

1 A bill to be entitled
 2 An act relating to home health care services under the
 3 Medicaid program; amending s. 409.905, F.S.;
 4 authorizing the Agency for Health Care Administration
 5 to pay for attendant care nursing services and private
 6 duty nursing services under the Medicaid program under
 7 certain circumstances; exempting certain home health
 8 agencies providing only such services from Medicare
 9 certification or its accreditation equivalent
 10 requirements; providing definitions; providing an
 11 effective date.

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

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

17 409.905 Mandatory Medicaid services.—The agency may make
 18 payments for the following services, which are required of the
 19 state by Title XIX of the Social Security Act, furnished by
 20 Medicaid providers to recipients who are determined to be
 21 eligible on the dates on which the services were provided. Any
 22 service under this section shall be provided only when medically
 23 necessary and in accordance with state and federal law.
 24 Mandatory services rendered by providers in mobile units to
 25 Medicaid recipients may be restricted by the agency. Nothing in

HB 871

2023

26 | this section shall be construed to prevent or limit the agency
27 | from adjusting fees, reimbursement rates, lengths of stay,
28 | number of visits, number of services, or any other adjustments
29 | necessary to comply with the availability of moneys and any
30 | limitations or directions provided for in the General
31 | Appropriations Act or chapter 216.

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

41 | (d)1. The agency may pay for attendant care nursing
42 | services or private duty nursing services if such services are
43 | rendered by a licensed home health agency and if the following
44 | requirements are met, as applicable:

45 | a. A home health agency providing attendant care nursing
46 | services must enroll as an attendant care nursing services
47 | specialty type.

48 | b. A home health agency providing private duty nursing
49 | services must enroll as a private duty nursing services
50 | specialty type.

HB 871

2023

51 2. A home health agency providing only attendant care
52 nursing services, only private duty nursing services, or only
53 attendant care nursing and private duty nursing services is
54 exempt from the requirements of Medicare certification or its
55 accreditation equivalent for participation in the Medicaid
56 program under this paragraph.

57 3. As used in this paragraph, the term:

58 a. "Attendant care nursing" means a nursing treatment, as
59 defined in s. 464.003, for a Medicaid enrollee 21 years of age
60 or older at a level of care that is more individual and
61 continuous than the care provided through a home health visit.

62 b. "Home health agency" has the same meaning as in s.
63 400.462.

64 c. "Private duty nursing" means a nursing treatment, as
65 defined in s. 464.003, for a Medicaid enrollee under 21 years of
66 age at a level of care that is more individual and continuous
67 than the care provided through a home health visit.

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