

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HM 131 Federal Funding for Home Health Services for Elders

**SPONSOR(S):** Pafford and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SM 152

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Elder & Family Services Policy Committee	10 Y, 0 N	Ciccione	Ciccione
2)	Health & Family Services Policy Council	19 Y, 0 N	Lowell	Gormley
3)	Policy Council			
4)	Rules & Calendar Council			
5)				

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**SUMMARY ANALYSIS**

House Memorial 131 urges Congress to support federally-funded and state-funded home and community-based services for elders and individuals with disabilities, and encourages Congress to implement more unified training and supervision standards for certified nursing assistants and home health aides on a statewide and national level.

The memorial directs that copies of the memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

The memorial has no direct fiscal impact on state funds.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Funding for Home and Community Based Services

Home and Community Based Services allow elders to age in place with dignity and security. These services also prevent or delay premature nursing home placement and are more cost effective than institutional care. Home and Community Based Services provide a continuum of care, such as meals and in-home care, which encourages positive aging and self-care. These services are provided primarily through Medicaid waivers and other programs.

The Agency for Health Care Administration (AHCA), Florida's designated Medicaid agency, operates several Medicaid Waiver programs in partnership with the Department of Elder Affairs. In fiscal year 2008-09, the Legislature appropriated approximately \$296 million for Home and Community Based services to fund these waivers.<sup>1</sup>

In addition, in fiscal year 2008-09, the Legislature appropriated approximately \$187 million dollars for other Home and Community Based Services, including approximately \$90 million from the federal Older Americans Act.<sup>2</sup>

##### Certified Nursing and Home Health Aide Training

Certified Nursing Assistants (CNAs) are individuals certified by the Board of Nursing within the Department of Health who have satisfied the provisions of part II of Chapter 464, F.S. In general, CNAs provide care and assist individuals with tasks relating to the activities of daily living.<sup>3</sup> Similarly, for purposes of part III of chapter 400, F.S., Home Health Aides (HHAs) are individuals who provide hands-on personal care, perform simple procedures as an extension of therapy or nursing services, assist in ambulation or exercises, or assist in the administration of medications.<sup>4</sup>

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<sup>1</sup> These waivers include the Adult Day Health Care and Channeling waivers, operated by the Agency for Health Care Administration, as well as the Aged and Disabled Adult, Alzheimer's Disease, Assisted Living for the Elderly, and Nursing Home Diversion waivers, operated by the Department of Elder Affairs.

<sup>2</sup> Older Americans Act, 42 United States Code 3001 et.seq. as amended by Public Law 106-501; Section 20.41 and Chapter 430, Florida Statutes. Older Americans Act services include congregate meals, home delivered meals, family caregiver support services, elder abuse prevention, and others. Source: Department of Elder Affairs Summary of Programs Services, 2007.

<sup>3</sup> s. 464.201(5), F.S.

<sup>4</sup> s. 400.462(15), F.S.

The Florida Department of Education has established CNA and HHA training curricula that is used in adult vocational technical schools and licensed non-public career education schools. Pursuant to s. 464.203, F.S., it is possible for a CNA to take the test for state certification without successfully completing an approved training program. While general training curricula have been established, there is no uniform state certification for HHAs in Florida.

For CNAs and HHAs, a licensed home health agency is statutorily-required to ensure that an individual is adequately trained to perform the tasks of a CNA or HHA in a home setting.<sup>5</sup> Moreover, home health agencies are required to have on file a copy of each CNA's State of Florida Certification, as well as documentation of each HHA's successful completion of at least 40 hours of training pursuant to s. 400.497(1), F.S. Additional screening requirements of CNAs, HHAs, and other employees and contractors of home health agencies are imposed by s. 400.512, F.S.<sup>6</sup>

Federal regulations for home health agencies enrolled in Medicare and Medicaid permit an HHA to take competency evaluations given by the home health agency in lieu of training. In the alternative, training of aides may be provided by the home health agency. At a minimum, aide training programs are federally-required to include 75 hours of training across thirteen specified training areas, including at least 16 hours of supervised practical training.<sup>7</sup>

### **Proposed Changes**

House Memorial 131 urges Congress to increase federal financial assistance and encourage states to increase financial assistance for publicly supported home and community-based services for elders and individuals with disabilities. Additionally, the memorial encourages Congress to implement more unified training and supervision standards for CNAs and HHAs on a statewide and national level.

The memorial directs that copies of the memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

#### **B. SECTION DIRECTORY:**

Not applicable.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

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<sup>5</sup> s. 400.476(3), F.S.

<sup>6</sup> Per s. 400.512, F.S, the Level 1 screening standards of chapter 435 apply.

<sup>7</sup> 42 C.F.R. 484.36 ("supervised practical training" means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual basis under the direct supervision of a registered nurse or licensed practical nurse).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The memorial does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

None.