

26 | annual assessment of the home health aide for medically fragile
 27 | children program. The assessment must report caregiver
 28 | satisfaction with the program, identify additional support that
 29 | may be needed by the home health aide for medically fragile
 30 | children. A managed care plan shall provide to the agency the
 31 | necessary data to,~~and~~ assess the rate and extent of
 32 | hospitalization of children in home health services who are
 33 | attended by a home health aide for medically fragile children
 34 | compared to those in home health services provided by a
 35 | registered nurse or a licensed practical nurse without a home
 36 | health aide for medically fragile children. The agency must
 37 | include in the report data on any sentinel event occurring under
 38 | the care of a home health aide for medically fragile children.
 39 | By January 1 of each year, beginning January 1, 2025, the agency
 40 | shall report its findings to the Governor, the President of the
 41 | Senate, and the Speaker of the House of Representatives.

42 | **Section 2. Paragraph (a) of subsection (3) and subsection**
 43 | **(9) of section 400.4765, Florida Statutes, are amended, and**
 44 | **subsection (10) is added to that section, to read:**

45 | 400.4765 Home health aide for medically fragile children
 46 | program.—

47 | (3) TRAINING.—

48 | (a) Before proving services to an eligible relative, a
 49 | home health aide for medically fragile children must complete an
 50 | approved training program. The employing home health agency must

51 provide validation of competency by a registered nurse, and
52 maintain documentation of training completion and competency
53 validation. The employing home health agency must provide
54 additional training and competency validation as the medically
55 fragile child's care needs change and consistent with any
56 changes to the plan of care.

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

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

- 71 a. Person-centered care.
72 b. Communication and interpersonal skills.
73 c. Infection control.
74 d. Safety and emergency procedures.
75 e. Assistance with activities of daily living.

- 76 f. Mental health and social service needs.
- 77 g. Care of cognitively impaired individuals.
- 78 h. Basic restorative care and rehabilitation.
- 79 i. Patient rights and confidentiality of personal
- 80 information and medical records.
- 81 j. Relevant legal and ethical issues.

82
 83 Such instruction must be offered in various formats, and any
 84 interactive instruction must be provided during various times of
 85 the day.

86 2. Up to ~~A minimum of~~ 20 hours of skills training on basic
 87 nursing skills tailored to the child's care needs as specified
 88 in the ordering provider's plan of care and individualized care
 89 needs, which may include training on the following topics, as
 90 applicable

91 ~~, including, but not limited to:~~

- 92 a. Hygiene, grooming, and toileting.
- 93 b. Skin care and pressure sore prevention.
- 94 c. Nutrition and hydration.
- 95 d. Measuring vital signs, height, and weight.
- 96 e. Safe lifting, positioning, and moving of patients.
- 97 f. Wound care.
- 98 g. ~~Portable~~ Oxygen use and safety and other respiratory
- 99 procedures.
- 100 h. Tracheostomy care.

- 101 i. Enteral care and therapy.
- 102 j. ~~Peripheral~~ Intravenous assistive activities and
- 103 alternative feeding methods.
- 104 k. Urinary catheterization and care and ostomy care.
- 105 3. Up to ~~At least~~ 16 hours of clinical training related to
- 106 the specific needs of the eligible relative under direct
- 107 supervision of a licensed registered nurse.
- 108 4. Training concerning HIV infections and AIDS ~~and is~~
- 109 ~~required to obtain and maintain a current certificate in~~
- 110 ~~cardiopulmonary resuscitation.~~
- 111 5. Obtain and maintain a current certificate in
- 112 cardiopulmonary resuscitation.

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

124 (10) FEDERAL APPROVAL.—Within 30 days after the effective
 125 date of this act, the agency shall seek federal approval,

126 including seeking the appropriate federal waiver, to:
 127 (a) Allow Medicaid private duty nursing specialty
 128 providers and home health services providers to participate in
 129 and receive reimbursement for services rendered under this
 130 program.
 131 (b) Provide that the income earned under this program by a
 132 home health aide for medically fragile children is disregarded
 133 in Medicaid eligibility considerations.

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

136 400.462 Definitions.—As used in this part, the term:

137 (18) "Home health aide for medically fragile children"
 138 means a family caregiver who meets the qualifications specified
 139 in this part and who performs tasks delegated to him or her
 140 under chapter 464 while caring for an eligible relative, and
 141 provides care relating to activities of daily living, including
 142 those associated with personal care; maintaining mobility;
 143 nutrition and hydration; toileting and elimination; assistive
 144 devices; safety and cleanliness; data gathering; reporting
 145 abnormal signs and symptoms; postmortem care; patient
 146 socialization and reality orientation; end-of-life care;
 147 cardiopulmonary resuscitation and emergency care; residents' or
 148 patients' rights; documentation of services performed; infection
 149 control; safety and emergency procedures; hygiene, grooming,
 150 skin care, and pressure sore prevention; wound care; ~~portable~~

151 oxygen use and safety and other respiratory procedures;
152 tracheostomy care; enteral care and therapy; ~~peripheral~~
153 intravenous assistive activities and alternative feeding
154 methods; and any other tasks delegated to the family caregiver
155 under chapter 464.

156 **Section 4. Paragraph (c) of subsection (1) of section**
157 **409.903, Florida Statutes, is amended to read:**

158 409.903 Mandatory payments for eligible persons.—The
159 agency shall make payments for medical assistance and related
160 services on behalf of the following persons who the department,
161 or the Social Security Administration by contract with the
162 Department of Children and Families, determines to be eligible,
163 subject to the income, assets, and categorical eligibility tests
164 set forth in federal and state law. Payment on behalf of these
165 Medicaid eligible persons is subject to the availability of
166 moneys and any limitations established by the General
167 Appropriations Act or chapter 216.

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

170 (c) The family's countable income and resources do not
171 exceed the applicable Aid to Families with Dependent Children
172 (AFDC) income and resource standards under the AFDC state plan
173 in effect in July 1996, except as amended in the Medicaid state
174 plan to conform as closely as possible to the requirements of
175 the welfare transition program, to the extent permitted by

176 federal law. The agency shall seek federal approval, including
177 seeking the appropriate federal waiver or state plan amendment,
178 to exclude from the family's countable income any income earned
179 through employment as a home health aide for medically fragile
180 children under s. 400.4765.

181 **Section 5.** Within 60 days after this act becomes law, the
182 Agency for Health Care Administration shall make all necessary
183 requests and submissions to obtain federal approval to implement
184 this act amending s. 409.903, Florida Statutes, and initiate any
185 necessary rulemaking to implement the provisions of this act
186 amending s. 400.4765, Florida Statutes.

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