

By the Committees on Appropriations; Children and Families;
and Senator Saunders

309-1900-01

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; creating s. 394.499,
18 F.S.; authorizing the Department of Children
19 and Family Services, in consultation with the
20 Agency for Health Care Administration, to
21 establish children's behavioral crisis unit
22 demonstration models to provide integrated
23 emergency mental health and substance abuse
24 services to persons under 18 years of age at
25 facilities licensed as children's crisis
26 stabilization units; providing for standards,
27 procedures, and requirements for services;
28 providing eligibility criteria; requiring the
29 department to report on the initial
30 demonstration models; providing for expanding
31 the demonstration models; providing for

1 independent evaluation and report; providing
2 rulemaking authority; providing an effective
3 date.

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

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7 Section 1. Subsections (13) and (14) are added to
8 section 394.66, Florida Statutes, to read:

9 394.66 Legislative intent with respect to substance
10 abuse and mental health services.--It is the intent of the
11 Legislature to:

12 (13) Promote best practices and the highest quality of
13 care in contracted alcohol, drug abuse, and mental health
14 services through achievement of national accreditation.

15 (14) Ensure that the state agencies, licensing and
16 monitoring contracted providers, perform in the most
17 cost-efficient and effective manner with limited duplication
18 and disruption to organizations providing services.

19 Section 2. Section 394.741, Florida Statutes, is
20 created to read:

21 394.741 Accreditation requirements for providers of
22 behavioral health care services.--

23 (1) As used in this section, the term "behavioral
24 health care services" means mental health and substance abuse
25 treatment services.

26 (2) Notwithstanding any provision of law to the
27 contrary, accreditation shall be accepted by the agency and
28 department in lieu of the agency's and department's facility
29 licensure on-site review requirements and shall be accepted as
30 a substitute for the department's administrative and program
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1 monitoring requirements, except as required by subsections (3)
2 and (4):

3 (a) Any organization from which the department
4 purchases behavioral health care services that is accredited
5 by the Joint Commission on Accreditation of Healthcare
6 Organizations or the Council on Accreditation for Children and
7 Family Services, or have those services that are being
8 purchased by the department accredited by CARF--the
9 Rehabilitation Accreditation Commission.

10 (b) Any mental health facility licensed by the agency
11 or any substance abuse component licensed by the department
12 that is accredited by the Joint Commission on Accreditation of
13 Healthcare Organizations, CARF--the Rehabilitation
14 Accreditation Commission or the Council on Accreditation of
15 Children and Family Services.

16 (c) Any network of providers from which the department
17 or the agency purchase behavioral health care services
18 accredited by the Joint Commission on Accreditation of
19 Healthcare Organizations, CARF--the Rehabilitation
20 Accreditation Commission, the Council on Accreditation of
21 Children and Family Services, or the National Committee for
22 Quality Assurance. A provider organization, which is part of
23 an accredited network, is afforded the same rights under this
24 part.

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

27 (a) Additional standards for monitoring and licensing
28 accredited programs and facilities that the department and the
29 agency have determined are not specifically and distinctly
30 covered by the accreditation standards and processes. These
31 standards and the associated monitoring must not duplicate the

1 standards and processes already covered by the accrediting
2 bodies.

3 (b) An on-site monitoring process between 24 months
4 and 36 months after accreditation for non-residential
5 facilities to assure that accredited organizations exempt from
6 licensing and monitoring activities under this part continue
7 to comply with critical standards.

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

13 (4) For substance abuse services, the department shall
14 conduct full licensure inspections every three years and shall
15 develop in rule criteria which would justify more frequent
16 inspections.

17 (5) The department and the agency shall be given
18 access to all accreditation reports, corrective action plans,
19 and performance data submitted to the accrediting
20 organizations. When major deficiencies, as defined by the
21 accrediting organization, are identified through the
22 accreditation process, the department and the agency may
23 perform followup monitoring to assure that such deficiencies
24 are corrected and that the corrections are sustained over
25 time. Proof of compliance with fire and health safety
26 standards will be submitted as required by rule.

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

1 (7) The department and the agency shall report to the
2 Legislature by January 1, 2003 on the viability of mandating
3 all organizations under contract with the department for the
4 provision of behavioral healthcare services, or licensed by
5 the agency or department to be accredited. The department and
6 the agency shall also report to the Legislature by January 1,
7 2003 on the viability of privatizing all licensure and
8 monitoring functions through an accrediting organization.

