



State of Florida
Department of Children and Families

Ron DeSantis
Governor

Chad Poppell
Secretary

MEMORANDUM

DATE: February 26, 2020

TO: SAMH Regional Directors
SAMH Contract Manager
Behavioral Health Managing Entities

FROM: Ute Gazioch *Ute*
Director, Substance Abuse and Mental Health (SAMH)

SUBJECT: Repeal of Prohibition on the Use of CMHS Block Grant Funds for Services within Prisons or Jails

PURPOSE:

The purpose of this memo is to rescind the Department's May 30, 2018, guidance prohibiting the use of Community Mental Health Services (CMHS) Block Grant funds for treatment services within prisons or jails and to issue guidance on the conditions under which the use of CMHS Block Grant funds in those settings is permissible.

On February 11, 2020, SAMHSA's Assistant Secretary for Mental Health and Substance Use issued a letter explaining that under certain circumstances CMHS Block Grant funds may be used to pay for mental health treatment services for adults with serious mental illness in prison or jail settings, and children with serious emotional disturbances in juvenile detention facilities. The letter clarifies "... treatment during incarceration is an allowable use ... provided that the treatment services as well as provider of such services meet the statutory requirements ..."

CMHS Block Grant funds may be used in these settings by community mental health providers that meet the following conditions:

- The provider must offer mental health treatment services "... to any individual residing or employed in the service area of the [provider] regardless of ability to pay for such services," pursuant to 42 U.S.C. § 300x-2(c)(2). The provider must offer the nonincarcerated community services allowable under the CMHS Block Grant in addition to any services in prison or jail. Nonetheless, CMHS Block Grant funds cannot be used for services provided by practitioners or programs *that exclusively serve inmates*.
- The provider must offer mental health treatment services "... in a manner which preserves human dignity and assures continuity and high-quality care," pursuant

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to 42 U.S.C. § 300x-2(c)(3). Community-based mental health treatment providers that use CMHS Block Grant funds in jail or prison settings should ensure continuity of care through comprehensive case management, discharge planning, and integration with outpatient services in the community.

The purpose of the CMHS Block Grants is to provide community-based mental health treatment, including screening and assessment, to adults with serious mental illness and children with serious emotional disturbances. These funds cannot be used for prevention services or forensic drug testing, for example. Please note that the prohibition on the use of Substance Abuse Prevention and Treatment Block Grant funds in prisons or jails remains unchanged and in effect.

A future amendment to Managing Entity Contract Exhibit B1 (Federal Block Grant Requirements) will formally reflect these changes; however, this memo authorizes the use of CMHS Block Grant funds for these purposes effective immediately.

Should you have any questions, please contact the Department's Block Grant Coordinator, Jeffrey.Cece@myFLfamilies.com.