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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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(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

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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 consist of at least 76 ~~85~~ hours

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

1. Successful completion of at least 40 hours of home health aide training pursuant to s. 400.497. ~~A minimum of 40 hours of theoretical instruction in 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. A minimum of 20 hours of skills training on basic nursing skills tailored to the child's individualized care needs as specified in the ordering provider's plan of care, 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.

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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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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 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 Medicaid eligibility determinations.

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~~

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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 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 law, the

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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.