

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 federal 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:

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 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 regulated or licensed under chapter
76 394 or chapter 397 who provides services to the state's priority
77 populations as described in s. 394.674. If the services being
78 monitored are not the services for which the provider is
79 accredited, the limitations of this subsection do not apply. If
80 the accrediting body does not require the documentation that the
81 state agency requires, that documentation, except documentation
82 relating to licensure applications and fees, shall be requested
83 by the state agency and may be posted by the service provider on
84 the data warehouse for the agency's review. Notwithstanding the

85 survey or inspection of an accrediting organization specified in
 86 this subsection, an agency specified in and subject to this
 87 section may continue to monitor the service provider as
 88 necessary with respect to:

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

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

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

102
 103 Federal certification and precertification reviews are exempt
 104 from this subsection to ensure federal compliance.

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

113 updated information to the data warehouse within 10 business
114 days after receiving the request. An agency that conducts
115 administrative monitoring of child welfare, mental health, or
116 substance abuse service providers under this section must use
117 the data warehouse for document requests. If the information
118 provided to the agency by the service provider's data warehouse
119 is not current or is unavailable from the data warehouse and
120 archive, the agency may contact the service provider directly. A
121 service provider that fails to comply with an agency's requested
122 documents may be subject to a site visit to ensure compliance.
123 Access to the data warehouse must be provided without charge to
124 an applicable agency under this section. At a minimum, the
125 records must include the service provider's:

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

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