

By the Committee on Health and Human Services Appropriations;
and Senator Peadar

603-03259-10

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1 A bill to be entitled
2 An act relating to child welfare services and mental
3 health and substance abuse; limiting state agency
4 contract monitoring to once every 3 years if the
5 contracted provider is subject to accreditation
6 surveys by specified accreditation organizations;
7 providing exceptions; allowing the establishment of an
8 Internet-based data warehouse to maintain the records
9 of contract providers; requiring state agencies to use
10 the warehouse for document requests; specifying the
11 information that such records must include; amending
12 s. 402.7305, F.S.; limiting the Department of Children
13 and Family Services to one contract monitoring of a
14 child-caring or child-placing contract provider per
15 year; repealing s. 394.655, F.S., relating to the
16 Florida Substance Abuse and Mental Health Corporation;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Contracts for child welfare services.—The
22 Department of Children and Family Services, the Department of
23 Health, the Department of Juvenile Justice, the Agency for
24 Persons with Disabilities, the Agency for Health Care
25 Administration, and the community-based care lead agencies shall
26 identify and implement changes that improve efficiency in
27 contract administration for child welfare services. To assist
28 with that goal, each agency shall adopt the following policies:

29 (1) Limit administrative monitoring to once every 3 years

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30 if the contracted provider is accredited by the Joint Commission
31 on the Accreditation of Healthcare Organizations, the Commission
32 on Accreditation of Rehabilitation Facilities, or the Council on
33 Accreditation. Notwithstanding the survey or inspection of an
34 accrediting organization, the department or agency may continue
35 to monitor the provider as necessary with respect to:

36 (a) Ensuring that services for which the agency is paying
37 are being provided.

38 (b) Investigating complaints or suspected problems and
39 monitoring the provider's compliance with any resulting
40 negotiated terms and conditions, including provisions relating
41 to consent decrees that are unique to a specific contract and
42 are not statements of general applicability.

43 (c) Ensuring compliance with federal and state laws,
44 federal regulations, or state rules if such monitoring does not
45 duplicate the accrediting organization's review pursuant to
46 accreditation standards.

47 (2) Allow private-sector development and implementation of
48 an Internet-based, secure, and consolidated data warehouse and
49 archive for maintaining corporate, fiscal, and administrative
50 records of child welfare provider contracts. Providers must
51 ensure that the data is up to date and accessible to the
52 contracting state agency and the contracting provider. State
53 agencies that contract with child welfare providers must use the
54 data warehouse for document requests. If information is not
55 current or is unavailable from the provider's data warehouse and
56 archive, the state agency may contact the provider directly. At
57 a minimum, the records must include the provider's:

58 (a) Articles of incorporation.

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- 59 (b) Bylaws.
- 60 (c) Governing board and committee minutes.
- 61 (d) Financial audits.
- 62 (e) Expenditure reports.
- 63 (f) Compliance audits.
- 64 (g) Organizational charts.
- 65 (h) Governing board membership information.
- 66 (i) Human resource policies and procedures.

67 Section 2. Subsection (4) of section 402.7305, Florida
 68 Statutes, is amended to read:

69 402.7305 Department of Children and Family Services;
 70 procurement of contractual services; contract management.—

71 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
 72 department shall establish contract monitoring units staffed by
 73 career service employees who report to a member of the Selected
 74 Exempt Service or Senior Management Service and who have been
 75 properly trained to perform contract monitoring.~~with~~ At least
 76 one member of the contract monitoring unit must possess
 77 ~~possessing~~ specific knowledge and experience in the contract's
 78 program area. The department shall establish a contract
 79 monitoring process that includes ~~must include~~, but need not be
 80 limited to, the following requirements:

81 (a) Performing a risk assessment at the start of each
 82 fiscal year and preparing an annual contract monitoring schedule
 83 that considers ~~includes consideration for~~ the level of risk
 84 assigned. The department may monitor any contract at any time
 85 regardless of whether such monitoring was originally included in
 86 the annual contract monitoring schedule.

87 (b) Preparing a contract monitoring plan, including

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88 sampling procedures, before performing onsite monitoring at
89 external locations of a service provider. The plan must include
90 a description of the programmatic, fiscal, and administrative
91 components that will be monitored on site. If appropriate,
92 clinical and therapeutic components may be included.

93 (c) Conducting analyses of the performance and compliance
94 of an external service provider by means of desk reviews if the
95 external service provider will not be monitored on site during a
96 fiscal year.

97 (d) Unless the department sets forth in writing the need
98 for an extension, providing a written report presenting the
99 results of the monitoring within 30 days after the completion of
100 the onsite monitoring or desk review.

101 (e) Developing and maintaining a set of procedures
102 describing the contract monitoring process.

103
104 Notwithstanding any other provision of the section, the
105 department shall limit contract monitoring of a child-caring or
106 child-placing services provider to only once per year. Such
107 monitoring may not duplicate administrative monitoring that is
108 included in the survey of a contract provider conducted by a
109 national accreditation organization.

110 Section 3. Section 394.655, Florida Statutes, is repealed.

111 Section 4. This act shall take effect July 1, 2010.