

By Senator Saunders

37-598-03

1 A bill to be entitled
2 An act relating to substance abuse and mental
3 health services; amending s. 394.741, F.S.;
4 amending accreditation requirements for
5 providers of behavioral health care services;
6 requiring the Department of Children and Family
7 Services and the Agency for Health Care
8 Administration to follow only properly adopted
9 and applicable statutes and rules in monitoring
10 contracted providers; requiring the department
11 to file a State Project Compliance Supplement;
12 providing an effective date.

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

16 Section 1. Section 394.741, Florida Statutes, is
17 amended to read:

18 394.741 Accreditation requirements for providers of
19 behavioral health care services.--

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

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

30 (a) Any organization from which the department
31 purchases behavioral health care services that is accredited

1 by the Joint Commission on Accreditation of Healthcare
2 Organizations or the Council on Accreditation for Children and
3 Family Services, or has those services that are being
4 purchased by the department accredited by CARF--the
5 Rehabilitation Accreditation Commission.

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

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

21 (3) For organizations accredited as set forth in
22 subsection (2), before the department or the agency conducts
23 additional monitoring for mental health services, the
24 department and the agency must adopt rules ~~mental health~~
25 ~~services, the department and the agency may adopt rules~~ that
26 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 onsite monitoring process between 24 months and
4 36 months after accreditation for nonresidential facilities to
5 assure that accredited organizations exempt from licensing and
6 monitoring activities under this part continue to comply with
7 critical standards.

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

13 (4) For substance abuse services, the department shall
14 conduct full licensure inspections every 3 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 monitor for the purpose of ensuring that
30 services that have been billed to the department were provided
31 ~~perform inspections at any time, including contract monitoring~~

1 ~~to ensure that deliverables are provided in accordance with~~
2 ~~the contract.~~

3 (7) For purposes of licensure and monitoring of
4 facilities under contract with the department, the department
5 shall rely only upon properly adopted and applicable federal
6 and state statutes and rules.

7 (8) The department shall file a State Projects
8 Compliance Supplement pursuant to s. 215.97 for behavioral
9 health care services. In monitoring the financial operations
10 of its contractors, the department shall perform an offsite
11 desk review of its contractors' most recent independent audit
12 by a certified public accountant and may conduct onsite
13 monitoring only of problems identified by these audits.

14 ~~(9)~~(7) The department and the agency shall report to
15 the Legislature by January 1, 2003, on the viability of
16 mandating all organizations under contract with the department
17 for the provision of behavioral health care services, or
18 licensed by the agency or department to be accredited. The
19 department and the agency shall also report to the Legislature
20 by January 1, 2003, on the viability of privatizing all
21 licensure and monitoring functions through an accrediting
22 organization.

23 ~~(10)~~(8) The accreditation requirements of this section
24 ~~shall~~ apply to contracted organizations that are already
25 accredited immediately upon becoming law.

26 Section 2. This act shall take effect upon becoming a
27 law.

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SENATE SUMMARY

Amends accreditation requirements for providers of behavioral health care services. Requires the Department of Children and Family Services and the Agency for Health Care Administration to follow only properly adopted and applicable statutes and rules in monitoring contracted providers. Requires the department to file a State Project Compliance Supplement.