

1                                    A bill to be entitled  
 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                    home health aide for medically fragile children  
 6                    program; amending s. 400.4765, F.S.; revising program  
 7                    training requirements; revising the utilization cap of  
 8                    a Medicaid fee schedule; requiring a home health aide  
 9                    for medically fragile children who works more than 40  
 10                    hours per week to provide specified justification;  
 11                    providing requirements for the Agency for Health Care  
 12                    Administration to seek federal approval and a federal  
 13                    waiver for specified purposes; amending s. 400.462,  
 14                    F.S.; conforming provisions to changes made by the  
 15                    act; amending s. 409.903, F.S.; requiring the agency  
 16                    to seek federal approval and implement federal waivers  
 17                    and state plan amendments for specified purposes;  
 18                    providing construction; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22                    **Section 1.    Section 400.54, Florida Statutes, is amended to**  
 23 **read:**

24                    400.54    Annual assessment of the home health aide for  
 25 medically fragile children program.—

26        (1) The agency shall conduct an annual assessment of the  
27 home health aide for medically fragile children program. The  
28 assessment must report caregiver satisfaction with the program,  
29 report data on adverse incidents, and identify additional  
30 support that may be needed by the home health aide for medically  
31 fragile children, 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. Medicaid managed  
37 care plans shall provide to the agency data necessary to perform  
38 this assessment.

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

45        (a) Death.

46        (b) Brain or spinal damage.

47        (c) Permanent disfigurement.

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

49        (e) A limitation of neurological, physical, or sensory  
50 function.

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

53  
54 By January 1 of each year, beginning January 1, 2025, the agency  
55 shall report its findings to the Governor, the President of the  
56 Senate, and the Speaker of the House of Representatives.

57 **Section 2. Paragraph (a) of subsection (3) and subsection**  
58 **(9) of section 400.4765, Florida Statutes, are amended, and**  
59 **subsection (10) is added to that section, to read:**

60 400.4765 Home health aide for medically fragile children  
61 program.—

62 (3) TRAINING.—

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

72 (b) ~~(a)~~ The agency, in consultation with the Board of  
73 Nursing, shall approve home health aide for medically fragile  
74 children training programs developed by home health agencies in  
75 accordance with 42 C.F.R. ss. 483.151-483.154 and 484.80 to

76 | train family caregivers as home health aides for medically  
77 | fragile children to increase the health care provider workforce  
78 | and to authorize persons to provide trained nursing services as  
79 | delegated by a registered nurse to eligible relatives. The  
80 | program shall include ~~must consist of at least 85 hours of~~  
81 | ~~training, including,~~ but not be limited to, all of the  
82 | following:

83 |       1. A minimum of 20 ~~40~~ hours of theoretical instruction in  
84 | nursing, including, but not limited to, instruction on all of  
85 | the following:

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

97 |  
98 | Such instruction must be offered in various formats, and any  
99 | interactive instruction must be provided during various times of  
100 | the day.

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

- 107           a. Hygiene, grooming, and toileting.
- 108           b. Skin care and pressure sore prevention.
- 109           c. Nutrition and hydration.
- 110           d. Measuring vital signs, height, and weight.
- 111           e. Safe lifting, positioning, and moving of patients.
- 112           f. Wound care.
- 113           g. ~~Portable~~ Oxygen use and safety and other respiratory  
 114 procedures.
- 115           h. Tracheostomy care.
- 116           i. Enteral care and therapy.
- 117           j. ~~Peripheral~~ Intravenous assistive activities and  
 118 alternative feeding methods.
- 119           k. Urinary catheterization and care and ostomy care.

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

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

126        5. Obtain and maintain a current certificate in  
127 cardiopulmonary resuscitation.

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

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

142        (a) Allow Medicaid private duty nursing specialty  
143 providers and home health services providers to participate in  
144 and receive reimbursement for services rendered under this  
145 program.

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

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  
175 agency shall make payments for medical assistance and related

176 services on behalf of the following persons who the department,  
177 or the Social Security Administration by contract with the  
178 Department of Children and Families, determines to be eligible,  
179 subject to the income, assets, and categorical eligibility tests  
180 set forth in federal and state law. Payment on behalf of these  
181 Medicaid eligible persons is subject to the availability of  
182 moneys and any limitations established by the General  
183 Appropriations Act or chapter 216.

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

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

197 **Section 5.** Within 60 days after this act becomes law, the  
198 Agency for Health Care Administration shall make all necessary  
199 requests and submissions to obtain federal approval to implement  
200 this act amending s. 409.903, Florida Statutes, and initiate any



201 necessary rulemaking to implement the provisions of this act  
202 amending s. 400.4765, Florida Statutes.

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