



SUBSTANCE ABUSE AND MENTAL HEALTH

2022 BILLS OF SIGNIFICANCE

SB 282 – Mental Health & Substance Use Disorders

HB 899 – Mental Health of Students

HB 1249 – Treatment of Defendants Adjudicated Incompetent to Stand Trial

SB 1262 – Mental Health and Substance Abuse

SB 1844 – Mental Health and Substance Abuse / Voluntary Admissions for Mental Illness

SB 704 – Substance Abuse Providers



SB 282: MENTAL HEALTH & SUBSTANCE USE DISORDERS

BY SENATOR ROUSON

Effective Date: July 1, 2022, Ch. 2022-013, Laws of Florida

Overview

- Requires the Department to designate Managing Entities to either conduct peer specialist training or contract with a provider for peer specialist training.
- Requires peer specialists to meet the new background screening requirements listed in statute as a condition of employment and continued employment, revising disqualifying offenses that commonly disqualify peer specialists under the current background screening requirements.

Implementation

- Requires the Department to work with the Agency for Health Care Administration (AHCA) to modify the Clearinghouse to reflect unique screening eligibility for peer specialists.
- The Department will amend rules 65D-30 and 65E-14, F.A.C to change the minimum experience requirement of certified recovery peer specialists for supervision purposes from three years to two years.
- The Department expects an increased number of persons seeking certification and exemption requests.



HB 899: MENTAL HEALTH OF STUDENTS

BY REPRESENTATIVE HUNSCHOFSKY

Effective Date: July 1, 2022, pending Governor's approval

Overview

- Requires the Department of Education (DOE) to share data it receives from school districts related to involuntary examinations of minors with the Department.
- Requires the Department to include the data received from DOE in its biennial report on Involuntary Examinations of Minors to the Governor and the Legislature.

Implementation

- The Department will need to amend its contract with the University of South Florida's Baker Act Reporting Center (BARC) to include the additional reporting element and identify a process for school districts to submit the data.
- The Department will need to execute a data sharing agreement with DOE that ensures adequate processes and oversight of protected health and education data.
- The Department may need to amend rules 65E-5 and 65E-12, F.A.C.



HB 1249: TREATMENT OF DEFENDANTS ADJUDICATED INCOMPETENT TO STAND TRIAL

BY REPRESENTATIVE PERSONS-MULICKA

Effective Date: July 1, 2022, Ch. 2022-062, Laws of Florida

Overview

- Authorizes the Department to contract with a community mental health provider to operate a forensic facility co-located within a county jail.

Implementation

- The Department will review current rules to determine if changes are needed to contract for community mental health treatment when co-located with a county jail.
- The Department and/or its contracted service providers will need to identify existing recurring department funding or request additional funding if additional facilities are created under the expanded definition of "forensic facility."
- If funding is identified, the Department will determine if procurement for new contracts is needed and/or existing need to be modified for these services. Implementation timeline will depend on the method of procurement.



SB 1262: MENTAL HEALTH AND SUBSTANCE ABUSE

BY SENATOR BURGESS

Effective Date: July 1, 2022, Ch. 2022-036, Laws of Florida

Overview

- Prohibits restrictions on visitors, phone calls, and written correspondence for Baker Act patients unless specific conditions are met and documented by certain qualified medical professionals.
- Defines telehealth to provide clear authority for professionals to provide Baker Act services and release.
- Requires law enforcement officers to report any known contact information for relatives of persons detained under the Baker Act.
- Requires Baker Act discharge procedures to consider the individual's access to transportation, aftercare services, and psychotropic medication.
- Requires law enforcement officers to search certain electronic databases for emergency contact information of Baker and Marchman Act patients being transported to a receiving facility.
- Requires that individuals admitted voluntarily under the Marchman Act are provided the opportunity to authorize the release of information to their health care surrogate or proxy, attorney, representative, or other known emergency contact.
- Requires the Department to receive and maintain reports relating to the transportation of individuals
- Changes certain provisions related to the Commission on Mental Health and Substance Abuse (Commission), allowing teleconference and in-person meetings at locations throughout the state, and changing the due date for the preliminary report to January 1, 2023.



