

1 A bill to be entitled
 2 An act relating to home health care services; amending
 3 s. 400.487, F.S.; authorizing contract staff to
 4 provide specified visits for a home health agency
 5 under certain circumstances; amending s. 408.032,
 6 F.S.; revising the definition of "health care
 7 facility" to include a home health agency; amending s.
 8 409.905, F.S.; authorizing an advanced practice
 9 registered nurse to order or write prescriptions for
 10 certain Medicaid services; providing an effective
 11 date.

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

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 15 Section 1. Subsection (5) of section 400.487, Florida
 16 Statutes, is amended to read:

17 400.487 Home health service agreements; physician's,
 18 physician assistant's, and advanced practice registered nurse's
 19 treatment orders; patient assessment; establishment and review
 20 of plan of care; provision of services; orders not to
 21 resuscitate.—

22 (5) When nursing services are ordered, the home health
 23 agency to which a patient has been admitted for care must
 24 provide the initial admission visit, all service evaluation
 25 visits, and the discharge visit by a direct employee or contract

26 | staff. Services provided by others under contractual
 27 | arrangements to a home health agency must be monitored and
 28 | managed by the admitting home health agency. The admitting home
 29 | health agency is fully responsible for ensuring that all care
 30 | provided through its employees or contract staff is delivered in
 31 | accordance with this part and applicable rules.

32 | Section 2. Subsection (8) of section 408.032, Florida
 33 | Statutes, is amended to read:

34 | 408.032 Definitions relating to Health Facility and
 35 | Services Development Act.—As used in ss. 408.031-408.045, the
 36 | term:

37 | (8) "Health care facility" means a skilled nursing
 38 | facility, hospice, ~~or~~ intermediate care facility, or home health
 39 | agency for the developmentally disabled. A facility relying
 40 | solely on spiritual means through prayer for healing is not
 41 | included as a health care facility.

42 | Section 3. Paragraph (c) of subsection (4) of section
 43 | 409.905, Florida Statutes, is amended to read:

44 | 409.905 Mandatory Medicaid services.—The agency may make
 45 | payments for the following services, which are required of the
 46 | state by Title XIX of the Social Security Act, furnished by
 47 | Medicaid providers to recipients who are determined to be
 48 | eligible on the dates on which the services were provided. Any
 49 | service under this section shall be provided only when medically
 50 | necessary and in accordance with state and federal law.

51 Mandatory services rendered by providers in mobile units to
52 Medicaid recipients may be restricted by the agency. Nothing in
53 this section shall be construed to prevent or limit the agency
54 from adjusting fees, reimbursement rates, lengths of stay,
55 number of visits, number of services, or any other adjustments
56 necessary to comply with the availability of moneys and any
57 limitations or directions provided for in the General
58 Appropriations Act or chapter 216.

59 (4) HOME HEALTH CARE SERVICES.—The agency shall pay for
60 nursing and home health aide services, supplies, appliances, and
61 durable medical equipment, necessary to assist a recipient
62 living at home. An entity that provides such services must be
63 licensed under part III of chapter 400. These services,
64 equipment, and supplies, or reimbursement therefor, may be
65 limited as provided in the General Appropriations Act and do not
66 include services, equipment, or supplies provided to a person
67 residing in a hospital or nursing facility.

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

70 1. The services are ordered by a physician or an advanced
71 practice registered nurse.

72 2. The written prescription for the services is signed and
73 dated by the recipient's physician or an advanced practice
74 registered nurse before the development of a plan of care and
75 before any request requiring prior authorization.

76 3. The physician or advanced practice registered nurse
 77 ordering the services is not employed, under contract with, or
 78 otherwise affiliated with the home health agency rendering the
 79 services. However, this subparagraph does not apply to a home
 80 health agency affiliated with a retirement community, of which
 81 the parent corporation or a related legal entity owns a rural
 82 health clinic certified under 42 C.F.R. part 491, subpart A, ss.
 83 1-11, a nursing home licensed under part II of chapter 400, or
 84 an apartment or single-family home for independent living. For
 85 purposes of this subparagraph, the agency may, on a case-by-case
 86 basis, provide an exception for medically fragile children who
 87 are younger than 21 years of age.

88 4. The physician or advanced practice registered nurse
 89 ordering the services has examined the recipient within the 30
 90 days preceding the initial request for the services and
 91 biannually thereafter.

92 5. The written prescription for the services includes the
 93 recipient's acute or chronic medical condition or diagnosis, the
 94 home health service required, and, for skilled nursing services,
 95 the frequency and duration of the services.

96 6. The national provider identifier, Medicaid
 97 identification number, or medical practitioner license number of
 98 the physician or advanced practice registered nurse ordering the
 99 services is listed on the written prescription for the services,
 100 the claim for home health reimbursement, and the prior

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101 | authorization request.

102 | Section 4. This act shall take effect July 1, 2024.