

MEMORANDUM

Agenda Item No. 11(A)(4)

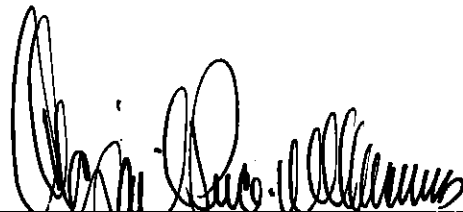
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting Senate Bill 358 or similar legislation that amends the Baker Act, Community Substance Abuse and Mental Health Services Act and Marchman Act to require the Department of Children and Families to post acute care services data, by facility, on its website, authorize the Department to approve designated receiving systems for behavioral health care and clarify that the court shall schedule a hearing on a petition for involuntary services under the Marchman Act within five court working days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(4)

Veto _____

2-22-17

Override _____

RESOLUTION NO. _____

RESOLUTION SUPPORTING SENATE BILL 358 OR SIMILAR LEGISLATION THAT AMENDS THE BAKER ACT, COMMUNITY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ACT AND MARCHMAN ACT TO REQUIRE THE DEPARTMENT OF CHILDREN AND FAMILIES TO POST ACUTE CARE SERVICES DATA, BY FACILITY, ON ITS WEBSITE, AUTHORIZE THE DEPARTMENT TO APPROVE DESIGNATED RECEIVING SYSTEMS FOR BEHAVIORAL HEALTH CARE AND CLARIFY THAT THE COURT SHALL SCHEDULE A HEARING ON A PETITION FOR INVOLUNTARY SERVICES UNDER THE MARCHMAN ACT WITHIN FIVE COURT WORKING DAYS

WHEREAS, this Board wishes to express its support for Senate Bill (“SB”) 358 which proposes to amend Part I of Chapter 394, Florida Statutes, known as “the Baker Act;” Part IV of Chapter 394, Florida Statutes, the Community Substance Abuse and Mental Health Services Act; and Chapter 397, Florida Statutes, the Hal S. Marchman Alcohol and Drug Services Act (“the Marchman Act”); and

WHEREAS, the Baker Act is a means of providing individuals who are believed to have a mental illness that poses a substantial harm to the individual’s well-being with emergency services and temporary detention for mental health evaluation and treatment when required, either on a voluntary or involuntary basis; and

WHEREAS, the Baker Act provides that the Department of Children and Families (“the Department”) is responsible for the planning, evaluation, and implementation of a statewide program of mental health, and coordinating efforts with other departments and divisions of the state government, county and municipal governments, and private agencies concerned with providing mental health services; and

WHEREAS, pursuant to the Baker Act, the Department aims to provide a coordinated system of care that offers a full array of behavioral and related services in a region or community; and

WHEREAS, an element of that coordinated system of care is a designated receiving system that consists of one or more facilities serving a defined geographic area and responsible for the assessment, evaluation, treatment and triage of patients who have a mental health or substance use disorder, or co-occurring disorders in that area; and

WHEREAS, the goal of the designated receiving system is to function as a “no-wrong-door model,” meaning a model for the delivery of acute care services to persons who have mental health or substance use disorders, or both, and which optimizes the person’s access to care, regardless of the entry point into the behavior health care system; and

WHEREAS, a county or several counties plan the designated receiving system in collaboration with a managing entity that is a corporation selected by the Department to manage the daily operational delivery of behavioral health services through a coordinated system of care; and

WHEREAS, the county or several counties and the managing entity document the designated receiving system in a written memorandum of agreement or other binding arrangement, and are to complete the system plan and implement it by July 1, 2017; and

WHEREAS, Section 394.461 of the Baker Act, as currently written, authorizes the Department to designate and monitor the receiving systems; and

WHEREAS, SB 358 proposes an amendment that gives the Department authority to approve designated receiving systems, in addition to the authority to adopt rules relating to the procedures and criteria for designating and approving receiving systems, and the procedures and criteria for the suspension or withdrawal of approval of receiving systems; and

WHEREAS, SB 358 also proposes to amend Section 394.9082 of the Community Substance Abuse and Mental Health Services Act; and

WHEREAS, pursuant to this act, the purpose of the managing entities is to plan, coordinate, and contract for the delivery of community mental health and substance abuse services, to improve access to care, to promote service continuity, to purchase services, and to support the efficient and effective delivery of services; and

WHEREAS, the managing entities develop a comprehensive network of providers qualified to deliver behavioral health services and require each provider to submit data, on a daily basis that includes information regarding the admissions and discharges of indigent patients receiving substance abuse services in an addictions receiving facility or detoxification facility; and

WHEREAS, the managing entity submits the collected provider data to the Department and the Department uses it to create an acute care services utilization database to analyze the use of publicly funded crisis stabilization services and detoxification and addictions receiving services provided on a statewide and an individual provider basis; and

WHEREAS, SB 358 proposes an amendment that would require the Department to post the collected data, by facility, on the Department's website, and that the data be updated monthly; and

WHEREAS, the Marchman Act is a comprehensive approach to address substance abuse that, among other things, allows courts to order individuals who are believed to be substance abuse impaired and to have lost the power of self-control with respect to substance abuse, and who pose a physical danger to themselves or others, or who have sufficiently impaired judgment, to receive involuntary services from a licensed service provider; and

WHEREAS, the Marchman Act involves a process whereby a petition for involuntary services may be filed by the individual's spouse or legal guardian, any relative, a service provider, or an adult who has direct personal knowledge of the individual's substance abuse impairment, and the court schedules a hearing to be held on the petition within five days; and

WHEREAS, SB 358 proposes an amendment to subsection (2) of Section 397.6955 of the Marchman Act to clarify that the court shall schedule a hearing to be held on the petition for involuntary services within five "court working" days, unless a continuance is granted; and

WHEREAS, each of the proposed amendments in SB 358 will better address the needs of individuals with mental health and substance abuse disorders,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports Senate Bill 358 or similar legislation that would amend the Baker Act, Community Substance Abuse and Mental Health Services Act, and Marchman Act to, among other things, require the Department of Children and Families to publish acute care services data, by facility, on its website and clarify that the court shall schedule a hearing on a petition for involuntary services under the Marchman Act within five working days, and authorize the Department of Children and Families to approve designated receiving systems for behavioral health care.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, Senator Rene Garcia and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Esteban L. Bovo, Jr., Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |


The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of February, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shanika A. Graves