

By the Committees on Health Regulation; and Children, Families,
and Elder Affairs; and Senator Storms

588-03823-11

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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.; defining the term "mental health and
6 substance abuse service provider" as it relates to the
7 monitoring of providers of child welfare services,
8 mental health services, and substance abuse services;
9 requiring the Department of Children and Family
10 Services, the Department of Health, the Agency for
11 Persons with Disabilities, the Agency for Health Care
12 Administration, community-based care lead agencies,
13 managing entities, and agencies that have contracted
14 with monitoring agents to adopt certain revised
15 policies for the administrative monitoring of child
16 welfare service providers, mental health service
17 providers, and substance abuse service providers;
18 conforming provisions to changes made by the act;
19 limiting the frequency of required administrative,
20 licensure, and programmatic monitoring for mental
21 health service providers and substance abuse service
22 providers that are accredited by specified entities;
23 providing certain exception to the limitations on
24 monitoring; requiring that the corporate, fiscal, and
25 administrative records of mental health service
26 providers and substance abuse service providers be
27 included in a consolidated data warehouse and archive;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 402.7306 Administrative monitoring of ~~for~~ child welfare
35 providers, and administrative, licensure, and programmatic
36 monitoring of mental health and substance abuse service
37 providers.—The Department of Children and Family Services, the
38 Department of Health, the Agency for Persons with Disabilities,
39 the Agency for Health Care Administration, ~~and~~ community-based
40 care lead agencies, managing entities as defined in s. 394.9082,
41 and agencies who have contracted with monitoring agents shall
42 identify and implement changes that improve the efficiency of
43 administrative monitoring of child welfare services, and the
44 administrative, licensure, and programmatic monitoring of mental
45 health and substance abuse service providers. For the purpose of
46 this section, the term “mental health and substance abuse
47 service provider” means a provider who provides services to this
48 state’s priority population as defined in s. 394.674. To assist
49 with that goal, each such agency shall adopt the following
50 policies:

51 (1) Limit administrative monitoring to once every 3 years
52 if the child welfare provider is accredited by the Joint
53 Commission ~~on Accreditation of Healthcare Organizations,~~ the
54 Commission on Accreditation of Rehabilitation Facilities, or the
55 Council on Accreditation ~~of Children and Family Services.~~ If the
56 accrediting body does not require documentation that the state
57 agency requires, that documentation shall be requested by the
58 state agency and may be posted by the service provider on the

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59 data warehouse for the agency's review. Notwithstanding the
60 survey or inspection of an accrediting organization specified in
61 this subsection, an agency specified in and subject to this
62 section may continue to monitor the service provider as
63 necessary with respect to:

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

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

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

75
76 Medicaid certification and precertification reviews are exempt
77 from this subsection to ensure Medicaid compliance.

78 (2) Limit administrative, licensure, and programmatic
79 monitoring to once every 3 years if the mental health or
80 substance abuse service provider is accredited by the Joint
81 Commission, the Commission on Accreditation of Rehabilitation
82 Facilities, or the Council on Accreditation. If the services
83 being monitored are not the services for which the provider is
84 accredited, the limitations of this subsection do not apply. If
85 the accrediting body does not require documentation that the
86 state agency requires, that documentation must be requested by
87 the state agency and may be posted by the service provider on

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88 the data warehouse for the agency's review. Notwithstanding the
89 survey or inspection of an accrediting organization specified in
90 this subsection, an agency specified in and subject to this
91 section may continue to monitor the service provider as
92 necessary with respect to:

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

95 (b) Investigating complaints, identifying problems that
96 would affect the safety or viability of the service provider,
97 and monitoring the service provider's compliance with any
98 resulting negotiated terms and conditions, including provisions
99 relating to consent decrees that are unique to a specific
100 service and are not statements of general applicability.

101 (c) Ensuring compliance with federal and state laws,
102 federal regulations, or state rules if such monitoring does not
103 duplicate the accrediting organization's review pursuant to
104 accreditation standards.

105
106 Medicaid certification and precertification reviews are exempt
107 from this subsection to ensure Medicaid compliance.

108 (3)~~(2)~~ Allow private sector development and implementation
109 of an Internet-based, secure, and consolidated data warehouse
110 and archive for maintaining corporate, fiscal, and
111 administrative records of child welfare, mental health, or
112 substance abuse service providers. A service provider shall
113 ensure that the data is up to date and accessible to the
114 applicable agency under this section and the appropriate agency
115 subcontractor. A service provider shall submit any revised,
116 updated information to the data warehouse within 10 business

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117 days after receiving the request. An agency that conducts
118 administrative monitoring of child welfare, mental health, or
119 substance abuse service providers under this section must use
120 the data warehouse for document requests. If the information
121 provided to the agency by the provider's data warehouse is not
122 current or is unavailable from the data warehouse and archive,
123 the agency may contact the service provider directly. A service
124 provider that fails to comply with an agency's requested
125 documents may be subject to a site visit to ensure compliance.
126 Access to the data warehouse must be provided without charge to
127 an applicable agency under this section. At a minimum, the
128 records must include the service provider's:

- 129 (a) Articles of incorporation.
- 130 (b) Bylaws.
- 131 (c) Governing board and committee minutes.
- 132 (d) Financial audits.
- 133 (e) Expenditure reports.
- 134 (f) Compliance audits.
- 135 (g) Organizational charts.
- 136 (h) Governing board membership information.
- 137 (i) Human resource policies and procedures.
- 138 (j) Staff credentials.
- 139 (k) Monitoring procedures, including tools and schedules.
- 140 (l) Procurement and contracting policies and procedures.
- 141 (m) Monitoring reports.

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