

By the Committee on Health Policy; and Senator Trumbull

588-02976-24

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1 A bill to be entitled
2 An act relating to home health care services; amending
3 s. 409.905, F.S.; authorizing advanced practice
4 registered nurses and physician assistants to order or
5 write prescriptions for certain Medicaid services;
6 providing an effective date.

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

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10 Section 1. Paragraph (c) of subsection (4) of section
11 409.905, Florida Statutes, is amended to read:

12 409.905 Mandatory Medicaid services.—The agency may make
13 payments for the following services, which are required of the
14 state by Title XIX of the Social Security Act, furnished by
15 Medicaid providers to recipients who are determined to be
16 eligible on the dates on which the services were provided. Any
17 service under this section shall be provided only when medically
18 necessary and in accordance with state and federal law.

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

27 (4) HOME HEALTH CARE SERVICES.—The agency shall pay for
28 nursing and home health aide services, supplies, appliances, and
29 durable medical equipment, necessary to assist a recipient

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30 living at home. An entity that provides such services must be
31 licensed under part III of chapter 400. These services,
32 equipment, and supplies, or reimbursement therefor, may be
33 limited as provided in the General Appropriations Act and do not
34 include services, equipment, or supplies provided to a person
35 residing in a hospital or nursing facility.

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

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

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

44 3. The physician, advanced practice registered nurse, or
45 physician assistant ordering the services is not employed, under
46 contract with, or otherwise affiliated with the home health
47 agency rendering the services. However, this subparagraph does
48 not apply to a home health agency affiliated with a retirement
49 community, of which the parent corporation or a related legal
50 entity owns a rural health clinic certified under 42 C.F.R. part
51 491, subpart A, ss. 1-11, a nursing home licensed under part II
52 of chapter 400, or an apartment or single-family home for
53 independent living. For purposes of this subparagraph, the
54 agency may, on a case-by-case basis, provide an exception for
55 medically fragile children who are younger than 21 years of age.

56 4. The physician, advanced practice registered nurse, or
57 physician assistant ordering the services has examined the
58 recipient within the 30 days preceding the initial request for

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59 the services and biannually thereafter.

60 5. The written prescription for the services includes the
61 recipient's acute or chronic medical condition or diagnosis, the
62 home health service required, and, for skilled nursing services,
63 the frequency and duration of the services.

64 6. The national provider identifier, Medicaid
65 identification number, or medical practitioner license number of
66 the physician, advanced practice registered nurse, or physician
67 assistant ordering the services is listed on the written
68 prescription for the services, the claim for home health
69 reimbursement, and the prior authorization request.

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