

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

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

44 3. The physician or advanced practice registered nurse
 45 ordering the services is not employed, under contract with, or
 46 otherwise affiliated with the home health agency rendering the
 47 services. However, this subparagraph does not apply to a home
 48 health agency affiliated with a retirement community, of which
 49 the parent corporation or a related legal entity owns a rural
 50 health clinic certified under 42 C.F.R. part 491, subpart A, ss.

51 1-11, a nursing home licensed under part II of chapter 400, or
52 an apartment or single-family home for independent living. For
53 purposes of this subparagraph, the agency may, on a case-by-case
54 basis, provide an exception for medically fragile children who
55 are younger than 21 years of age.

56 4. The physician or advanced practice registered nurse
57 ordering the services has examined the recipient within the 30
58 days preceding the initial request for the services and
59 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 or advanced practice registered nurse ordering the
67 services is listed on the written prescription for the services,
68 the claim for home health reimbursement, and the prior
69 authorization request.

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