

By Senator Harrell

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1                   A bill to be entitled  
2       An act relating to the home health aide for medically  
3       fragile children program; amending s. 400.4765, F.S.;  
4       revising the training requirements for family  
5       caregivers participating in the program; specifying  
6       that services provided by a home health aide for a  
7       medically fragile child may not exceed a specified  
8       percentage of the total annual hours authorized for  
9       private duty nursing services for that child; revising  
10      requirements for the Medicaid fee schedule for home  
11      health aides for medically fragile children; requiring  
12      the Agency for Health Care Administration, within a  
13      specified timeframe, to seek federal approval to  
14      implement specified practices under the program;  
15      amending s. 400.54, F.S.; requiring Medicaid managed  
16      care plans to provide certain data to the agency as  
17      part of an annual assessment of the home health aide  
18      for medically fragile children program; revising  
19      requirements for such assessment; providing a  
20      directive to the Division of Law Revision; providing  
21      an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Paragraph (a) of subsection (3) and subsection  
26       (9) of section 400.4765, Florida Statutes, are amended, and  
27       subsection (10) is added to that section, to read:

28       400.4765 Home health aide for medically fragile children  
29       program.—

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## 30 (3) TRAINING.—

31 (a) The agency, in consultation with the Board of Nursing,  
32 shall approve home health aide for medically fragile children  
33 training programs developed by home health agencies in  
34 accordance with 42 C.F.R. ss. 483.151-483.154 and 484.80 to  
35 train family caregivers as home health aides for medically  
36 fragile children to increase the health care provider workforce  
37 and to authorize persons to provide trained nursing services as  
38 delegated by a registered nurse to eligible relatives. The  
39 program must include ~~consist of at least 85 hours of training,~~  
40 ~~including~~, but need not be limited to, all of the following:

41 1. A minimum of 20 ~~40~~ hours of theoretical instruction in  
42 nursing, including, but not limited to, instruction on all of  
43 the following:

- 44 a. Person-centered care.  
45 b. Communication and interpersonal skills.  
46 c. Infection control.  
47 d. Safety and emergency procedures.  
48 e. Assistance with activities of daily living.  
49 f. Mental health and social service needs.  
50 g. Care of cognitively impaired individuals.  
51 h. Basic restorative care and rehabilitation.  
52 i. Patient rights and confidentiality of personal  
53 information and medical records.  
54 j. Relevant legal and ethical issues.

55  
56 Such instruction must be offered in various formats, and any  
57 interactive instruction must be provided during various times of  
58 the day.

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59           2. Up to ~~A minimum of~~ 20 hours of skills training on basic  
60 nursing skills, tailored to the child's care needs as specified  
61 in the ordering provider's plan of care, which may include  
62 training on the following topics, as applicable including, but  
63 ~~not limited to:~~

- 64           a. Hygiene, grooming, and toileting.  
65           b. Skin care and pressure sore prevention.  
66           c. Nutrition and hydration.  
67           d. Measuring vital signs, height, and weight.  
68           e. Safe lifting, positioning, and moving of patients.  
69           f. Wound care.  
70           g. ~~Portable~~ Oxygen use and safety and other respiratory  
71 procedures.  
72           h. Tracheostomy care.  
73           i. Enteral care and therapy.  
74           j. ~~Peripheral~~ Intravenous assistive activities and  
75 alternative feeding methods.

76           k. Urinary catheterization and care and ostomy care.

77           3. Up to ~~At least~~ 16 hours of clinical training related to  
78 the specific needs of the eligible relative, under direct  
79 supervision of a licensed registered nurse.

80           4. Training concerning HIV infections and AIDS. ~~and is~~  
81 ~~required to obtain and maintain~~

82           5. Obtaining and maintaining a current certificate in  
83 cardiopulmonary resuscitation.

84           (9) FEE SCHEDULE.—The agency shall modify any state  
85 Medicaid plans and implement any federal waivers necessary to  
86 implement this section and shall establish a Medicaid fee  
87 schedule for home health agencies employing a home health aide

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88 for medically fragile children at a minimum rate of \$25 per hour  
89 with a utilization cap of no more than 12 & hours per day per  
90 medically fragile child. If a home health aide for medically  
91 fragile children works more than 40 hours per week,  
92 justification must be provided as to why there is no other  
93 qualified provider available, and the request must be approved  
94 by the home health agency and the managed care plan.

95 (10) FEDERAL APPROVAL.—Within 30 days after this act  
96 becomes a law, the agency shall seek federal approval through  
97 any necessary Medicaid waiver or state plan amendment to:

98 (a) Allow Medicaid private duty nursing specialty providers  
99 and home health services providers to participate in and receive  
100 reimbursement for services rendered under the program.

101 (b) Establish that the income earned under the program by a  
102 home health aide for medically fragile children must be  
103 disregarded in eligibility considerations for public assistance  
104 as defined in s. 414.0252.

105 Section 2. Section 400.54, Florida Statutes, is amended to  
106 read:

107 400.54 Annual assessment of the home health aide for  
108 medically fragile children program.—The agency shall conduct an  
109 annual assessment of the home health aide for medically fragile  
110 children program. The assessment must report caregiver  
111 satisfaction with the program and~~7~~ identify additional support  
112 that may be needed by the home health aide for medically fragile  
113 children. The managed care plan shall provide to the agency the  
114 data necessary to~~7~~ and assess the rate and extent of  
115 hospitalization of children in home health services who are  
116 attended by a home health aide for medically fragile children

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117 compared to those in home health services provided by a  
118 registered nurse or licensed practical nurse without a home  
119 health aide for medically fragile children. The agency shall  
120 include in the assessment data on any adverse incident occurring  
121 under the care of a home health aide for medically fragile  
122 children. By January 1 of each year, beginning January 1, 2025,  
123 the agency shall report its findings to the Governor, the  
124 President of the Senate, and the Speaker of the House of  
125 Representatives.

126 Section 3. The Division of Law Revision is directed to  
127 replace the phrase "this act becomes a law" wherever it occurs  
128 in this act with the date this act becomes a law.

129 Section 4. This act shall take effect upon becoming a law.