

ENROLLED

CS/CS/HB 935

2024 Legislature

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An act relating to home health care services; amending s. 409.905, F.S.; authorizing advanced practice registered nurses and physician assistants to order or write prescriptions for certain Medicaid services; providing an effective date.

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

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 eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General

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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, 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

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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  
 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.