

By the Committee on Children and Families; and Senator
Saunders

300-1663-01

1 A bill to be entitled
2 An act relating to behavioral health care
3 service; amending s. 394.66, F.S.; providing
4 legislative intent; creating s. 394.741, F.S.;
5 requiring the Agency for Health Care
6 Administration and the Department of Children
7 and Family Services to accept accreditation in
8 lieu of its administrative and program
9 monitoring under certain circumstances;
10 amending s. 394.90, F.S.; requiring the Agency
11 for Health Care Administration to accept
12 accreditation in lieu of its onsite licensure
13 reviews; amending s. 397.411, F.S.; requiring
14 the Department of Children and Family Services
15 to accept accreditation in lieu of its onsite
16 licensure reviews; amending s. 397.403, F.S.;
17 conforming provisions; providing an effective
18 date.

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

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22 Section 1. Subsections (13) and (14) are added to
23 section 394.66, Florida Statutes, to read:
24 394.66 Legislative intent with respect to substance
25 abuse and mental health services.--It is the intent of the
26 Legislature to:
27 (13) Promote best practices and the highest quality of
28 care in contracted alcohol, drug abuse, and mental health
29 services through achievement of national accreditation.
30 (14) Ensure that the state agencies, licensing and
31 monitoring contracted providers, perform in the most

1 cost-efficient and effective manner with limited duplication
2 and disruption to organizations providing services.

3 Section 2. Section 394.741, Florida Statutes, is
4 created to read:

5 394.741 Accreditation requirements for providers of
6 behavioral health care services.--

7 (1) As used in this section, the term "behavioral
8 health care services" means mental health and substance abuse
9 treatment services.

10 (2) Notwithstanding any provision of law to the
11 contrary, accreditation shall be accepted by the agency and
12 department in lieu of the agency's and department's facility
13 licensure on-site review requirements and shall be accepted as
14 a substitute for the department's administrative and program
15 monitoring requirements, except as required by subsections (3)
16 and (4):

17 (a) Any organization from which the department
18 purchases behavioral health care services that is accredited
19 by the Joint Commission on Accreditation of Healthcare
20 Organizations or the Council on Accreditation for Children and
21 Family Services, or have those services that are being
22 purchased by the department accredited by CARF--the
23 Rehabilitation Accreditation Commission.

24 (b) Any mental health facility licensed by the agency
25 or any substance abuse component licensed by the department
26 that is accredited by the Joint Commission on Accreditation of
27 Healthcare Organizations, CARF--the Rehabilitation
28 Accreditation Commission or the Council on Accreditation of
29 Children and Family Services.

30 (c) Any network of providers from which the department
31 or the agency purchase behavioral health care services

1 accredited by the Joint Commission on Accreditation of
2 Healthcare Organizations, CARF--the Rehabilitation
3 Accreditation Commission, the Council on Accreditation of
4 Children and Family Services, or the National Committee for
5 Quality Assurance. A provider organization, which is part of
6 an accredited network, is afforded the same rights under this
7 part.

8 (3) For mental health services, the department and the
9 agency may adopt rules that establish:

10 (a) Additional standards for monitoring and licensing
11 accredited programs and facilities that the department and the
12 agency have determined are not specifically and distinctly
13 covered by the accreditation standards and processes. These
14 standards and the associated monitoring must not duplicate the
15 standards and processes already covered by the accrediting
16 bodies.

17 (b) An on-site monitoring process between 24 months
18 and 36 months after accreditation for non-residential
19 facilities to assure that accredited organizations exempt from
20 licensing and monitoring activities under this part continue
21 to comply with critical standards.

22 (c) An on-site monitoring process between 12 months
23 and 24 months after accreditation for residential facilities
24 to assure that accredited organizations exempt from licensing
25 and monitoring activities under this part continue to comply
26 with critical standards.

27 (4) For substance abuse services, the department shall
28 conduct full licensure inspections every three years and shall
29 develop in rule criteria which would justify more frequent
30 inspections.

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1 (5) The department and the agency shall be given
2 access to all accreditation reports, corrective action plans,
3 and performance data submitted to the accrediting
4 organizations. When major deficiencies, as defined by the
5 accrediting organization, are identified through the
6 accreditation process, the department and the agency may
7 perform followup monitoring to assure that such deficiencies
8 are corrected and that the corrections are sustained over
9 time. Proof of compliance with fire and health safety
10 standards will be submitted as required by rule.

11 (6) The department or agency, by accepting the survey
12 or inspection of an accrediting organization, does not forfeit
13 its rights to perform inspections at any time, including
14 contract monitoring to ensure that deliverables are provided
15 in accordance with the contract.

16 (7) The department and the agency shall report to the
17 Legislature by January 1, 2003 on the viability of mandating
18 all organizations under contract with the department for the
19 provision of behavioral healthcare services, or licensed by
20 the agency or department to be accredited. The department and
21 the agency shall also report to the Legislature by January 1,
22 2003 on the viability of privatizing all licensure and
23 monitoring functions through an accrediting organization.

24 (8) The accreditation requirements of this section
25 shall apply to contracted organizations that are already
26 accredited immediately upon becoming law.

