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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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The Committee on Health Regulation (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 402.7306, Florida Statutes, is amended to read:

402.7306 Administrative monitoring of ~~for~~ child welfare providers, and administrative, licensure, and programmatic monitoring of mental health and substance abuse service providers.—The Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, ~~and~~ community-based



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13 care lead agencies, managing entities as defined in s. 394.9082,
14 and agencies who have contracted with monitoring agents shall
15 identify and implement changes that improve the efficiency of
16 administrative monitoring of child welfare services, and the
17 administrative, licensure, and programmatic monitoring of mental
18 health and substance abuse service providers. For the purpose of
19 this section, the term "mental health and substance abuse
20 service provider" means a provider who provides services to this
21 state's priority population as defined in s. 394.674. To assist
22 with that goal, each such agency shall adopt the following
23 policies:

24 (1) Limit administrative monitoring to once every 3 years
25 if the child welfare provider is accredited by the Joint
26 ~~Commission on Accreditation of Healthcare Organizations~~, the
27 Commission on Accreditation of Rehabilitation Facilities, or the
28 ~~Council on Accreditation of Children and Family Services~~. If the
29 accrediting body does not require documentation that the state
30 agency requires, that documentation shall be requested by the
31 state agency and may be posted by the service provider on the
32 data warehouse for the agency's review. Notwithstanding the
33 survey or inspection of an accrediting organization specified in
34 this subsection, an agency specified in and subject to this
35 section may continue to monitor the service provider as
36 necessary with respect to:

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

39 (b) Investigating complaints or suspected problems and
40 monitoring the service provider's compliance with any resulting
41 negotiated terms and conditions, including provisions relating



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42 to consent decrees that are unique to a specific service and are
43 not statements of general applicability.

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

48
49 Medicaid certification and precertification reviews are exempt
50 from this subsection to ensure Medicaid compliance.

51 (2) Limit administrative, licensure, and programmatic
52 monitoring to once every 3 years if the mental health or
53 substance abuse service provider is accredited by the Joint
54 Commission, the Commission on Accreditation of Rehabilitation
55 Facilities, or the Council on Accreditation. If the services
56 being monitored are not the services for which the provider is
57 accredited, the limitations of this subsection do not apply. If
58 the accrediting body does not require documentation that the
59 state agency requires, that documentation must be requested by
60 the state agency and may be posted by the service provider on
61 the data warehouse for the agency's review. Notwithstanding the
62 survey or inspection of an accrediting organization specified in
63 this subsection, an agency specified in and subject to this
64 section may continue to monitor the service provider as
65 necessary with respect to:

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

68 (b) Investigating complaints, identifying problems that
69 would affect the safety or viability of the service provider,
70 and monitoring the service provider's compliance with any



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71 resulting negotiated terms and conditions, including provisions
72 relating to consent decrees that are unique to a specific
73 service and are not statements of general applicability.

74 (c) Ensuring compliance with federal and state laws,
75 federal regulations, or state rules if such monitoring does not
76 duplicate the accrediting organization's review pursuant to
77 accreditation standards.

78
79 Medicaid certification and precertification reviews are exempt
80 from this subsection to ensure Medicaid compliance.

81 (3)~~(2)~~ Allow private sector development and implementation
82 of an Internet-based, secure, and consolidated data warehouse
83 and archive for maintaining corporate, fiscal, and
84 administrative records of child welfare, mental health, or
85 substance abuse service providers. A service provider shall
86 ensure that the data is up to date and accessible to the
87 applicable agency under this section and the appropriate agency
88 subcontractor. A service provider shall submit any revised,
89 updated information to the data warehouse within 10 business
90 days after receiving the request. An agency that conducts
91 administrative monitoring of child welfare, mental health, or
92 substance abuse service providers under this section must use
93 the data warehouse for document requests. If the information
94 provided to the agency by the provider's data warehouse is not
95 current or is unavailable from the data warehouse and archive,
96 the agency may contact the service provider directly. A service
97 provider that fails to comply with an agency's requested
98 documents may be subject to a site visit to ensure compliance.
99 Access to the data warehouse must be provided without charge to



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100 an applicable agency under this section. At a minimum, the
101 records must include the service provider's:

- 102 (a) Articles of incorporation.
- 103 (b) Bylaws.
- 104 (c) Governing board and committee minutes.
- 105 (d) Financial audits.
- 106 (e) Expenditure reports.
- 107 (f) Compliance audits.
- 108 (g) Organizational charts.
- 109 (h) Governing board membership information.
- 110 (i) Human resource policies and procedures.
- 111 (j) Staff credentials.
- 112 (k) Monitoring procedures, including tools and schedules.
- 113 (l) Procurement and contracting policies and procedures.
- 114 (m) Monitoring reports.

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

116
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete everything before the enacting clause
120 and insert:

121 A bill to be entitled
122 An act relating to administrative monitoring of
123 providers of child welfare services, mental health
124 services, and substance abuse services; amending s.
125 402.7306, F.S.; defining the term "mental health and
126 substance abuse service provider" as it relates to the
127 monitoring of providers of child welfare services,
128 mental health services, and substance abuse services;



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129 requiring the Department of Children and Family
130 Services, the Department of Health, the Agency for
131 Persons with Disabilities, the Agency for Health Care
132 Administration, community-based care lead agencies,
133 managing entities, and agencies that have contracted
134 with monitoring agents to adopt certain revised
135 policies for the administrative monitoring of child
136 welfare service providers, mental health service
137 providers, and substance abuse service providers;
138 conforming provisions to changes made by the act;
139 limiting the frequency of required administrative,
140 licensure, and programmatic monitoring for mental
141 health service providers and substance abuse service
142 providers that are accredited by specified entities;
143 providing certain exception to the limitations on
144 monitoring; requiring that the corporate, fiscal, and
145 administrative records of mental health service
146 providers and substance abuse service providers be
147 included in a consolidated data warehouse and archive;
148 providing an effective date.