

By the Committee on Health Policy; and Senator Harrell

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A bill to be entitled  
An act relating to the home health aide for medically  
fragile children program; amending s. 400.54, F.S.;  
providing requirements for the annual assessment of  
the home health aide for medically fragile children  
program; amending s. 400.4765, F.S.; revising program  
training requirements; revising the utilization cap of  
a Medicaid fee schedule; requiring a home health aide  
for medically fragile children who works more than 40  
hours per week to provide specified justification;  
requiring the Agency for Health Care Administration to  
seek federal approval, including a federal waiver, for  
specified purposes; amending s. 400.462, F.S.;  
conforming provisions to changes made by the act;  
amending s. 409.903, F.S.; requiring the agency to  
seek federal approval, including a federal waiver or  
state plan amendment, for specified purposes;  
providing construction; providing a directive to the  
agency to carry out certain tasks within a specified  
timeframe; providing an effective date.

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

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

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

- (a) Death.
- (b) Brain or spinal damage.
- (c) Permanent disfigurement.
- (d) Fracture or dislocation of bones or joints.
- (e) A limitation of neurological, physical, or sensory  
function.
- (f) An event that is reported to law enforcement personnel  
for investigation.

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

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

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

400.4765 Home health aide for medically fragile children program.—

(3) TRAINING.—

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

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

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

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

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

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

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

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

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procedures.

h. Tracheostomy care.

i. Enteral care and therapy.

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

k. Urinary catheterization and care and ostomy care.

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

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

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

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

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

(a) Allow Medicaid private duty nursing specialty providers

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

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

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

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

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

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

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409.903, Florida Statutes, is amended to read:

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

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

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

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

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

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