

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Council for Healthy Communities offered the following:

Amendment (with title amendment)

On page 5, between lines 8 and 9 of the bill

insert:

Section 3. Subsections (13) and (14) are added to section 394.66, Florida Statutes, to read:

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

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

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

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

394.741 Accreditation requirements for providers of

Amendment No. 2 (for drafter's use only)

1 behavioral health care services.--

2 (1) As used in this section, the term "behavioral
3 health care services" means mental health and substance abuse
4 treatment services.

5 (2) Notwithstanding any provision of law to the
6 contrary, accreditation of the following shall be accepted by
7 the agency and department in lieu of the agency's and
8 department's facility licensure onsite review requirements and
9 shall be accepted as a substitute for the department's
10 administrative and program monitoring requirements, except as
11 required by subsection (3):

12 (a) Any organization from which the department
13 purchases behavioral health care services that is accredited
14 by the Joint Commission on Accreditation of Health Care
15 Organizations or the Council on Accreditation for Children and
16 Family Services; or which has those services that are being
17 purchased by the department accredited by CARF--the
18 Rehabilitation Accreditation Commission.

19 (b) Any mental health facility licensed by the agency
20 or any substance abuse component licensed by the department
21 that is accredited by the Joint Commission on Accreditation of
22 Health Care Organizations, CARF--the Rehabilitation
23 Accreditation Commission, or the Council on Accreditation of
24 Children and Family Services.

25 (c) Any network of providers from which the department
26 or the agency purchases behavioral health care services
27 accredited by the Joint Commission on Accreditation of Health
28 Care Organizations, CARF--the Rehabilitation Accreditation
29 Commission, the Council on Accreditation of Children and
30 Family Services, or the National Committee for Quality
31 Assurance. A provider organization which is part of an

Amendment No. 2 (for drafter's use only)

1 accredited network is afforded the same rights under this
2 part.

3 (3) The department and the agency may adopt rules that
4 establish:

5 (a) Additional standards for monitoring and licensing
6 accredited programs and facilities that the department and the
7 agency have determined are not specifically and distinctly
8 covered by the accreditation standards and processes. These
9 standards and the associated monitoring must not duplicate the
10 standards and processes already covered by the accrediting
11 bodies.

12 (b) An onsite monitoring process between 24 months and
13 36 months after accreditation for nonresidential facilities to
14 assure that accredited organizations exempt from licensing and
15 monitoring activities under this part continue to comply with
16 critical standards.

17 (c) An onsite monitoring process between 12 months and
18 24 months after accreditation for residential facilities to
19 assure that accredited organizations exempt from licensing and
20 monitoring activities under this part continue to comply with
21 critical standards.

22 (4) The department and the agency shall be given
23 access to all accreditation reports, corrective action plans,
24 and performance data submitted to the accrediting
25 organizations. When major deficiencies, as defined by the
26 accrediting organization, are identified through the
27 accreditation process, the department and the agency may
28 perform followup monitoring to assure that such deficiencies
29 are corrected and that the corrections are sustained over
30 time.

31 (5) The department or the agency, by accepting the

Amendment No. 2 (for drafter's use only)

1 survey or inspection of an accrediting organization, does not
2 forfeit its right to perform inspections at any time,
3 including contract monitoring to ensure that deliverables are
4 provided in accordance with the contract.

5 (6) The department and the agency shall report to the
6 Legislature by January 1, 2003, on the viability of mandating
7 all organizations under contract with the department for the
8 provision of behavioral health care services, or licensed by
9 the department or the agency, to be accredited. The department
10 and the agency shall also report to the Legislature by January
11 1, 2003, on the viability of privatizing all licensure and
12 monitoring functions through an accrediting organization.

13 (7) The accreditation requirements of this section
14 shall apply to contracted organizations that are already
15 accredited immediately upon becoming law.

16 Section 5. Subsection (5) of section 394.90, Florida
17 Statutes, is amended to read:

18 394.90 Inspection; right of entry; records.--

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

Amendment No. 2 (for drafter's use only)

1 ~~the confidentiality of the survey and corrective action~~
2 ~~reports, and allowance for the agency's participation in~~
3 ~~surveys.~~

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

16 Section 6. Subsection (3) of section 397.403, Florida
17 Statutes, is amended to read:

18 397.403 License application.--

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

28 Section 7. Subsection (2) of section 397.411, Florida
29 Statutes, is amended to read:

30 397.411 Inspection; right of entry; records.--

31 (2)~~(a)~~ The department shall ~~may~~ accept, in lieu of its

Amendment No. 2 (for drafter's use only)

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

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

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Amendment No. 2 (for drafter's use only)

1 On page 1, line 20
2
3 insert after the semicolon:
4 amending s. 394.66, F.S.; providing legislative
5 intent relating to the accreditation and
6 cost-efficiency of substance abuse and mental
7 health service providers; creating s. 394.741,
8 F.S., relating to accreditation requirements
9 for providers of behavioral health care
10 services; defining the term "behavioral health
11 care services"; requiring the accreditation of
12 certain entities to be accepted in lieu of
13 licensure, administrative, and program
14 monitoring requirements; authorizing the
15 adoption of rules; requiring that the
16 Department of Children and Family Services and
17 the Agency for Health Care Administration be
18 allowed access to all accreditation reports,
19 corrective action plans, and performance data
20 submitted to accrediting organizations;
21 authorizing followup monitoring by the
22 department and the agency if major deficiencies
23 are identified through the accreditation
24 process; preserving the right of the department
25 and agency to perform inspections, including
26 contract monitoring; requiring the department
27 and the agency to report to the Legislature on
28 the viability of mandating accreditation and
29 privatizing licensure and monitoring functions;
30 specifying that the accreditation requirements
31 of s. 394.741, F.S., apply to contracted

Amendment No. 2 (for drafter's use only)

1 organizations that are already accredited;
2 amending s. 394.90, F.S., relating to substance
3 abuse and mental health services; revising
4 provisions relating to licensure,
5 accreditation, and inspection of facilities, to
6 conform; providing a cross reference; amending
7 s. 397.411, F.S., relating to substance abuse
8 service providers; revising provisions relating
9 to licensure, accreditation, and inspection of
10 facilities, to conform; providing a cross
11 reference; amending ss. 397.403; revising the
12 name of the Commission on Accreditation of
13 Rehabilitation Facilities;

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