

By Senator Yarborough

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1                   A bill to be entitled  
2           An act relating to Medicaid coverage of home health  
3           care services; amending s. 409.905, F.S.; defining the  
4           terms "attendant care nursing services" and "private  
5           duty nursing services"; authorizing the Agency for  
6           Health Care Administration to pay for private duty  
7           nursing services and attendant care nursing services  
8           provided to Medicaid recipients under certain  
9           circumstances; exempting certain home health agencies  
10          from Medicare Conditions of Participation requirements  
11          and equivalent accreditation requirements; providing  
12          an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Paragraph (d) is added to subsection (4) of  
17           section 409.905, Florida Statutes, to read:

18           409.905 Mandatory Medicaid services.—The agency may make  
19           payments for the following services, which are required of the  
20           state by Title XIX of the Social Security Act, furnished by  
21           Medicaid providers to recipients who are determined to be  
22           eligible on the dates on which the services were provided. Any  
23           service under this section shall be provided only when medically  
24           necessary and in accordance with state and federal law.  
25           Mandatory services rendered by providers in mobile units to  
26           Medicaid recipients may be restricted by the agency. Nothing in  
27           this section shall be construed to prevent or limit the agency  
28           from adjusting fees, reimbursement rates, lengths of stay,  
29           number of visits, number of services, or any other adjustments

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30 necessary to comply with the availability of moneys and any  
31 limitations or directions provided for in the General  
32 Appropriations Act or chapter 216.

33 (4) HOME HEALTH CARE SERVICES.—The agency shall pay for  
34 nursing and home health aide services, supplies, appliances, and  
35 durable medical equipment, necessary to assist a recipient  
36 living at home. An entity that provides such services must be  
37 licensed under part III of chapter 400. These services,  
38 equipment, and supplies, or reimbursement therefor, may be  
39 limited as provided in the General Appropriations Act and do not  
40 include services, equipment, or supplies provided to a person  
41 residing in a hospital or nursing facility.

42 (d)1. As used in this paragraph, the term:

43 a. "Attendant care nursing services" means nursing  
44 treatment as defined in s. 464.003, provided at a level of care  
45 which requires more individualized and continuous care than can  
46 be provided through a home health visit for a Medicaid recipient  
47 21 years of age or older.

48 b. "Private duty nursing services" means nursing treatment  
49 as defined in s. 464.003, provided at a level of care which  
50 requires more individualized and continuous care than can be  
51 provided through a home health visit for a Medicaid recipient  
52 younger than 21 years of age.

53 2. The agency may pay for attendant care nursing services  
54 and private duty nursing services provided to a recipient if  
55 such services are rendered by a licensed home health agency as  
56 defined in s. 400.462 and if the following requirements are met,  
57 as applicable:

58 a. For a home health agency providing attendant care

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59 nursing services, the provider is enrolled as an attendant care  
60 nursing services specialty type.

61 b. For a home health agency providing private duty nursing  
62 services, the provider is enrolled as a private duty nursing  
63 services specialty type.

64 3. A home health agency that provides only private duty  
65 nursing services or attendant care nursing services, or both, is  
66 not required to meet the Medicare Conditions of Participation or  
67 any equivalent accreditation requirements for home health  
68 agencies.

69 Section 2. This act shall take effect July 1, 2023.