



735504

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Health Policy (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 400.54, Florida Statutes, is amended to
read:

400.54 Annual assessment of the home health aide for
medically fragile children program.—

(1) The agency shall conduct an annual assessment of the
home health aide for medically fragile children program. The



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11 assessment must report caregiver satisfaction with the program,
12 report data on adverse incidents, identify additional support
13 that may be needed by the home health aide for medically fragile
14 children, and assess the rate and extent of hospitalization of
15 children in home health services who are attended by a home
16 health aide for medically fragile children compared to those in
17 home health services provided by a registered nurse or a
18 licensed practical nurse without a home health aide for
19 medically fragile children. Medicaid managed care plans shall
20 provide to the agency data necessary to perform this assessment.

21 (2) The home health agency shall report all adverse
22 incidents occurring under the care of a home health aide for
23 medically fragile children to the agency and managed care plan
24 within 48 hours after the incident. For purposes of reporting to
25 the agency under this subsection, the term "adverse incident"
26 means any of the following:

27 (a) Death.

28 (b) Brain or spinal damage.

29 (c) Permanent disfigurement.

30 (d) Fracture or dislocation of bones or joints.

31 (e) A limitation of neurological, physical, or sensory
32 function.

33 (f) An event that is reported to law enforcement personnel
34 for investigation.

35
36 By January 1 of each year, beginning January 1, 2025, the agency
37 shall report its findings to the Governor, the President of the
38 Senate, and the Speaker of the House of Representatives.

39 Section 2. Present paragraphs (a) and (b) of subsection (3)



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40 of section 400.4765, Florida Statutes, are redesignated as
41 paragraphs (b) and (c), respectively, a new paragraph (a) is
42 added to that subsection, subsection (10) is added to that
43 section, and present paragraph (a) of subsection (3) and
44 subsection (9) of that section are amended, to read:

45 400.4765 Home health aide for medically fragile children
46 program.—

47 (3) TRAINING.—

48 (a) Before providing services to an eligible relative, a
49 home health aide for medically fragile children must complete an
50 approved training program. The employing home health agency must
51 provide validation of competency by a registered nurse and
52 maintain documentation of training completion and competency
53 validation. The employing home health agency must provide
54 additional training and competency validation as the medically
55 fragile child's care needs change and consistent with any
56 changes to the plan of care.

57 (b) ~~(a)~~ The agency, in consultation with the Board of
58 Nursing, shall approve home health aide for medically fragile
59 children training programs developed by home health agencies in
60 accordance with 42 C.F.R. ss. 483.151-483.154 and 484.80 to
61 train family caregivers as home health aides for medically
62 fragile children to increase the health care provider workforce
63 and to authorize persons to provide trained nursing services as
64 delegated by a registered nurse to eligible relatives. The
65 program shall include ~~must consist of at least 85 hours of~~
66 training, including, but not be limited to, all of the
67 following:

68 1. A minimum of 20 ~~40~~ hours of theoretical instruction in



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69 nursing, including, but not limited to, instruction on all of
70 the following:

- 71 a. Person-centered care.
- 72 b. Communication and interpersonal skills.
- 73 c. Infection control.
- 74 d. Safety and emergency procedures.
- 75 e. Assistance with activities of daily living.
- 76 f. Mental health and social service needs.
- 77 g. Care of cognitively impaired individuals.
- 78 h. Basic restorative care and rehabilitation.
- 79 i. Patient rights and confidentiality of personal
80 information and medical records.
- 81 j. Relevant legal and ethical issues.

82
83 Such instruction must be offered in various formats, and any
84 interactive instruction must be provided during various times of
85 the day.

86 2. Up to ~~A minimum of~~ 20 hours of skills training on basic
87 nursing skills tailored to the child's care needs as specified
88 in the ordering provider's plan of care and individualized care
89 needs, which may include training on the following topics, as
90 applicable, including, but not limited to:

- 91 a. Hygiene, grooming, and toileting.
- 92 b. Skin care and pressure sore prevention.
- 93 c. Nutrition and hydration.
- 94 d. Measuring vital signs, height, and weight.
- 95 e. Safe lifting, positioning, and moving of patients.
- 96 f. Wound care.
- 97 g. ~~Portable~~ Oxygen use and safety and other respiratory



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98 procedures.

99 h. Tracheostomy care.

100 i. Enteral care and therapy.

101 j. ~~Peripheral~~ Intravenous assistive activities and
102 alternative feeding methods.

103 k. Urinary catheterization and care and ostomy care.

104 3. Up to ~~At least~~ 16 hours of clinical training related to
105 the specific needs of the eligible relative under direct
106 supervision of a licensed registered nurse.

107 4. Training concerning HIV infections and AIDS ~~and is~~
108 ~~required to obtain and maintain a current certificate in~~
109 ~~cardiopulmonary resuscitation.~~

110 5. Obtaining and maintaining a current certificate in
111 cardiopulmonary resuscitation.

