Opioid Alternatives: Health Policy to hear a presentation on Opioid Alternative.

Lifting the ban on smokable medical marijuana: The House is expected to approve a bill that would allow patients to smoke medical marijuana, a proposal that has already passed the Senate. Voters in 2016 passed a constitutional amendment that broadly legalized medical marijuana. Lawmakers in 2017 approved a bill to carry out the constitutional amendment and included a ban on smokable marijuana. A Leon County circuit judge later ruled that the ban violated the constitutional amendment, prompting former Gov. Rick Scott's administration to appeal. But shortly after he took office in January, DeSantis issued an ultimatum to lawmakers: Get rid of the ban, or he would drop the legal appeal. Lawmakers appear ready to approve.

HUMAN TRAFFICKING: The Senate Children, Families and Elder Affairs Committee will receive a presentation on human trafficking.

CONFIRMATION HEARING FOR DJJ CHIEF: The Senate Criminal Justice Committee will hold a confirmation hearing for Simone Marstiller, who was appointed by Gov. Ron DeSantis as secretary of the Department of Juvenile Justice.

Tuesday, March 14

Legislature: SHERIFFS Will be in Tallahassee

LOCAL BUDGET PROJECTS ON AGENDAS: The House Health Care Appropriations Subcommittee will take up numerous bills seeking money for local programs and projects.

CHEAPER PRESCRIPTION DRUGS SOUGHT: The House Health Quality Subcommittee will consider a proposal (HB 19), filed by Rep. Tom Leek, R-Ormond Beach, that would create a program aimed at importing cheaper prescription drugs from Canada. The bill comes after Gov. Ron DeSantis announced support for such a program.

HUMAN TRAFFICKING: The Senate Community Affairs Committee will take up a bill (SB 540), filed by Sen. Lauren Book, D-Plantation, that would take steps to try to curb human trafficking. The bill includes requiring public-lodging managers and employees to be trained on how to recognize and report human trafficking to law enforcement.

TELEHEALTH: The House Ways & Means Committee will take up a proposal (HB 23), filed by Rep. Clay Yarborough, R-Jacksonville, that would take a series of steps aimed at increasing the use of "telehealth" to provide services to patients.

Also:

ME/MMA Plans: FAME meeting with Florida Association of Health Plans.

SEX TRAFFICKING AT ISSUE: Department of Children and Families Secretary Chad Poppell will take part in a rally held by the group One More Child to address issues related to sex trafficking.

WEDNESDAY, MARCH 13, 2019

Legislature:

HOUSE TAKES UP SMOKABLE MARIJUANA: The House will take up proposals (HB 7015 and SB 182) that would allow patients to smoke medical marijuana in Florida.

MEDICAID ELIGIBILITY AT ISSUE: The Senate Health and Human Services Appropriations Subcommittee will consider a proposal (SB 192), filed by Chairman Aaron Bean, R-Fernandina Beach, that would make permanent a policy requiring people to apply for Medicaid the same month they become ill or suffer catastrophic injuries. In the past, people had 90 days to qualify.

Also:

CRIMINAL JUSTICE REFORM SOUGHT: Several civil-rights groups will take part in a rally calling on lawmakers to pass reforms to the criminal-justice system.

THURSDAY, MARCH 14, 2019

Legislature:

HOUSE HOLDS FLOOR SESSION: The House is scheduled to hold a floor session.

JUVENILE PROSECUTION CHANGES SOUGHT: The coalition No Place for a Child will hold a rally and news conference to discuss proposals aimed at preventing youths from being prosecuted as adults. The event is expected to include speakers such as Sen. Bobby Powell, D-West Palm Beach; Rep. Ramon Alexander, D-Tallahassee; Rep. James Bush, D-Miami; and Rep. Juan Alfonso Fernandez-Barquin, R-Miami-Dade County.

SENATE HOLDS FLOOR SESSION: The Senate will hold a floor session.

Also:

Hard to Place: FAME was appointed to DCFs Hard to Place Committee. First meeting scheduled for Thursday, March 14.

GENERAL REVENUE ANALYZED: The Revenue Estimating Conference will update projections of general revenue, a key source of funding for schools, health-care programs and prisons. Lawmakers will use the updated projections in negotiating a budget during the legislative session.

FRIDAY, MARCH 15, 2019

Dept of Health School Health Advisory Committee: Will be focusing on BH programs in schools. Natalie Kelly will be discussing national recommendations for mental and behavioral health in school services.

