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1
2 An act relating to the home health aide for medically
3 fragile children program; amending s. 400.54, F.S.;
4 providing requirements for the annual assessment of
5 the home health aide for medically fragile children
6 program; amending s. 400.4765, F.S.; revising program
7 training requirements; requiring an employing home
8 health agency to provide specified training and ensure
9 that each home health aide for medically fragile
10 children holds and maintains specified certification;
11 revising the utilization cap of a Medicaid fee
12 schedule; requiring a home health aide for medically
13 fragile children who works more than 40 hours per week
14 to provide specified justification; providing
15 requirements for the Agency for Health Care
16 Administration to seek federal approval and a federal
17 waiver for specified purposes; amending s. 400.462,
18 F.S.; conforming provisions to changes made by the
19 act; amending s. 409.903, F.S.; requiring the agency
20 to seek federal approval and implement federal waivers
21 and state plan amendments for specified purposes;
22 providing an effective date.

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

25
26 Section 1. Section 400.54, Florida Statutes, is amended to
27 read:

28 400.54 Annual assessment of the home health aide for
29 medically fragile children program.—

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30 (1) The agency shall conduct an annual assessment of the
31 home health aide for medically fragile children program. The
32 assessment must report caregiver satisfaction with the program,
33 report data on adverse incidents, and identify additional
34 support that may be needed by the home health aide for medically
35 fragile children, and assess the rate and extent of
36 hospitalization of children in home health services who are
37 attended by a home health aide for medically fragile children
38 compared to those in home health services provided by a
39 registered nurse or a licensed practical nurse without a home
40 health aide for medically fragile children. Medicaid managed
41 care plans shall provide to the agency data necessary to perform
42 this assessment.

43 (2) The home health agency must report all adverse
44 incidents occurring under the care of a home health aide for
45 medically fragile children to the agency and managed care plan
46 within 48 hours of the incident. For purposes of reporting to
47 the agency under this section, the term "adverse incident"
48 means:

49 (a) Death.

50 (b) Brain or spinal damage.

51 (c) Permanent disfigurement.

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

53 (e) A limitation of neurological, physical, or sensory
54 function.

55 (f) An event that is reported to law enforcement or its
56 personnel for investigation.

57
58 By January 1 of each year, beginning January 1, 2025, the agency

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

61 Section 2. Paragraph (a) of subsection (3) and subsection
62 (9) of section 400.4765, Florida Statutes, are amended, and
63 subsection (10) is added to that section, to read:

64 400.4765 Home health aide for medically fragile children
65 program.—

66 (3) TRAINING.—

67 (a) Before providing services to an eligible relative, a
68 home health aide for medically fragile children must complete an
69 agency-approved training program. The employing home health
70 agency must provide validation of competency by a registered
71 nurse, and maintain documentation of training completion and
72 competency validation. The employing home health agency must
73 provide additional training and competency validation as the
74 medically fragile child's care needs change, consistent with any
75 changes to the plan of care. The employing home health agency
76 must provide training on HIV infections and AIDS and must ensure
77 that each home health aide for medically fragile children holds
78 and maintains a certification in cardiopulmonary resuscitation.

79 (b)~~(a)~~ The agency, in consultation with the Board of
80 Nursing, shall approve home health aide for medically fragile
81 children training programs developed by home health agencies in
82 accordance with 42 C.F.R. ss. 483.151-483.154 and 484.80 to
83 train family caregivers as home health aides for medically
84 fragile children to increase the health care provider workforce
85 and to authorize persons to provide trained nursing services as
86 delegated by a registered nurse to eligible relatives. The
87 training programs ~~program~~ must consist of at least 76 ~~85~~ hours

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88 of training, including, but not limited to, all of the
89 following:

90 1. Successful completion of at least 40 hours of home
91 health aide training pursuant to s. 400.497. ~~A minimum of 40~~
92 ~~hours of theoretical instruction in nursing, including, but not~~
93 ~~limited to, instruction on all of the following:~~

94 a. ~~Person-centered care.~~

95 b. ~~Communication and interpersonal skills.~~

96 c. ~~Infection control.~~

97 d. ~~Safety and emergency procedures.~~

98 e. ~~Assistance with activities of daily living.~~

99 f. ~~Mental health and social service needs.~~

100 g. ~~Care of cognitively impaired individuals.~~

101 h. ~~Basic restorative care and rehabilitation.~~

102 i. ~~Patient rights and confidentiality of personal~~
103 ~~information and medical records.~~

104 j. ~~Relevant legal and ethical issues.~~

105
106 ~~Such instruction must be offered in various formats, and any~~
107 ~~interactive instruction must be provided during various times of~~
108 ~~the day.~~

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

114 a. Hygiene, grooming, and toileting.

115 b. Skin care and pressure sore prevention.

116 c. Nutrition and hydration.

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- 117 d. Measuring vital signs, height, and weight.
118 e. Safe lifting, positioning, and moving of patients.
119 f. Wound care.
120 g. ~~Portable~~ Oxygen use and safety and other respiratory
121 procedures.
122 h. Tracheostomy care.
123 i. Enteral care and therapy.
124 j. ~~Peripheral~~ Intravenous assistive activities and
125 alternative feeding methods.
126 k. Urinary catheterization and care and ostomy care.
127 3. At least 16 hours of clinical training related to the
128 specific needs of an eligible relative and provided under direct
129 supervision of a licensed registered nurse.
130 4. Training concerning HIV infections ~~and AIDS and is~~
131 ~~required to obtain and maintain a current certificate in~~
132 ~~cardiopulmonary resuscitation.~~
133 5. Cardiopulmonary resuscitation training, evidenced by
134 obtaining and maintaining a current certificate in
135 cardiopulmonary resuscitation.
136 (9) FEE SCHEDULE.—The agency shall modify any state
137 Medicaid plans and implement any federal waivers necessary to
138 implement this section and shall establish a Medicaid fee
139 schedule for home health agencies employing a home health aide
140 for medically fragile children at minimum rate of \$25 per hour
141 with a utilization cap of no more than 12 & hours per day and 40
142 hours per week, per medically fragile child. The utilization cap
143 of 40 hours per week, per recipient may be exceeded; however,
144 justification must be provided as to why there is no other
145 qualified provider available, and the request must be approved

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146 by the home health agency and the managed care plan.

147 (10) FEDERAL APPROVAL.—The agency shall seek necessary
148 federal approval, including seeking the appropriate federal
149 waiver, to:

150 (a) Allow Medicaid private duty nursing specialty providers
151 and home health services providers to participate in and receive
152 reimbursement for services rendered under this program.

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

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

158 400.462 Definitions.—As used in this part, the term:

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

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175 intravenous assistive activities and alternative feeding
176 methods; and any other tasks delegated to the family caregiver
177 under chapter 464.

178 Section 4. Paragraph (c) of subsection (1) of section
179 409.903, Florida Statutes, is amended to read:

180 409.903 Mandatory payments for eligible persons.—The agency
181 shall make payments for medical assistance and related services
182 on behalf of the following persons who the department, or the
183 Social Security Administration by contract with the Department
184 of Children and Families, determines to be eligible, subject to
185 the income, assets, and categorical eligibility tests set forth
186 in federal and state law. Payment on behalf of these Medicaid
187 eligible persons is subject to the availability of moneys and
188 any limitations established by the General Appropriations Act or
189 chapter 216.

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

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

203 Section 5. Within 60 days after this act becomes law, the

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

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