

By Senators Forman and Mitchell

4-522A-99

1 A bill to be entitled
 2 An act relating to developmental disabilities;
 3 creating s. 393.0661, F.S.; providing for
 4 developmental services waiver programs;
 5 requiring Medicaid provider agreements;
 6 providing for rulemaking; authorizing the
 7 Department of Children and Family Services to
 8 accept inspections by accrediting organizations
 9 in lieu of its own inspections for licensure;
 10 providing for life-safety and other type
 11 inspections; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Section 393.0661, Florida Statutes, is
 16 created to read:

17 393.0661 Developmental services waiver programs;
 18 accrediting organizations.--

19 (1) The Agency for Health Care Administration, with
 20 the approval of the Federal Health Care Financing
 21 Administration, may establish developmental services waiver
 22 programs to provide the services described in s. 393.066 to
 23 clients of the department who have developmental disabilities.
 24 These waiver programs shall be administered by the department
 25 on behalf of the agency as provided in the waiver document
 26 approved by the Federal Health Care Financing Administration.
 27 The department and the agency shall, by interagency agreement,
 28 delineate each entity's responsibilities with respect to
 29 operation and administration of these waiver programs.

30 (2) If the department elects to use a developmental
 31 services waiver program to purchase services described in s.

1 393.066, the department must certify that providers seeking to
2 perform such services meet initial eligibility criteria
3 specified in the applicable waiver document approved by the
4 Federal Health Care Financing Administration. Before
5 performing or receiving compensation for services, a service
6 provider shall execute a Medicaid provider agreement with the
7 agency as provided in s. 409.907. The department shall develop
8 contractual performance standards for services providers
9 which, with the approval of the agency, must be incorporated
10 in the Medicaid provider agreement as provided in s.
11 409.907(5)(c). In order to continue to serve as developmental
12 services waiver program contract providers, service providers
13 must meet the performance standards set forth in the Medicaid
14 provider agreement. As an alternative to departmental
15 performance standards, the department must accept, without any
16 additional requirements, accreditation by nationally
17 recognized accreditation bodies such as the Accreditation
18 Council on Disabilities and the Commission on Accreditation of
19 Rehabilitation Facilities.

20 (3) The department shall adopt rules to administer the
21 waiver programs in accordance with its responsibilities under
22 this chapter.

23 (4) The department shall accept, in lieu of its own
24 inspections for licensure, the survey or inspection of an
25 accrediting organization, if the facility is accredited and
26 the department receives the report of the accrediting
27 organization. The department shall develop and adopt by rule
28 criteria for accepting survey reports of accrediting
29 organizations in lieu of conducting a state licensure
30 inspection.

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1 (5) The department shall conduct compliant
2 investigations and sample validation inspections to evaluate
3 the inspection process of accrediting organizations to ensure
4 that minimum standards are maintained as provided by law and
5 rule. The department may conduct a life-safety inspection in
6 calendar years in which an accrediting organization survey is
7 not conducted and shall conduct a full state inspection,
8 including a life safety inspection, if an accrediting
9 organization survey has not been conducted within the previous
10 24 months.

11 Section 2. This act shall take effect upon becoming a
12 law.

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15 SENATE SUMMARY

16 Authorizes the Agency for Health Care Administration, in
17 conjunction with the Department of Children and Family
18 Services and with the approval of the Federal Health Care
19 Financing Administration, to establish developmental
 services waiver programs to provide services to clients
 with developmental disabilities. Provides for inspections
 by accrediting organizations.

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CODING:Words ~~stricken~~ are deletions; words underlined are additions.