

CHAPTER 2011-214

Committee Substitute for Committee Substitute for Senate Bill No. 1366

An act relating to administrative monitoring of providers of child welfare services, mental health services, and substance abuse services; amending s. 402.7306, F.S.; defining the term “mental health and substance abuse service provider” as it relates to the monitoring of providers of child welfare services, mental health services, and substance abuse services; requiring the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, community-based care lead agencies, managing entities, and agencies that have contracted with monitoring agents to adopt certain revised policies for the administrative monitoring of child welfare service providers, mental health service providers, and substance abuse service providers; conforming provisions to changes made by the act; limiting the frequency of required administrative, licensure, and programmatic monitoring for mental health service providers and substance abuse service providers that are accredited by specified entities; providing certain exception to the limitations on monitoring; requiring that the corporate, fiscal, and administrative records of mental health service providers and substance abuse service providers be included in a consolidated data warehouse and archive; providing an effective date.

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

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

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

(1) Limit administrative monitoring to once every 3 years if the child welfare provider is accredited by the Joint Commission on ~~Accreditation of Healthcare Organizations~~, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation of ~~Children and Family Services~~. If the accrediting body does not require documentation that the

state agency requires, that documentation shall be requested by the state agency and may be posted by the service provider on the data warehouse for the agency's review. Notwithstanding the survey or inspection of an accrediting organization specified in this subsection, an agency specified in and subject to this section may continue to monitor the service provider as necessary with respect to:

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

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

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

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

(2) Limit administrative, licensure, and programmatic monitoring to once every 3 years if the mental health or substance abuse service provider is accredited by the Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation. If the services being monitored are not the services for which the provider is accredited, the limitations of this subsection do not apply. If the accrediting body does not require documentation that the state agency requires, that documentation, except documentation relating to licensure applications and fees, must be requested by the state agency and may be posted by the service provider on the data warehouse for the agency's review. Notwithstanding the survey or inspection of an accrediting organization specified in this subsection, an agency specified in and subject to this section may continue to monitor the service provider as necessary with respect to:

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

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

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

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

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

- (a) Articles of incorporation.
- (b) Bylaws.
- (c) Governing board and committee minutes.
- (d) Financial audits.
- (e) Expenditure reports.
- (f) Compliance audits.
- (g) Organizational charts.
- (h) Governing board membership information.
- (i) Human resource policies and procedures.
- (j) Staff credentials.
- (k) Monitoring procedures, including tools and schedules.
- (l) Procurement and contracting policies and procedures.
- (m) Monitoring reports.

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

Approved by the Governor June 21, 2011.

Filed in Office Secretary of State June 21, 2011.