

By the Committee on Children, Families, and Elder Affairs; and
Senator Storms

586-02448-11

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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.—The Department of Children and Family Services, the
22 Department of Health, the Agency for Persons with Disabilities,
23 the Agency for Health Care Administration, ~~and~~ community-based
24 care lead agencies, managing entities as defined in s. 394.9082,
25 and their contracted, monitoring agents shall identify and
26 implement changes that improve the efficiency of administrative
27 monitoring of child welfare services, mental health services,
28 and substance abuse services. To assist with that goal, each
29 such agency shall adopt the following policies:

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

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

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

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

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

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

- 83 (a) Articles of incorporation.
84 (b) Bylaws.
85 (c) Governing board and committee minutes.
86 (d) Financial audits.
87 (e) Expenditure reports.

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