

Amendment No. 01 (for drafter's use only)

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

11 Representative(s) Detert offered the following:

13 **Amendment to Amendment (521503)**

14 On page 1, line 29 to page 4, line 15  
15 remove from the amendment: all said lines

17 and insert in lieu thereof:

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

20 394.741 Accreditation requirements for providers of  
21 behavioral health care services.--

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

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

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

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

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

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

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

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

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

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

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

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

30           (7) The department and the agency shall report to the  
31 Legislature by January 1, 2003 on the viability of mandating

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1 all organizations under contract with the department for the  
2 provision of behavioral healthcare services, or licensed by  
3 the agency or department to be accredited. The department and  
4 the agency shall also report to the Legislature by January 1,  
5 2003 on the viability of privatizing all licensure and  
6 monitoring functions through an accrediting organization.  
7 (8) The accreditation requirements of this section  
8 shall apply to contracted organizations that are already  
9 accredited immediately upon becoming law.

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