

By Senator Haridopolos

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

15  
16 Be It Enacted by the Legislature of the State of Florida:

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

26           (1) Limit administrative monitoring to once every 3 years  
27 if the contracted provider is accredited by the Joint Commission  
28 on the Accreditation of Healthcare Organizations, the Commission  
29 on Accreditation of Rehabilitation Facilities, or the Council on

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30 Accreditation. Notwithstanding the survey or inspection of an  
31 accrediting organization, the department or agency may continue  
32 to monitor the provider as necessary with respect to:

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

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

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

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

55 (a) Articles of incorporation.

56 (b) Bylaws.

57 (c) Governing board and committee minutes.

58 (d) Financial audits.

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- 59       (e) Expenditure reports.
- 60       (f) Compliance audits.
- 61       (g) Organizational charts.
- 62       (h) Governing board membership information.
- 63       (i) Human resource policies and procedures.

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

66       402.7305 Department of Children and Family Services;  
 67 procurement of contractual services; contract management.-

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

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

84       (b) Preparing a contract monitoring plan, including  
 85 sampling procedures, before performing onsite monitoring at  
 86 external locations of a service provider. The plan must include  
 87 a description of the programmatic, fiscal, and administrative

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88 components that will be monitored on site. If appropriate,  
89 clinical and therapeutic components may be included.

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

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

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

100

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

107 Section 3. This act shall take effect July 1, 2010.