9 (8) The accreditation requirements of this section
10 shall apply to contracted organizations that are already
11 accredited immediately upon becoming law.

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

14 394.90 Inspection; right of entry; records.--

15 (5)~~(a)~~ The agency shall ~~may~~ accept, in lieu of its own
16 inspections for licensure, the survey or inspection of an
17 accrediting organization, if the provider is accredited
18 according to the provisions of s. 394.741 and the agency
19 receives the report of the accrediting organization. ~~The~~
20 ~~department, in consultation with the agency, shall develop,~~
21 ~~and adopt by rule, specific criteria for assuring that the~~
22 ~~accrediting organization has specific standards and experience~~
23 ~~related to the program area being licensed, specific criteria~~
24 ~~for accepting the standards and survey methodologies of an~~
25 ~~accrediting organization, delineations of the obligations of~~
26 ~~accrediting organizations to assure adherence to those~~
27 ~~standards, criteria for receiving, accepting and maintaining~~
28 ~~the confidentiality of the survey and corrective action~~
29 ~~reports, and allowance for the agency's participation in~~
30 ~~surveys.~~

1 ~~(b) The agency shall conduct compliance investigations~~
2 ~~and sample validation inspections to evaluate the inspection~~
3 ~~process of accrediting organizations to ensure minimum~~
4 ~~standards are maintained as provided in Florida statute and~~
5 ~~rule. The agency may conduct a lifesafety 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 lifesafety inspection, if an accrediting~~
9 ~~organization survey has not been conducted within the previous~~
10 ~~36 months. The agency, by accepting the survey or inspection~~
11 ~~of an accrediting organization, does not forfeit its right to~~
12 ~~perform inspections.~~

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

15 397.411 Inspection; right of entry; records.--

16 (2)~~(a)~~ The department shall ~~may~~ accept, in lieu of its
17 own inspections for licensure, the survey or inspection of an
18 accrediting organization, if the provider is accredited
19 according to the provisions of s. 394.741 and the department
20 receives the report of the accrediting organization. ~~The~~
21 ~~department shall develop, and adopt by rule, specific criteria~~
22 ~~for assuring that the accrediting organization has specific~~
23 ~~standards and experience related to the program area being~~
24 ~~licensed; specific criteria for accepting the standards and~~
25 ~~survey methodologies of an accrediting organization;~~
26 ~~delineations of the obligations of accrediting organizations~~
27 ~~to assure adherence to those standards; criteria for~~
28 ~~receiving, accepting, and maintaining the confidentiality of~~
29 ~~the survey and corrective action reports; and allowance for~~
30 ~~the department's participation in surveys.~~

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1 ~~(b) The department shall conduct compliance~~
2 ~~investigations and sample validation inspections to evaluate~~
3 ~~the inspection process of accrediting organizations to ensure~~
4 ~~minimum standards are maintained as provided in Florida~~
5 ~~statute and rule. The department may conduct a fire, safety,~~
6 ~~and health inspection in calendar years in which an~~
7 ~~accrediting organization survey is not conducted and shall~~
8 ~~conduct a full state inspection, including a lifesafety~~
9 ~~inspection, if an accrediting organization survey has not been~~
10 ~~conducted within the previous 36 months. The department, by~~
11 ~~accepting the survey or inspection of an accrediting~~
12 ~~organization, does not forfeit its right to perform~~
13 ~~inspections.~~

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

16 397.403 License application.--

17 (3) The department shall accept proof of accreditation
18 by CARF--the Rehabilitation Accreditation Commission ~~on~~
19 ~~Accreditation of Rehabilitation Facilities (CARF)~~ or the Joint
20 Commission on Accreditation of Health Care Organizations
21 (JCAHCO), or through any other nationally recognized
22 certification process that is acceptable to the department and
23 meets the minimum licensure requirements under this chapter,
24 in lieu of requiring the applicant to submit the information
25 required by paragraphs (1)(a)-(c).

