

By Senator Storms

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1 A bill to be entitled

2 An act relating to administrative monitoring of
3 providers of child welfare services, mental health
4 services, and substance abuse services; amending s.
5 402.7306, F.S.; requiring the Department of Children
6 and Family Services, the Department of Health, the
7 Agency for Persons with Disabilities, the Agency for
8 Health Care Administration, community-based care lead
9 agencies, managing entities, and their contracted
10 monitoring agents to adopt certain revised policies
11 for the administrative monitoring of providers of
12 child welfare services, mental health services, and
13 substance abuse services; conforming provisions to
14 changes made by the act; providing an effective date.

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

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

20 402.7306 Administrative monitoring for child welfare
21 providers, mental health providers, and substance abuse
22 providers who provide services to the state's priority
23 populations as provided in s. 394.674.—The Department of
24 Children and Family Services, the Department of Health, the
25 Agency for Persons with Disabilities, the Agency for Health Care
26 Administration, ~~and~~ community-based care lead agencies, managing
27 entities as defined in s. 394.9082, and their contracted,
28 monitoring agents shall identify and implement changes that
29 improve the efficiency of administrative monitoring of child

10-00424A-11

20111366__

30 welfare services, mental health services, and substance abuse
31 services. To assist with that goal, each such agency shall adopt
32 the following policies:

33 (1) Limit administrative, licensure, and programmatic
34 monitoring to once every 3 years if the ~~child welfare~~ provider
35 of child welfare services, mental health services, or substance
36 abuse services is accredited by the Joint Commission on
37 Accreditation of Healthcare Organizations, the Commission on
38 Accreditation of Rehabilitation Facilities, or the Council on
39 Accreditation of Children and Family Services. If the
40 accrediting body does not require documentation that the state
41 agency requires, that documentation shall be requested by the
42 state agency and may be posted by the service provider on the
43 data warehouse for the agency's review. Notwithstanding the
44 survey or inspection of an accrediting organization specified in
45 this subsection, an agency specified in and subject to this
46 section may continue to monitor the service provider as
47 necessary with respect to:

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

50 (b) Investigating complaints or suspected problems and
51 monitoring the service provider's compliance with any resulting
52 negotiated terms and conditions, including provisions relating
53 to consent decrees that are unique to a specific service and are
54 not statements of general applicability.

55 (c) Ensuring compliance with federal and state laws,
56 federal regulations, or state rules if such monitoring does not
57 duplicate the accrediting organization's review pursuant to
58 accreditation standards.

10-00424A-11

20111366

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

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

- (a) Articles of incorporation.
- (b) Bylaws.
- (c) Governing board and committee minutes.
- (d) Financial audits.

10-00424A-11

20111366__

- 88 (e) Expenditure reports.
- 89 (f) Compliance audits.
- 90 (g) Organizational charts.
- 91 (h) Governing board membership information.
- 92 (i) Human resource policies and procedures.
- 93 (j) Staff credentials.
- 94 (k) Monitoring procedures, including tools and schedules.
- 95 (l) Procurement and contracting policies and procedures.
- 96 (m) Monitoring reports.
- 97 Section 2. This act shall take effect July 1, 2011.