27 Section 3. Subsection (5) of section 394.90, Florida
28 Statutes, is amended to read:

29 394.90 Inspection; right of entry; records.--

30 (5)(a) The agency shall ~~may~~ accept, in lieu of its own
31 inspections for licensure, the survey or inspection of an

1 accrediting organization, if the provider is accredited
2 according to the provisions of s. 394.741 and the agency
3 receives the report of the accrediting organization. The
4 department, ~~in consultation with the agency, shall develop,~~
5 ~~and adopt by rule, specific criteria for assuring that the~~
6 ~~accrediting organization has specific standards and experience~~
7 ~~related to the program area being licensed, specific criteria~~
8 ~~for accepting the standards and survey methodologies of an~~
9 ~~accrediting organization, delineations of the obligations of~~
10 ~~accrediting organizations to assure adherence to those~~
11 ~~standards, criteria for receiving, accepting and maintaining~~
12 ~~the confidentiality of the survey and corrective action~~
13 ~~reports, and allowance for the agency's participation in~~
14 ~~surveys.~~

15 (b) ~~The agency shall conduct compliance investigations~~
16 ~~and sample validation inspections to evaluate the inspection~~
17 ~~process of accrediting organizations to ensure minimum~~
18 ~~standards are maintained as provided in Florida statute and~~
19 ~~rule. The agency may conduct a lifesafety inspection in~~
20 ~~calendar years in which an accrediting organization survey is~~
21 ~~not conducted and shall conduct a full state inspection,~~
22 ~~including a lifesafety inspection, if an accrediting~~
23 ~~organization survey has not been conducted within the previous~~
24 ~~36 months. The agency, by accepting the survey or inspection~~
25 ~~of an accrediting organization, does not forfeit its right to~~
26 ~~perform inspections.~~

27 Section 4. Subsection (2) of section 397.411, Florida
28 Statutes, is amended to read:

29 397.411 Inspection; right of entry; records.--

30 (2)(a) The department shall ~~may~~ accept, in lieu of its
31 own inspections for licensure, the survey or inspection of an

1 accrediting organization, if the provider is accredited
2 according to the provisions of s. 394.741 and the department
3 receives the report of the accrediting organization. The
4 department shall develop, and adopt by rule, specific criteria
5 for assuring that the accrediting organization has specific
6 standards and experience related to the program area being
7 licensed; specific criteria for accepting the standards and
8 survey methodologies of an accrediting organization;
9 delineations of the obligations of accrediting organizations
10 to assure adherence to those standards; criteria for
11 receiving, accepting, and maintaining the confidentiality of
12 the survey and corrective action reports; and allowance for
13 the department's participation in surveys.

14 (b) ~~The department shall conduct compliance~~
15 ~~investigations and sample validation inspections to evaluate~~
16 ~~the inspection process of accrediting organizations to ensure~~
17 ~~minimum standards are maintained as provided in Florida~~
18 ~~statute and rule. The department may conduct a fire, safety,~~
19 ~~and health inspection in calendar years in which an~~
20 ~~accrediting organization survey is not conducted and shall~~
21 ~~conduct a full state inspection, including a lifesafety~~
22 ~~inspection, if an accrediting organization survey has not been~~
23 ~~conducted within the previous 36 months. The department, by~~
24 ~~accepting the survey or inspection of an accrediting~~
25 ~~organization, does not forfeit its right to perform~~
26 ~~inspections.~~

27 Section 5. Subsection (3) of section 397.403, Florida
28 Statutes, is amended to read:

29 397.403 License application.--

30 (3) The department shall accept proof of accreditation
31 by CARF--the Rehabilitation Accreditation Commission on

1 ~~Accreditation of Rehabilitation Facilities (CARF)~~ or the Joint
2 Commission on Accreditation of Health Care Organizations
3 (JCAHCO), or through any other nationally recognized
4 certification process that is acceptable to the department and
5 meets the minimum licensure requirements under this chapter,
6 in lieu of requiring the applicant to submit the information
7 required by paragraphs (1)(a)-(c).

8 Section 6. This act shall take effect upon becoming a
9 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1346

4 Removes the requirement that organizations that are licensed
5 by the Agency for Health Care Administration and under
6 contract with the Department of Children and Family Services
7 or the Agency for Health Care Administration to provide
8 behavioral health services or participates in the Medicaid
9 community mental health services or targeted case management
10 program be accredited no later than July 1, 2006.

11 Adds the Council on Accreditation of Children and Family
12 Services as an accreditation body acceptable for mental health
13 facilities licensed by the Agency for Health Care
14 Administration or a substance abuse component licensed by the
15 Department of Children and Family Services.

16 Adds the National Committee for Quality Assurance as an
17 accreditation body acceptable for any network of providers
18 from which the Department of Children and Family Services or
19 the Agency for Health Care Administration purchases behavioral
20 health services.

21 Specifies that the Department of Children and Family Services
22 and the Agency for Health Care Administration may adopt rules
23 for:

- 24 - Establishing additional standards that are not
25 specifically and distinctly covered by the
26 accreditation standards and processes.
- 27 - Identifying an onsite monitoring process to occur
28 after the accreditation survey for non-residential
29 and residential facilities.

30 Requires that the Department of Children and Family Services
31 study the viability of mandating the accreditation of all
behavioral health organizations under contract with the
department or licensed by the Agency for Health Care
Administration and to include this review in its report to the
Legislature.

Changes the date from March 1, 2003, to January 1, 2003, for
the Department of Children and Family Services and the Agency
for Health Care Administration to submit a report to the
Legislature on: 1) the viability of mandating accreditation of
all organizations under contract with the department or
licensed by the department or agency, and 2) the
practicability of privatizing all licensure and monitoring
functions through an accrediting organization.