

By Senator Trumbull

2-00712A-24

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1                                   A bill to be entitled  
2       An act relating to home health care services; amending  
3       s. 400.487, F.S.; authorizing contract staff to  
4       provide specified visits for a home health agency  
5       under certain circumstances; amending s. 408.032,  
6       F.S.; revising the definition of "health care  
7       facility" to include a home health agency; amending s.  
8       409.905, F.S.; authorizing an advanced practice  
9       registered nurse to order or write prescriptions for  
10      certain Medicaid services; providing an effective  
11      date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. Subsection (5) of section 400.487, Florida  
16      Statutes, is amended to read:

17       400.487 Home health service agreements; physician's,  
18      physician assistant's, and advanced practice registered nurse's  
19      treatment orders; patient assessment; establishment and review  
20      of plan of care; provision of services; orders not to  
21      resuscitate.—

22       (5) When nursing services are ordered, the home health  
23      agency to which a patient has been admitted for care must  
24      provide the initial admission visit, all service evaluation  
25      visits, and the discharge visit by a direct employee or contract  
26      staff. Services provided by others under contractual  
27      arrangements to a home health agency must be monitored and  
28      managed by the admitting home health agency. The admitting home  
29      health agency is fully responsible for ensuring that all care

2-00712A-24

20241798\_\_

30 provided through its employees or contract staff is delivered in  
31 accordance with this part and applicable rules.

32 Section 2. Subsection (8) of section 408.032, Florida  
33 Statutes, is amended to read:

34 408.032 Definitions relating to Health Facility and  
35 Services Development Act.—As used in ss. 408.031-408.045, the  
36 term:

37 (8) "Health care facility" means a skilled nursing  
38 facility, hospice, ~~or~~ intermediate care facility, or home health  
39 agency for the developmentally disabled. A facility relying  
40 solely on spiritual means through prayer for healing is not  
41 included as a health care facility.

42 Section 3. Paragraph (c) of subsection (4) of section  
43 409.905, Florida Statutes, is amended to read:

44 409.905 Mandatory Medicaid services.—The agency may make  
45 payments for the following services, which are required of the  
46 state by Title XIX of the Social Security Act, furnished by  
47 Medicaid providers to recipients who are determined to be  
48 eligible on the dates on which the services were provided. Any  
49 service under this section shall be provided only when medically  
50 necessary and in accordance with state and federal law.  
51 Mandatory services rendered by providers in mobile units to  
52 Medicaid recipients may be restricted by the agency. Nothing in  
53 this section shall be construed to prevent or limit the agency  
54 from adjusting fees, reimbursement rates, lengths of stay,  
55 number of visits, number of services, or any other adjustments  
56 necessary to comply with the availability of moneys and any  
57 limitations or directions provided for in the General  
58 Appropriations Act or chapter 216.

2-00712A-24

20241798\_\_

59 (4) HOME HEALTH CARE SERVICES.—The agency shall pay for  
60 nursing and home health aide services, supplies, appliances, and  
61 durable medical equipment, necessary to assist a recipient  
62 living at home. An entity that provides such services must be  
63 licensed under part III of chapter 400. These services,  
64 equipment, and supplies, or reimbursement therefor, may be  
65 limited as provided in the General Appropriations Act and do not  
66 include services, equipment, or supplies provided to a person  
67 residing in a hospital or nursing facility.

68 (c) The agency may not pay for home health services unless  
69 the services are medically necessary and:

70 1. The services are ordered by a physician or an advanced  
71 practice registered nurse.

72 2. The written prescription for the services is signed and  
73 dated by the recipient's physician or an advanced practice  
74 registered nurse before the development of a plan of care and  
75 before any request requiring prior authorization.

76 3. The physician or advanced practice registered nurse  
77 ordering the services is not employed, under contract with, or  
78 otherwise affiliated with the home health agency rendering the  
79 services. However, this subparagraph does not apply to a home  
80 health agency affiliated with a retirement community, of which  
81 the parent corporation or a related legal entity owns a rural  
82 health clinic certified under 42 C.F.R. part 491, subpart A, ss.  
83 1-11, a nursing home licensed under part II of chapter 400, or  
84 an apartment or single-family home for independent living. For  
85 purposes of this subparagraph, the agency may, on a case-by-case  
86 basis, provide an exception for medically fragile children who  
87 are younger than 21 years of age.

2-00712A-24

20241798\_\_

88           4. The physician or advanced practice registered nurse  
89 ordering the services has examined the recipient within the 30  
90 days preceding the initial request for the services and  
91 biannually thereafter.

92           5. The written prescription for the services includes the  
93 recipient's acute or chronic medical condition or diagnosis, the  
94 home health service required, and, for skilled nursing services,  
95 the frequency and duration of the services.

96           6. The national provider identifier, Medicaid  
97 identification number, or medical practitioner license number of  
98 the physician or advanced practice registered nurse ordering the  
99 services is listed on the written prescription for the services,  
100 the claim for home health reimbursement, and the prior  
101 authorization request.

102           Section 4. This act shall take effect July 1, 2024.