

2024 FLORIDA LEGISLATIVE SESSION

SESSION REVIEW REPORT

PRESENTED BY

HCAF

Home Care Association of Florida
RESOURCES, EDUCATION, ADVOCACY



INTRODUCTION

HCAF Advocacy Yields Victories in the 2024 Florida Legislative Session

The 2024 Florida Legislative Session, running from January 9 to March 8, concluded with significant triumphs for the Home Care Association of Florida (HCAF) and the broader home care provider community. The session culminated with the Sine Die adjournment at 2:25 PM on March 8, marking the end of the 60-day session and heralding a momentous step forward in advancing pivotal initiatives.

From the session's onset, both legislative chambers demonstrated a commitment to their respective agendas. The Senate led initiatives such as the "Live Healthy" package, focused on bolstering the health care workforce and expanding access to care, alongside the "Learn Local" package, designed to streamline regulations in public schools. Meanwhile, the House of Representatives concentrated on public safety enhancement, child welfare, family support, economic prosperity, and environmental conservation.

Before the session began, HCAF strategically outlined its legislative priorities, which were passionately advocated for during the annual Home Care Day at the Capitol on January 25. The event saw unprecedented participation, with 36 industry advocates engaging more than 80 state lawmakers to champion the following priorities:

- Increasing Medicaid home health reimbursement rates.
- Authorizing non-physician practitioners (NPPs), including advanced practice registered nurses (APRNs) and physician assistants (PAs), to order Medicaid home health services.
- Permitting registered nurses (RNs) contracted with licensed home health agencies to conduct specified visits.
- Securing funding for state-sponsored training and certification exams for aspiring certified nursing assistants (CNAs).

The results of HCAF's advocacy efforts were significant. Key accomplishments included the passage of legislation enabling NPPs to prescribe Medicaid home health services effective July 1, 2024. Moreover, substantial budget allocations were secured, including:

- \$29 million for a Medicaid home health reimbursement rate increase for Private Duty Nursing (PDN) services.
- \$195.8 million to implement a uniform Home and Community-Based Services (iBudget) waiver provider rate increase.
- \$5 million to expand the Linking Industry to Nursing Education (LINE) fund, aimed at increasing the number of CNAs and licensed practical nurses (LPNs) through state-funded grants to nursing education programs.

Additionally, HCAF played a pivotal role in championing legislation mandating Florida's participation in the Audiology and Speech-Language Pathology Interstate Compact and the Physical Therapy Licensure Compact.

HCAF's policy team diligently monitored numerous bills affecting the home care provider community and access to care throughout the session. Notably, out of 1,957 bills introduced, only 325 successfully passed through both chambers – resulting in a 16% success rate. This comprehensive report outlines the legislative outcomes, highlighting both successful enactments and proposals that did not progress.



BY THE NUMBERS

Bills Filed – 1,957

Amendments – 2,196

Actions – 16,997

Votes Cast – 3,055

Bills Passed – 325 (16.6%)

POLICY TEAM

Empowering Home Care: Advocating for Providers, Protecting Patients

HCAF is committed to advocating for the home care provider community by ensuring policymakers are well-informed about crucial issues. Our experienced policy team diligently monitors, proposes, and advocates for laws and regulations that safeguard access to in-home care for Floridians while advancing the interests of providers.

In pursuit of our advocacy goals, HCAF has partnered with Continental Strategy, a distinguished lobby firm known for its expertise in advising and representing clients across diverse sectors in Florida, Washington, D.C., and Latin America. With decades of collective experience in government, lobbying, and policy advisory roles, the Continental Strategy team offers invaluable insights and relationships cultivated through extensive engagement with policymakers, legislators, elected officials, and government staff at both state and federal levels.

