

1 A bill to be entitled
2 An act relating to administrative, licensure, and
3 programmatic monitoring of mental health and substance
4 abuse service providers; amending s. 402.7306, F.S.;
5 including mental health and substance abuse providers for
6 purposes of administrative, licensure, and programmatic
7 monitoring; requiring the Department of Children and
8 Family Services, the Department of Health, the Agency for
9 Persons with Disabilities, the Agency for Health Care
10 Administration, community-based care lead agencies,
11 managing entities, and contracted monitoring agents to
12 adopt policies for the monitoring of child welfare, mental
13 health, and substance abuse service providers; limiting
14 the frequency of administrative, licensure, and
15 programmatic monitoring of mental health and substance
16 abuse service providers under certain conditions;
17 providing a definition; exempting Medicaid certification
18 and precertification reviews from certain monitoring
19 requirements; providing for certain documentation to be
20 posted by the provider on a data warehouse; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 402.7306, Florida Statutes, is amended
26 to read:

27 402.7306 Administrative monitoring of ~~for~~ child welfare
28 service providers; administrative, licensure, and programmatic

29 monitoring of mental health and substance abuse service
 30 providers.—The Department of Children and Family Services, the
 31 Department of Health, the Agency for Persons with Disabilities,
 32 the Agency for Health Care Administration, ~~and~~ community-based
 33 care lead agencies, managing entities, as defined in s.
 34 394.9082, and contracted monitoring agents of the agencies shall
 35 identify and implement changes that improve the efficiency of
 36 administrative monitoring of child welfare services and
 37 administrative, licensure, and programmatic monitoring of mental
 38 health and substance abuse services. To assist with that goal,
 39 each such agency shall adopt the following policies:

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

- 54 (a) Ensuring that services for which the agency is paying
 55 are being provided.
 56 (b) Investigating complaints or suspected problems and

57 | monitoring the service provider's compliance with any resulting
58 | negotiated terms and conditions, including provisions relating
59 | to consent decrees that are unique to a specific service and are
60 | not statements of general applicability.

61 | (c) Ensuring compliance with federal and state laws,
62 | federal regulations, or state rules if such monitoring does not
63 | duplicate the accrediting organization's review pursuant to
64 | accreditation standards.

65 |
66 | Medicaid certification and precertification reviews are exempt
67 | from this subsection to ensure Medicaid compliance.

68 | (2) Limit administrative, licensure, and programmatic
69 | monitoring of mental health and substance abuse service
70 | providers to once every 3 years if the service provider is
71 | accredited by the Joint Commission, the Commission on
72 | Accreditation of Rehabilitation Facilities, or the Council on
73 | Accreditation of Children and Family Services. For the purpose
74 | of this section, "mental health and substance abuse service
75 | provider" means a provider who provides services to the state's
76 | priority populations as described in s. 394.674. If the services
77 | being monitored are not the services for which the provider is
78 | accredited, the limitations of this subsection do not apply. If
79 | the accrediting body does not require the documentation that the
80 | state agency requires, that documentation shall be requested by
81 | the state agency and may be posted by the service provider on
82 | the data warehouse for the agency's review. Notwithstanding the
83 | survey or inspection of an accrediting organization specified in
84 | this subsection, an agency specified in and subject to this

85 section may continue to monitor the service provider as
 86 necessary with respect to:

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

89 (b) Investigating complaints, identifying problems that
 90 would affect the safety or viability of the service provider,
 91 and monitoring the service provider's compliance with any
 92 resulting negotiated terms and conditions, including provisions
 93 relating to consent decrees that are unique to a specific
 94 service and are not statements of general applicability.

95 (c) Ensuring compliance with federal and state laws,
 96 federal regulations, or state rules if such monitoring does not
 97 duplicate the accrediting organization's review pursuant to
 98 accreditation standards.

99
 100 Medicaid certification and precertification reviews are exempt
 101 from this subsection to ensure Medicaid compliance.

102 (3)~~(2)~~ Allow private sector development and implementation
 103 of an Internet-based, secure, and consolidated data warehouse
 104 and archive for maintaining corporate, fiscal, and
 105 administrative records of child welfare, mental health, or
 106 substance abuse service providers. A service provider shall
 107 ensure that the data is up to date and accessible to the
 108 applicable agency under this section and the appropriate agency
 109 subcontractor. A service provider shall submit any revised,
 110 updated information to the data warehouse within 10 business
 111 days after receiving the request. An agency that conducts
 112 administrative monitoring of child welfare, mental health, or

113 substance abuse service providers under this section must use
114 the data warehouse for document requests. If the information
115 provided to the agency by the service provider's data warehouse
116 is not current or is unavailable from the data warehouse and
117 archive, the agency may contact the service provider directly. A
118 service provider that fails to comply with an agency's requested
119 documents may be subject to a site visit to ensure compliance.
120 Access to the data warehouse must be provided without charge to
121 an applicable agency under this section. At a minimum, the
122 records must include the service provider's:

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

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