SB 1262: MENTAL HEALTH AND SUBSTANCE ABUSE CONT.

BY SENATOR BURGESS

Effective Date: July 1, 2022, Ch. 2022-036, Laws of Florida

Implementation

- The Department will need to amend its contract with the University of South Florida's BARC to include collection and analysis of transportation forms. These additional contract deliverables will require an increase in the overall contract amount.
- The Department will revise rules under 65E-5, F.A.C. to: require receiving facilities to submit transportation forms to the BARC; and, incorporate new standards regarding the telehealth definition, discharge procedures, and patient access and communications.
- The Department may need to revise rules under 65D-30, F.A.C. to incorporate the new regulations for voluntary admissions.
- For telehealth, the Department will need to consult with the Department of Health and the Department's General Counsel to obtain a dispositive opinion regarding whether section 456.47, Florida Statutes, permits interns and certified professionals working in behavioral health centers and facilities to utilize telehealth.



SB 1844: MENTAL HEALTH AND SUBSTANCE ABUSE

BY SENATOR BEAN

Effective Date: July 1, 2022, Ch. 2022-041, Laws of Florida

Overview

- Removes the requirement for a judicial hearing prior to the voluntary admission of a minor to a Baker Act receiving facility; instead, it requires a clinical review of the minor assent once the parent or legal guardian has applied for the minor's admission.
- Directs law enforcement officers transporting individuals under the Baker Act or Marchman Act to restrain individuals using the least restrictive means available and appropriate under the circumstances.

Implementation

- The Department will need to engage in rulemaking to create and amend Baker Act forms as outlined in Ch. 65E-5, F.A.C.



SB 704: SUBSTANCE ABUSE PROVIDERS

BY SENATOR HARRELL

Effective Date: Upon becoming law (Governor signed April 6, 2022)

Overview

- Requires licensure applicants to include in the application the names and locations of any recovery residences to which the applicant plans to refer patients or from which the applicant plans to accept patients.
- Changes management limitations for recovery residence administrators who demonstrate the ability to respond to resident needs, maintain residence standards, and meet all other current statutory certification requirements effectively and appropriately.
- Requires the return of personal property to individuals in treatment upon discharge.
- Grants the Department specific statutory authority to use federal grants to provide substance abuse treatment program participants non-cash incentives for completing follow-up assessments.

Implementation

- The Department will need to adjust its application and web-based licensure system to accept the listing of recovery residences from which licensed providers plan to take referrals.
- The Department will modify Rule 65D-30.0034, F.A.C.





2022 BUDGET

2022 GENERAL APPROPRIATIONS ACT

Pending Approval

- Total: \$4.2 billion
 - General Revenue \$2.5 billion
 - Trust Fund \$1.7 billion
 - Positions 12,231.75



HB 5001: COMMUNITY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

- \$126.2M to expand behavioral health services throughout the state.
 - These funds will be allocated to expand community-based supports through a team approach, using Children's Community Action Treatment (CAT) teams, Family Intensive Treatment (FIT) teams, Florida Assertive Community Teams (FACT), and mobile response teams (MRTs).
 - Each team's allocation will be based on reducing waitlists and ensuring statewide coverage.
 - The funds will also be distributed to the Managing Entities to fund prevention, treatment, and recovery services to enhance coordinated systems of care.
- \$109.8M in federal funding from the supplemental Covid Relief and American Rescue Plan to fund an array of behavioral health services, including substance abuse and mental health prevention and treatment, suicide prevention efforts, and the Florida Veterans Support Line.



HB 5001: COMMUNITY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

- \$24.6M for the State Opioid Response (SOR) Discretionary Grant to address Florida's opioid crisis by increasing access to medication-assisted treatment for opioid use disorder (OUD).
- \$11.3M to provide legal settlement funding for prevention and treatment services related to opioid misuse.