Our seasoned public policy team collaborates closely with state and federal government officials and regulatory bodies, including the Agency for Health Care Administration (AHCA) and the Centers for Medicare & Medicaid Services (CMS). Furthermore, our strategic partnerships with prominent organizations such as the National Association for Home Care & Hospice, the Partnership for Quality Home Healthcare, and the Partnership for Medicaid Home-Based Care bolster our advocacy endeavors and amplify our collective voice.

HCAF encourages active participation from its members in advocacy initiatives to champion their businesses, staff, and clients. Members benefit from timely policy updates, action alerts, and access to our comprehensive online legislative tracker, facilitating informed engagement with federal and state legislation directly impacting the industry.

We are dedicated to serving as your steadfast advocates in navigating the complex landscape of policy and advocacy, ensuring that your concerns are addressed and your interests are vigorously represented.

For inquiries or assistance with policy matters, please contact Kyle Simon, Senior Director of Policy, Advocacy & Communications, at (850) 222-8967 or ksimon@homecarefla.org.



Bobby Lolley, RN
Executive Director, HCAF



Kyle Simon
Senior Director of Policy, Advocacy & Communications, HCAF



Ambassador Carlos Trujillo (ret.)
Founder & President, Continental Strategy



James Card
Principal, Continental Strategy



Gangul Gabadage
Director, Healthcare Practice Group,
Continental Strategy

BUDGET

Fiscal Year 2024-2025 Budget

The Fiscal Year (FY) 2024-25 budget (HB 5001) represents a substantial \$117.4 billion spending plan, currently awaiting review by Governor Ron DeSantis, who retains authority for line-item vetoes. The budget allocates approximately \$49.4 billion in general revenue funding, complemented by over \$68 billion in trust fund expenditures, with an additional nearly \$10 billion earmarked for future contingencies.

A substantial portion of this budget is earmarked for Health and Human Services, amounting to \$46.5 billion and supporting over 32,000 positions statewide. Noteworthy allocations within this budget silo include \$333.1 million in Medicaid provider rate increases, covering a range of vital services such as skilled nursing facilities, pediatric physicians, rural health clinics, assistive care services, and more.

Although not technically part of the budget bill, the Live Healthy initiative, consisting of multiple separate bills, designates \$717.1 million to enhance Medicaid provider reimbursement for crucial services, including \$29 million for PDN services. The Live Healthy initiative also allocates \$51.3 million to establish the Health Care Innovation Council and Revolving Loan Program, aimed at fostering innovative health care solutions.

In line with the Live Healthy initiative's objectives, legislators allocated \$150,000 in the budget to AHCA to lead the redesign of reimbursement methodology for PDN services. This redesign aims to ensure fairness and adequacy in compensating home health providers, considering factors such as acuity levels and prevailing circumstances affecting PDN services.

Beyond health care, the budget includes a 3% pay raise for state workers, a \$450 million toll rebate program, a significant \$1.8 billion increase for PreK-12 schools, prison infrastructure enhancements, and funding for environmental initiatives, all accomplished without necessitating tax increases.

The budget's magnitude, surpassing the previous fiscal year's by nearly \$1 billion, reflects recent economic expansion, with an increase of approximately \$24 billion or 26% over the past four years. Looking back, just a decade ago, in the 2014-15 fiscal year, the budget stood at \$77.1 billion, highlighting substantial growth over time.

As recently as the 2015-16 fiscal year, legislators allocated less than \$80 billion, but the state has since witnessed substantial revenue growth from increased tax collections and a burgeoning economy buoyed by a growing population. Moreover, a substantial influx of federal funds in response to the COVID-19 pandemic has further bolstered state finances in recent years. To provide historical context, two decades ago, in the 2004-05 fiscal year, lawmakers allocated just \$58.4 billion, while three decades ago, the 1994-95 General Appropriations Act authorized a mere \$38.4 billion in spending. These figures underscore the significant evolution and expansion of the state's budgetary framework over time.

Scheduled to take effect on July 1, 2024, the FY 2024-25 budget will remain in effect until June 30, 2025.

