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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Health Policy (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (4) of section
409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make
payments for the following services, which are required of the
state by Title XIX of the Social Security Act, furnished by
Medicaid providers to recipients who are determined to be



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11 eligible on the dates on which the services were provided. Any
12 service under this section shall be provided only when medically
13 necessary and in accordance with state and federal law.

14 Mandatory services rendered by providers in mobile units to
15 Medicaid recipients may be restricted by the agency. Nothing in
16 this section shall be construed to prevent or limit the agency
17 from adjusting fees, reimbursement rates, lengths of stay,
18 number of visits, number of services, or any other adjustments
19 necessary to comply with the availability of moneys and any
20 limitations or directions provided for in the General
21 Appropriations Act or chapter 216.

22 (4) HOME HEALTH CARE SERVICES.—The agency shall pay for
23 nursing and home health aide services, supplies, appliances, and
24 durable medical equipment, necessary to assist a recipient
25 living at home. An entity that provides such services must be
26 licensed under part III of chapter 400. These services,
27 equipment, and supplies, or reimbursement therefor, may be
28 limited as provided in the General Appropriations Act and do not
29 include services, equipment, or supplies provided to a person
30 residing in a hospital or nursing facility.

31 (c) The agency may not pay for home health services unless
32 the services are medically necessary and:

33 1. The services are ordered by a physician, an advanced
34 practice registered nurse, or a physician assistant.

35 2. The written prescription for the services is signed and
36 dated by the recipient's physician, advanced practice registered
37 nurse, or physician assistant before the development of a plan
38 of care and before any request requiring prior authorization.

39 3. The physician, advanced practice registered nurse, or



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40 physician assistant ordering the services is not employed, under
41 contract with, or otherwise affiliated with the home health
42 agency rendering the services. However, this subparagraph does
43 not apply to a home health agency affiliated with a retirement
44 community, of which the parent corporation or a related legal
45 entity owns a rural health clinic certified under 42 C.F.R. part
46 491, subpart A, ss. 1-11, a nursing home licensed under part II
47 of chapter 400, or an apartment or single-family home for
48 independent living. For purposes of this subparagraph, the
49 agency may, on a case-by-case basis, provide an exception for
50 medically fragile children who are younger than 21 years of age.

51 4. The physician, advanced practice registered nurse, or
52 physician assistant ordering the services has examined the
53 recipient within the 30 days preceding the initial request for
54 the services and biannually thereafter.

55 5. The written prescription for the services includes the
56 recipient's acute or chronic medical condition or diagnosis, the
57 home health service required, and, for skilled nursing services,
58 the frequency and duration of the services.

59 6. The national provider identifier, Medicaid
60 identification number, or medical practitioner license number of
61 the physician, advanced practice registered nurse, or physician
62 assistant ordering the services is listed on the written
63 prescription for the services, the claim for home health
64 reimbursement, and the prior authorization request.

65 Section 2. This act shall take effect July 1, 2024.

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



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69 Delete everything before the enacting clause
70 and insert:

71 A bill to be entitled
72 An act relating to home health care services; amending
73 s. 409.905, F.S.; authorizing advanced practice
74 registered nurses and physician assistants to order or
75 write prescriptions for certain Medicaid services;
76 providing an effective date.