

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; requiring an employing home  
8       health agency to provide specified training and ensure  
9       each home health aide for medically fragile children  
10      holds and maintains specified certification; revising  
11      the utilization cap of a Medicaid fee schedule;  
12      requiring a home health aide for medically fragile  
13      children who works more than 40 hours per week to  
14      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 construction; 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.—

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  
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 include supervised practical  
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.~~  
117 ~~f. Wound care.~~  
118 ~~g. Portable Oxygen use and safety and other respiratory~~  
119 ~~procedures.~~  
120 ~~h. Tracheostomy care.~~  
121 ~~i. Enteral care and therapy.~~  
122 ~~j. Peripheral Intravenous assistive activities and~~  
123 ~~alternative feeding methods.~~  
124 ~~k. Urinary catheterization and ostomy care.~~  
125 ~~3. At least 16 hours of clinical training under direct~~

126 ~~supervision of a licensed registered nurse.~~

127 ~~4. Training concerning HIV infections and AIDS and is~~  
128 ~~required to obtain and maintain a current certificate in~~  
129 ~~cardiopulmonary resuscitation.~~

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

141 (10) FEDERAL APPROVAL.—The agency shall seek necessary  
142 federal approval, including seeking the appropriate federal  
143 waiver, to:

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

148 (b) Provide that the income earned under this program by a  
149 home health aide for medically fragile children is disregarded  
150 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~~ 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

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

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

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

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



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201   this act amending s. 409.903, Florida Statutes, and initiate any  
202   necessary rulemaking to implement the provisions of this act  
203   amending s. 400.4765, Florida Statutes.

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