2024 Home Care Day at the Capitol

JANUARY 25, 2024 • TALLAHASSEE, FLORIDA



LEGISLATION

SB 7016 • HEALTH CARE

PASSED

Sponsor: Senator Colleen Burton (R-Lakeland)

Related Bills: HB 1549 by Representative Michael Grant (R-Port Charlotte)

Summary: SB 7016 serves as a pivotal component of the Senate's Live Healthy initiative, led by Senate President Kathleen Passidomo (R-Naples) as a primary focus of the session. This \$717.1 million package introduces and revises various health care programs and allocates \$245.7 million towards Medicaid provider rate increases. Specifically addressing the home care sector, the bill designates \$29 million to elevate Medicaid reimbursement rates for PDN services by approximately 5%, with implementation slated to begin in the fall. Additionally, lawmakers appropriated an extra \$195.8 million to execute a uniform iBudget waiver provider rate increase.

In response to the health care workforce shortage, SB 7016 expands the eligibility criteria and funding for the Linking Industry to Nursing Education (LINE) program by \$5 million. This initiative aims to bolster the number of CNAs and LPNs through state-funded grants to nursing education programs. Furthermore, the bill embraces the Audiology and Speech-Language Pathology Interstate Compact and the Physical Therapy Licensure Compact, providing a comprehensive framework delineating eligibility and regulatory provisions for participation in these programs.

Outcome: SB 7016 garnered unanimous support in the Senate and secured passage in the House with a vote of 117-1, with Representative Mike Beltran (R-Riverview) casting the sole dissenting vote. The bill became law upon Governor Ron DeSantis' approval on March 21.

SB 7018 • HEALTH CARE INNOVATION

PASSED

Sponsor: Senator Gayle Harrell (R-Stuart)

Related Bills: HB 1501 by Representative Karen Gonzalez Pittman (R-Tampa)

Summary: SB 7018, part of the Live Healthy initiative, establishes a 15-member council within the Department of Health (DOH), tasked with formulating recommendations to enhance health care quality in Florida. The council comprises both ex officio, non-voting members, appointed individuals, including the secretaries of AHCA, the Department of Children and Families, and the Department of Elder Affairs, as well as the director of the Agency for Persons with Disabilities, and the Surgeon General. The Council of Florida Medical School Deans' chair also holds a voting position. Appointed members, chosen by the Governor, include a licensed physician, an employee of a licensed hospital, a licensed nurse, a Florida resident representing the interests of health care patients, an employee of a health insurer or health maintenance organization, and a representative from the long-term care facility industry.

During the legislative session, HCAF proposed an amendment to SB 7018, advocating for the inclusion of a representative from the home- and community-based services (HCBS) sector. HCAF emphasized the importance of this amendment to ensure that HCBS providers and their unique workforce challenges, particularly those concerning direct care workers, receive adequate consideration. This proposition was reinforced by the significant portion of health care spending in Florida allocated to HCBS, which exceeds \$18 billion. Despite HCAF's efforts, the amendment was not incorporated into the legislation. Nevertheless, HCAF remains steadfast in its commitment to advocating for representation from the HCBS sector on the council as it evolves.

Outcome: SB 7016 garnered unanimous support in the Senate and secured passage in the House with a vote of 117-1, with Representative Mike Beltran (R-Riverview) casting the sole dissenting vote. The bill became law upon Governor Ron DeSantis' approval on March 21.

LEGISLATION

HB 935 • HOME HEALTH CARE SERVICES

PASSED

Sponsor: Representative Gallop Franklin (D-Tallahassee)

Related Bills: SB 1798 by Senator Jay Trumbull (R-Panama City)

Summary: This legislation aims to expand Medicaid coverage to include home health services prescribed by NPPs not employed by, contracted with, or affiliated with the home health agency providing the services. Aligning with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, which grants permanent authorization for non-physician practitioners to certify Medicare and Medicaid home health care services, this bill seeks to improve access to essential health care services. It specifies that the ordering professional must have examined the recipient within 30 days before the initial service request and biannually thereafter, and their credentials must be included in the written prescription, claim for reimbursement, and prior authorization request.

