

1 A bill to be entitled
2 An act relating to integrated children's crisis
3 stabilization unit/juvenile addictions
4 receiving facility services; creating s.
5 394.499, F.S.; authorizing the Department of
6 Children and Family Services, in consultation
7 with the Agency for Health Care Administration,
8 to establish children's behavioral crisis unit
9 demonstration models to provide integrated
10 emergency mental health and substance abuse
11 services to persons under 18 years of age at
12 facilities licensed as children's crisis
13 stabilization units; providing for standards,
14 procedures, and requirements for services;
15 providing eligibility criteria; requiring the
16 department to report on the initial
17 demonstration models; providing for expanding
18 the demonstration models; providing for
19 independent evaluation and report; providing
20 rulemaking authority; amending s. 394.66, F.S.;
21 providing legislative intent relating to the
22 accreditation and cost-efficiency of substance
23 abuse and mental health service providers;
24 creating s. 394.741, F.S., relating to
25 accreditation requirements for providers of
26 behavioral health care services; defining the
27 term "behavioral health care services";
28 requiring the accreditation of certain entities
29 to be accepted in lieu of licensure,
30 administrative, and program monitoring
31 requirements; authorizing the adoption of

1 rules; requiring that the Department of
 2 Children and Family Services and the Agency for
 3 Health Care Administration be allowed access to
 4 all accreditation reports, corrective action
 5 plans, and performance data submitted to
 6 accrediting organizations; authorizing followup
 7 monitoring by the department and the agency if
 8 major deficiencies are identified through the
 9 accreditation process; preserving the right of
 10 the department and agency to perform
 11 inspections, including contract monitoring;
 12 requiring the department and the agency to
 13 report to the Legislature on the viability of
 14 mandating accreditation and privatizing
 15 licensure and monitoring functions; specifying
 16 that the accreditation requirements of s.
 17 394.741, F.S., apply to contracted
 18 organizations that are already accredited;
 19 amending s. 394.90, F.S., relating to substance
 20 abuse and mental health services; revising
 21 provisions relating to licensure,
 22 accreditation, and inspection of facilities, to
 23 conform; providing a cross reference; amending
 24 s. 397.411, F.S., relating to substance abuse
 25 service providers; revising provisions relating
 26 to licensure, accreditation, and inspection of
 27 facilities, to conform; providing a cross
 28 reference; amending ss. 397.403; revising the
 29 name of the Commission on Accreditation of
 30 Rehabilitation Facilities; providing an
 31 effective date.

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

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Section 1. Section 394.499, Florida Statutes, is created to read:

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

(1) Beginning July 1, 2001, the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, is authorized to establish children's behavioral crisis unit demonstration models in Collier, Lee, and Sarasota Counties. By December 31, 2003, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that evaluates the number of clients served, quality of services, performance outcomes, and feasibility of continuing or expanding the demonstration models. Beginning July 1, 2004, subject to approval by the Legislature, the department, in cooperation with the agency, may expand the demonstration models to other areas in the state. The children's behavioral crisis unit demonstration models will integrate children's mental health crisis stabilization units with substance abuse juvenile addictions receiving facility services, to provide emergency mental health and substance abuse services that are integrated within facilities licensed and designated by the agency for children under 18 years of age who meet criteria for admission or examination under this section. The services shall be designated as "integrated children's crisis stabilization unit/juvenile addictions receiving facility services," shall be licensed by the agency as children's crisis stabilization

1 units, and shall meet all licensure requirements for crisis
2 stabilization units. The department, in cooperation with the
3 agency, shall develop standards that address eligibility
4 criteria, clinical procedures, staffing requirements,
5 operational, administrative, and financing requirements, and
6 investigation of complaints for such integrated facility
7 services. Standards that are implemented specific to substance
8 abuse services shall meet or exceed existing standards for
9 addictions receiving facilities.

10 (2) Children eligible to receive integrated children's
11 crisis stabilization unit/juvenile addictions receiving
12 facility services include:

13 (a) A person under 18 years of age for whom voluntary
14 application is made by his or her guardian, if such person is
15 found to show evidence of mental illness and to be suitable
16 for treatment pursuant to s. 394.4625. A person under 18 years
17 of age may be admitted for integrated facility services only
18 after a hearing to verify that the consent to admission is
19 voluntary.