112 (9) FEE SCHEDULE.—The agency shall modify any state
113 Medicaid plans and implement any federal waivers necessary to
114 implement this section and shall establish a Medicaid fee
115 schedule for home health agencies employing a home health aide
116 for medically fragile children at a minimum rate of \$25 per hour
117 with a utilization cap of no more than 12 & hours per day and 40
118 hours per week, per medically fragile child. The utilization cap
119 of 40 hours per week, per recipient may be exceeded; however,
120 justification must be provided as to why there is no other
121 qualified provider available, and the request must be approved
122 by the home health agency and the managed care plan.

123 (10) FEDERAL APPROVAL.—Within 30 days after the effective
124 date of this act, the agency shall seek federal approval,
125 including seeking the appropriate federal waiver, to:

126 (a) Allow Medicaid private duty nursing specialty providers



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127 and home health services providers to participate in and receive
128 reimbursement for services rendered under this program.

129 (b) Provide that the income earned under this program by a
130 home health aide for medically fragile children is disregarded
131 in eligibility considerations for public assistance as defined
132 in s. 414.0252.

133 Section 3. Subsection (18) of section 400.462, Florida
134 Statutes, is amended to read:

135 400.462 Definitions.—As used in this part, the term:

136 (18) "Home health aide for medically fragile children"
137 means a family caregiver who meets the qualifications specified
138 in this part and who performs tasks delegated to him or her
139 under chapter 464 while caring for an eligible relative, and
140 provides care relating to activities of daily living, including
141 those associated with personal care; maintaining mobility;
142 nutrition and hydration; toileting and elimination; assistive
143 devices; safety and cleanliness; data gathering; reporting
144 abnormal signs and symptoms; postmortem care; patient
145 socialization and reality orientation; end-of-life care;
146 cardiopulmonary resuscitation and emergency care; residents' or
147 patients' rights; documentation of services performed; infection
148 control; safety and emergency procedures; hygiene, grooming,
149 skin care, and pressure sore prevention; wound care; ~~portable~~
150 oxygen use and safety and other respiratory procedures;
151 tracheostomy care; enteral care and therapy; ~~peripheral~~
152 intravenous assistive activities and alternative feeding
153 methods; and any other tasks delegated to the family caregiver
154 under chapter 464.

155 Section 4. Paragraph (c) of subsection (1) of section



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156 409.903, Florida Statutes, is amended to read:

157 409.903 Mandatory payments for eligible persons.—The agency
158 shall make payments for medical assistance and related services
159 on behalf of the following persons who the department, or the
160 Social Security Administration by contract with the Department
161 of Children and Families, determines to be eligible, subject to
162 the income, assets, and categorical eligibility tests set forth
163 in federal and state law. Payment on behalf of these Medicaid
164 eligible persons is subject to the availability of moneys and
165 any limitations established by the General Appropriations Act or
166 chapter 216.

167 (1) Low-income families with children are eligible for
168 Medicaid provided they meet the following requirements:

169 (c) The family's countable income and resources do not
170 exceed the applicable Aid to Families with Dependent Children
171 (AFDC) income and resource standards under the AFDC state plan
172 in effect in July 1996, except as amended in the Medicaid state
173 plan to conform as closely as possible to the requirements of
174 the welfare transition program, to the extent permitted by
175 federal law. The agency shall seek federal approval, including
176 seeking the appropriate federal waiver or state plan amendment,
177 to exclude from the family's countable income any income earned
178 through employment as a home health aide for medically fragile
179 children under s. 400.4765.

180 Section 5. Within 60 days after this act becomes a law, the
181 Agency for Health Care Administration shall make all necessary
182 requests and submissions to obtain federal approval to implement
183 the amendment made by this act to s. 409.903, Florida Statutes,
184 and initiate any necessary rulemaking to implement the amendment



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185 made by this act to s. 400.4765, Florida Statutes.

186 Section 6. This act shall take effect upon becoming a law.

187

188 ===== T I T L E A M E N D M E N T =====

189 And the title is amended as follows:

190 Delete everything before the enacting clause

191 and insert:

192 A bill to be entitled

193 An act relating to the home health aide for medically

194 fragile children program; amending s. 400.54, F.S.;

195 providing requirements for the annual assessment of

196 the home health aide for medically fragile children

197 program; amending s. 400.4765, F.S.; revising program

198 training requirements; revising the utilization cap of

199 a Medicaid fee schedule; requiring a home health aide

200 for medically fragile children who works more than 40

201 hours per week to provide specified justification;

202 requiring the Agency for Health Care Administration to

203 seek federal approval, including a federal waiver, for

204 specified purposes; amending s. 400.462, F.S.;

205 conforming provisions to changes made by the act;

206 amending s. 409.903, F.S.; requiring the agency to

207 seek federal approval, including a federal waiver or

208 state plan amendment, for specified purposes;

209 providing construction; providing a directive to the

210 agency to carry out certain tasks within a specified

211 timeframe; providing an effective date.