Community Outreach

*Florida Association of Health Plans: FAME is meeting with FAHP leaders to discuss collaboration efforts.

*TAXWATCH: Discussed possibilities for future collaborations with the CEO.

*Vets: Continue to work with Veterans Foundation and Dpt of Veterans Affairs.

*ALF Providers: Requesting that FAME be a member of an ALF Task Force being created in a bill, SB 670, ALF Task Force.

*FAME appointed to a DCF HARD TO PLACE Committee. First meeting is scheduled for Thursday.

*Boys & Girls Clubs: FAME will be meeting with leadership. They have a huge opioid prevention initiative.

*PTA: Natalie to speak at their annual legislative conference in Tallahassee to discuss one of their priorities: mental health.

*DoH: Active on the Health School Advisory Committee

Articles of Interest

Trump ramps up effort to prevent veteran suicides with executive order creating task force

WASHINGTON – President Donald Trump signed an executive order Tuesday amping up efforts to prevent veteran suicide.

Veterans are 1.5 times more likely than non-veterans to take their lives, according to the Department of Veterans Affairs, and 20 die by suicide on average each day.

The order creates a Cabinet-level task force led by VA Secretary Robert Wilkie that will coordinate and align efforts across the federal government to help stem the crisis among former service members.

The panel will be tasked with creating a national plan to more effectively lower the numbers of veteran suicides after numerous programs and billions of dollars allocated to address the problem in recent years have had minimal impact.

<https://www.usatoday.com/story/news/politics/2019/03/05/trump-order-enhances-efforts-prevent-veteran-suicides/3065098002/>

Travel, gas, computers among purchases made by Florida school districts with mental health dollars: Majority of money used on mental health hires. Feb 13, 2019

TAMPA, Fla. — Less than one month after the shooting at Marjory Stoneman Douglas Senior High on Valentine's Day, Florida lawmakers approved more than \$69 million dollars to schools, earmarked for mental health. "This was the first time that was ever done," said Senator Kathleen Passidomo (R) of Naples.

The law stipulated few rules on how school districts could use the money. School districts had to submit a mental health plan to the state and at least 90% of the money needed to be spent on evidence-based mental health care to students, according to the law.

But with 67 school districts around the state, "there's many different ways you can interpret it," said Dr. Mike Desjardins, Executive Director of Student Support for the Charlotte County school district.

The Charlotte County school district was allocated one of the smallest amounts- just over \$400,000 in state mental health funds to improve it's mental health services. Roughly half the money has already been spent on new mental health hires, said Desjardins. "For the first time in a long time we have a full time social worker at all of our high schools," said Desjardins who worked with the Superintendent to determine how to spend the district's portion of the funds. But Dr. Desjardins also says deciding how to spend the money has been challenging since the law didn't provide much guidance on how to use it. "You don't want to make a mistake by accident and get gigged on it. You want to make sure you're spending the money the way the lawmakers intended." When asked what he believed could be construed as an incorrect way of spending the money, Dr. Desjardins replied, "It was crystal clear in the bill that you're supposed to provide direct services to students. Incorrect is using the money to go on trips, buying furniture for your office, hiring personnel that could be deemed not mental health related," he said.

Records reveal other school districts have used a portion of its funds to hire clerical staff, including a "confidential" secretary to handle student mental health records. Since November, we've asked nearly two dozen school districts around the state for details on how those districts have spent the new mental health funds allocated as part of the Marjory Stoneman Douglas Public Safety Act. We asked for budget line reports and receipts for purchases made with the money. **All the districts we contacted have used the majority of its funding so far hiring new mental health professionals and conducting mental health training. Other expenses we found range from travel and gas to supplies including copy paper and computers. One district used its mental health funding to purchase 20 new laptop computers for just over \$16,000.**

"We didn't tell them how to spend it," said Florida Senator Passidomo. She helped push lawmakers to approve the money last spring. "What we said was you know what the needs are in your community. All we'd like you to do is to create a plan," she explained. Those plans needed to be submitted by each school district a few weeks after the new school year began in the fall.

But FL Representative Byron Donalds sees the need to clarify the spending rules in the future. "It's always interesting when districts have money at their disposal, what they do," he said. "We may have to either retool, tighten up, maybe expand but we want to make sure schools are getting the best bang for your buck," he said.