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

24 1. Has refused voluntary examination after
25 conscientious explanation and disclosure of the purpose of the
26 examination; or

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

29 a. Without care or treatment is likely to suffer from
30 neglect or refuse to care for himself or herself; such neglect
31 or refusal poses a real and present threat of substantial harm

1 to his or her well-being; and it is not apparent that such
2 harm may be avoided through the help of willing family members
3 or friends or the provision of other services; or

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

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

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

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

17 2.a. Has inflicted, or threatened or attempted to
18 inflict, or unless admitted is likely to inflict, physical
19 harm on himself or herself or another; or

20 b. Is in need of substance abuse services and, by
21 reason of substance abuse impairment, his or her judgment has
22 been so impaired that the person is incapable of appreciating
23 his or her need for such services and of making a rational
24 decision in regard thereto; however, mere refusal to receive
25 such services does not constitute evidence of lack of judgment
26 with respect to his or her need for such services.

27 (e) A person under 18 years of age who meets the
28 criteria for examination or admission under paragraph (b) or
29 paragraph (d) and has a coexisting mental health and substance
30 abuse disorder.

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1 (3) The department shall contract for an independent
2 evaluation of the children's behavioral crisis unit
3 demonstration models to identify the most effective ways to
4 provide integrated crisis stabilization unit/juvenile
5 addiction receiving facility services to children. The
6 evaluation shall be reported to the Legislature by December
7 31, 2003.

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

12 Section 2. Nothing in this act shall be construed to
13 require an existing crisis stabilization unit or juvenile
14 addictions receiving facility to convert to a children's
15 behavioral crisis unit.

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

18 394.66 Legislative intent with respect to substance
19 abuse and mental health services.--It is the intent of the
20 Legislature to:

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

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

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

30 394.741 Accreditation requirements for providers of
31 behavioral health care services.--

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

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

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

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

24 (c) Any network of providers from which the department
25 or the agency purchase behavioral health care services
26 accredited by the Joint Commission on Accreditation of
27 Healthcare Organizations, CARF--the Rehabilitation
28 Accreditation Commission, the Council on Accreditation of
29 Children and Family Services, or the National Committee for
30 Quality Assurance. A provider organization, which is part of
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1 an accredited network, is afforded the same rights under this
2 part.

3 (3) For mental health services, the department and the
4 agency may adopt rules that 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 on-site monitoring process between 24 months
13 and 36 months after accreditation for non-residential
14 facilities to assure that accredited organizations exempt from
15 licensing and monitoring activities under this part continue
16 to comply with critical standards.

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

22 (4) For substance abuse services, the department shall
23 conduct full licensure inspections every three years and shall
24 develop in rule criteria which would justify more frequent
25 inspections.

26 (5) The department and the agency shall be given
27 access to all accreditation reports, corrective action plans,
28 and performance data submitted to the accrediting
29 organizations. When major deficiencies, as defined by the
30 accrediting organization, are identified through the
31 accreditation process, the department and the agency may

1 perform followup monitoring to assure that such deficiencies
2 are corrected and that the corrections are sustained over
3 time. Proof of compliance with fire and health safety
4 standards will be submitted as required by rule.

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

10 (7) The department and the agency shall report to the
11 Legislature by January 1, 2003 on the viability of mandating
12 all organizations under contract with the department for the
13 provision of behavioral healthcare services, or licensed by
14 the agency or department to be accredited. The department and
15 the agency shall also report to the Legislature by January 1,
16 2003 on the viability of privatizing all licensure and
17 monitoring functions through an accrediting organization.

18 (8) The accreditation requirements of this section
19 shall apply to contracted organizations that are already
20 accredited immediately upon becoming law.

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

23 394.90 Inspection; right of entry; records.--

24 (5)~~(a)~~ The agency shall ~~may~~ accept, in lieu of its own
25 inspections for licensure, the survey or inspection of an
26 accrediting organization, if the provider is accredited
27 according to the provisions of s. 394.741 and the agency
28 receives the report of the accrediting organization. ~~The~~
29 ~~department, in consultation with the agency, shall develop,~~
30 ~~and adopt by rule, specific criteria for assuring that the~~
31 ~~accrediting organization has specific standards and experience~~

1 ~~related to the program area being licensed, specific criteria~~
2 ~~for accepting the standards and survey methodologies of an~~
3 ~~accrediting organization, delineations of the obligations of~~
4 ~~accrediting organizations to assure adherence to those~~
5 ~~standards, criteria for receiving, accepting and maintaining~~
6 ~~the confidentiality of the survey and corrective action~~
7 ~~reports, and allowance for the agency's participation in~~
8 ~~surveys.~~

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

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

23 397.403 License application.--

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

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

5 397.411 Inspection; right of entry; records.--

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

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

1 ~~organization, does not forfeit its right to perform~~
2 ~~inspections.~~

3 Section 8. This act shall take effect upon becoming a
4 law.

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