26 Section 6. Section 394.499, Florida Statutes, is
27 created to read:

28 394.499 Integrated children's crisis stabilization
29 unit/juvenile addictions receiving facility services.--

30 (1) Beginning July 1, 2001, the Department of Children
31 and Family Services, in consultation with the Agency for

1 Health Care Administration, is authorized to establish
2 children's behavioral crisis unit demonstration models in
3 Collier, Lee, and Sarasota Counties. By December 31, 2003, the
4 department shall submit to the President of the Senate, the
5 Speaker of the House of Representatives, and the chairs of the
6 Senate and House committees that oversee departmental
7 activities a report that evaluates the number of clients
8 served, quality of services, performance outcomes, and
9 feasibility of continuing or expanding the demonstration
10 models. Beginning July 1, 2004, subject to approval by the
11 Legislature, the department, in cooperation with the agency,
12 may expand the demonstration models to other areas in the
13 state. The children's behavioral crisis unit demonstration
14 models will integrate children's mental health crisis
15 stabilization units with substance abuse juvenile addictions
16 receiving facility services, to provide emergency mental
17 health and substance abuse services that are integrated within
18 facilities licensed and designated by the agency for children
19 under 18 years of age who meet criteria for admission or
20 examination under this section. The services shall be
21 designated as "integrated children's crisis stabilization
22 unit/juvenile addictions receiving facility services," shall
23 be licensed by the agency as children's crisis stabilization
24 units, and shall meet all licensure requirements for crisis
25 stabilization units. The department, in cooperation with the
26 agency, shall develop standards that address eligibility
27 criteria, clinical procedures, staffing requirements,
28 operational, administrative, and financing requirements, and
29 investigation of complaints for such integrated facility
30 services. Standards that are implemented specific to substance
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1 abuse services shall meet or exceed existing standards for
2 addictions receiving facilities.

3 (2) Children eligible to receive integrated children's
4 crisis stabilization unit/juvenile addictions receiving
5 facility services include:

6 (a) A person under 18 years of age for whom voluntary
7 application is made by his or her guardian, if such person is
8 found to show evidence of mental illness and to be suitable
9 for treatment pursuant to s. 394.4625. A person under 18 years
10 of age may be admitted for integrated facility services only
11 after a hearing to verify that the consent to admission is
12 voluntary.

13 (b) A person under 18 years of age who may be taken to
14 a receiving facility for involuntary examination, if there is
15 reason to believe that he or she is mentally ill and because
16 of his or her mental illness, pursuant to s. 394.463:

17 1. Has refused voluntary examination after
18 conscientious explanation and disclosure of the purpose of the
19 examination; or

20 2. Is unable to determine for himself or herself
21 whether examination is necessary; and

22 a. Without care or treatment is likely to suffer from
23 neglect or refuse to care for himself or herself; such neglect
24 or refusal poses a real and present threat of substantial harm
25 to his or her well-being; and it is not apparent that such
26 harm may be avoided through the help of willing family members
27 or friends or the provision of other services; or

28 b. There is a substantial likelihood that without care
29 or treatment he or she will cause serious bodily harm to
30 himself or herself or others in the near future, as evidenced
31 by recent behavior.

1 (c) A person under 18 years of age who wishes to enter
2 treatment for substance abuse and applies to a service
3 provider for voluntary admission, pursuant to s. 397.601.

4 (d) A person under 18 years of age who meets the
5 criteria for involuntary admission because there is good faith
6 reason to believe the person is substance abuse impaired
7 pursuant to s. 397.675 and, because of such impairment:

8 1. Has lost the power of self-control with respect to
9 substance use; and

10 2.a. Has inflicted, or threatened or attempted to
11 inflict, or unless admitted is likely to inflict, physical
12 harm on himself or herself or another; or

13 b. Is in need of substance abuse services and, by
14 reason of substance abuse impairment, his or her judgment has
15 been so impaired that the person is incapable of appreciating
16 his or her need for such services and of making a rational
17 decision in regard thereto; however, mere refusal to receive
18 such services does not constitute evidence of lack of judgment
19 with respect to his or her need for such services.

20 (e) A person under 18 years of age who meets the
21 criteria for examination or admission under paragraph (b) or
22 paragraph (d) and has a coexisting mental health and substance
23 abuse disorder.

24 (3) The department shall contract for an independent
25 evaluation of the children's behavioral crisis unit
26 demonstration models to identify the most effective ways to
27 provide integrated crisis stabilization unit/juvenile
28 addiction receiving facility services to children. The
29 evaluation shall be reported to the Legislature by December
30 31, 2003.

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1 (4) The department, in cooperation with the agency, is
2 authorized to adopt rules regarding standards and procedures
3 for integrated children's crisis stabilization unit/juvenile
4 addictions receiving facility services.

5 Section 7. Nothing in this act shall be construed to
6 require an existing crisis stabilization unit or juvenile
7 addictions receiving facility to convert to a children's
8 behavioral crisis unit.

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

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 CS for SB 1346

15 Authorizes the Department of Children and Family Services to
16 establish children's behavioral crisis demonstration models in
17 certain counties.
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