

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/CS/HB 391 — Home Health Aides for Medically Fragile Children

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Healthcare Regulation Subcommittee; and Rep. Tramont and others (CS/CS/SB 452 by Fiscal Policy Committee; Appropriations Committee on Health and Human Services; and Senators Harrell and Avila)

The bill creates the Home Health Aides for Medically Fragile Children program to help ameliorate the impact of the shortage of health care workers on medically fragile children. The bill requires the Agency for Health Care Administration (AHCA), in consultation with the Board of Nursing (BON), to approve any training program created by a home health agency (HHA) that meets the federal standards for a nurse aide training program and which is meant to train family caregivers as home health aides for medically fragile children (aide).

The bill requires that such a training program must consist of at least 85 hours of training in specified topics and allows a HHA to employ a family caregiver as an aide if he or she has completed the training program and met other specified criteria, including background screening. The bill also requires an aide to complete HIV/AIDS and cardiopulmonary resuscitation training and requires the employing HHA to ensure that the aide has 12 hours of in-service training every 12 months. The bill grants civil immunity to a HHA that terminates or denies employment to an aide who fails to maintain the requirements of the section or whose name appears on a criminal screening report.

The bill allows the AHCA, in consultation with the BON, to adopt rules to implement the bill and requires the AHCA to assess the program annually and to modify the Medicaid state plan and implement any federal waivers necessary to implement the program.

The bill amends ss. 400.489, 400.490, and 464.0156, F.S., to allow registered nurses to delegate tasks to aides and amends s. 408.822, F.S., to require aides to be included in the direct care workforce survey.

The bill requires the AHCA to establish a Medicaid fee schedule for HHAs employing an aide at \$25 per hour with a utilization cap of no more than eight hours per day.

The bill authorizes four full-time equivalent (FTE) positions and \$353,589 in recurring funds and \$118,728 in nonrecurring funds from the Health Care Trust Fund in Fiscal Year 2023-2024 to the AHCA to implement the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 116-0