

1 A bill to be entitled
 2 An act relating to administrative monitoring of mental
 3 health and substance abuse service providers; amending s.
 4 402.7306, F.S.; including mental health and substance
 5 abuse providers for purposes of administrative monitoring;
 6 requiring the Department of Children and Family Services,
 7 the Department of Health, the Agency for Persons with
 8 Disabilities, the Agency for Health Care Administration,
 9 community-based care lead agencies, and the Department of
 10 Children and Family Services' managing entities and their
 11 contracted monitoring agents to adopt policies for the
 12 administrative monitoring of child welfare, mental health,
 13 and substance abuse service providers; limiting frequency
 14 of administrative, licensure, and programmatic monitoring
 15 of mental health and substance abuse service providers
 16 under certain conditions; providing an effective date.

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

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

22 402.7306 Administrative monitoring of ~~for~~ child welfare
 23 providers and mental health and substance abuse service
 24 providers who provide services under s. 394.674.—The Department
 25 of Children and Family Services, the Department of Health, the
 26 Agency for Persons with Disabilities, the Agency for Health Care
 27 Administration, ~~and~~ community-based care lead agencies, and the
 28 Department of Children and Family Services' managing entities,

29 as defined in s. 394.9082, and their contracted monitoring
 30 agents shall identify and implement changes that improve the
 31 efficiency of administrative monitoring of child welfare, mental
 32 health, and substance abuse services. To assist with that goal,
 33 each such agency shall adopt the following policies:

34 (1) Limit administrative, licensure, and programmatic
 35 monitoring to once every 3 years if the child welfare, mental
 36 health, or substance abuse service provider is accredited by the
 37 Joint Commission ~~on Accreditation of Healthcare Organizations,~~
 38 the Commission on Accreditation of Rehabilitation Facilities, or
 39 the Council on Accreditation of Children and Family Services. If
 40 the accrediting body does not require documentation that the
 41 state agency requires, that documentation shall be requested by
 42 the state agency and may be posted by the service provider on
 43 the 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

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57 duplicate the accrediting organization's review pursuant to
58 accreditation standards.

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

62 (2) Allow private sector development and implementation of
63 an Internet-based, secure, and consolidated data warehouse and
64 archive for maintaining corporate, fiscal, and administrative
65 records of child welfare, mental health, or substance abuse
66 service providers. A service provider shall ensure that the data
67 is up to date and accessible to the applicable agency under this
68 section and the appropriate agency subcontractor. A service
69 provider shall submit any revised, updated information to the
70 data warehouse within 10 business days after receiving the
71 request. An agency that conducts administrative monitoring of
72 child welfare, mental health, or substance abuse service
73 providers under this section must use the data warehouse for
74 document requests. If the information provided to the agency by
75 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.

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- 85 | (c) Governing board and committee minutes.
- 86 | (d) Financial audits.
- 87 | (e) Expenditure reports.
- 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 upon becoming a law.