

By the Committees on Fiscal Policy; and Health Policy; and
Senator Harrell

594-03846-25

20251156c2

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; requiring an employing home
health agency to provide specified training and ensure
that each home health aide for medically fragile
children holds and maintains specified certification;
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; providing
requirements for the Agency for Health Care
Administration to seek federal approval and 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 and implement federal waivers
and state plan amendments for specified purposes;
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.—

594-03846-25

20251156c2

(1) The agency shall conduct an annual assessment of the home health aide for medically fragile children program. The assessment must report caregiver satisfaction with the program, report data on adverse incidents, and 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 must 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 of the incident. For purposes of reporting to the agency under this section, the term "adverse incident" means:

(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 or its personnel for investigation.

By January 1 of each year, beginning January 1, 2025, the agency

594-03846-25

20251156c2

shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 2. Paragraph (a) of subsection (3) and subsection (9) of section 400.4765, Florida Statutes, are amended, and subsection (10) is added to that section, 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 agency-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, consistent with any changes to the plan of care. The employing home health agency must provide training on HIV infections and AIDS and must ensure that each home health aide for medically fragile children holds and maintains a certification in cardiopulmonary resuscitation.

(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 training programs ~~program~~ must include supervised practical

594-03846-25

20251156c2

88 training under the direct supervision of a licensed registered
89 nurse which must be tailored to the needs of an eligible
90 relative. consist of at least 85 hours of training, including,
91 but not limited to, all of the following:

92 ~~1. A minimum of 40 hours of theoretical instruction in~~
93 ~~nursing, including, but not limited to, instruction on all of~~
94 ~~the following:~~

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

106
107 ~~Such instruction must be offered in various formats, and any~~
108 ~~interactive instruction must be provided during various times of~~
109 ~~the day.~~

110 ~~2. A minimum of 20 hours of skills training on basic~~
111 ~~nursing skills, including, but not limited to:~~

- 112 ~~a. Hygiene, grooming, and toileting.~~
- 113 ~~b. Skin care and pressure sore prevention.~~
- 114 ~~c. Nutrition and hydration.~~
- 115 ~~d. Measuring vital signs, height, and weight.~~
- 116 ~~e. Safe lifting, positioning, and moving of patients.~~

594-03846-25

20251156c2

~~f. Wound care.~~

~~g. Portable Oxygen use and safety and other respiratory procedures.~~

~~h. Tracheostomy care.~~

~~i. Enteral care and therapy.~~

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

~~k. Urinary catheterization and ostomy care.~~

~~3. At least 16 hours of clinical training 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.~~

(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 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.—The agency shall seek necessary federal approval, including seeking the appropriate federal waiver, to:

(a) Allow Medicaid private duty nursing specialty providers and home health services providers to participate in and receive

594-03846-25

20251156c2

146 reimbursement for services rendered under this program.

147 (b) Provide that the income earned under this program by a
148 home health aide for medically fragile children is disregarded
149 in Medicaid eligibility determinations.

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

152 400.462 Definitions.—As used in this part, the term:

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

172 Section 4. Paragraph (c) of subsection (1) of section
173 409.903, Florida Statutes, is amended to read:

174 409.903 Mandatory payments for eligible persons.—The agency

594-03846-25

20251156c2

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 law, the Agency for Health Care Administration shall make all necessary requests and submissions to obtain federal approval to implement this act amending s. 409.903, Florida Statutes, and initiate any necessary rulemaking to implement the provisions of this act amending s. 400.4765, Florida Statutes.

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