HCAF supported this legislation as part of its policy priorities. Initially, the bill included provisions to amend home health agency licensure laws, permitting RNs contracted with but not employed by an agency to conduct initial admission, service evaluation, and discharge visits. However, this provision faced resistance from legislators, partly due to concerns over the substantial surge in contract labor expenses and increased full-time equivalents of contract nurses during the COVID-19 pandemic. Nevertheless, HCAF's policy team plans to launch an educational initiative to inform policymakers about the urgent need to address this policy priority in the next legislative session, given the ongoing shortage of health care workers.

Outcome: SB 1798 and HB 935 unanimously passed all committees and both chambers. Pending approval by Governor DeSantis, HB 935 will take effect on July 1, 2024.

HB 975 • BACKGROUND SCREENINGS AND CERTIFICATIONS

PASSED

Sponsor: Representative Dana Trubulsky (R-Fort Pierce)

Related Bills: SB 558 by Senator Darryl Rousson (D-St. Petersburg) • SB 1008 by Senator Erin Grall (R-Fort Pierce)

Summary: This legislation aims to implement new regulations for various health and social service professions concerning background screenings, certifications, and qualifications. Presently, only specific health care professions (e.g., osteopathic physicians, PAs, CNAs, LPNs, and APRNs) are mandated to undergo background screening for initial licensure. However, the majority of health care professionals licensed by the DOH do not undergo background screening as part of their initial licensure requirements.

HB 975 seeks to address this gap by requiring background screening for all health care professionals licensed by the DOH for initial licensure. Additionally, the bill mandates that health care practitioners licensed before July 1, 2024, must adhere to the background screening requirement during their next licensure renewal. This mandate affects approximately 699,754 licensees in renewable status, necessitating completion of the fingerprinting process for background screening upon licensure renewal.

Outcome: HB 975 passed unanimously in both chambers. Pending approval by Governor DeSantis, HB 975 will take effect on July 1, 2024.

Thank You

Senator
Jay Trumbull

Representative
Gallop Franklin

for your sponsorship of SB 1798 and HB 935 in the
2024 Florida Legislative Session, championing the needs
of Florida's home care provider community and patients



LEGISLATION

SB 974 & HB 783 • MEDICAID MANAGED CARE PLAN PERFORMANCE METRICS **FAILED**

Sponsors: Senator Gayle Harrell (R-Stuart) and Representative Kim Berfield (R-Clearwater)

Summary: This legislation aims to establish comprehensive requirements for analyzing and publishing data related to health plans contracted through the Statewide Medicaid Managed Care (SMMC) program. Specifically, the bill mandates:

- Monthly reporting of distinct metrics by plans, including provider credentialing times, outcomes of prior authorization requests, and statistics on prompt payments, categorized by region and county.
- The creation and maintenance of a publicly accessible dashboard by AHCA, displaying these performance metrics and data on managed care plan complaints to be updated monthly.
- Detailed inclusion of complaints data, encompassing enrollment figures, complaints per 1,000 recipients, and specifics on complaint types, resolutions, and processing times across various provider and service categories.

HCAF supported this legislation, recognizing its aim to enhance oversight and transparency in the SMMC program through robust reporting requirements and accessible tools for monitoring plan performance and complaint resolution.

Outcome: Both SB 794 and HB 783 were referred to three legislative committees in their respective chambers. However, SB 794 stalled in its first committee and did not advance further, while HB 783 progressed through two committees but did not proceed beyond that stage.

SB 152 & HB 323 • CAREGIVING YOUTH **FAILED**

Sponsors: Senator Lori Berman (D-Boynton Beach) and Representative Peggy Gossett-Seidman (R-Boca Raton)

Summary: This legislation aimed to provide assistance to caregiving youth by establishing the Florida Caregiving Youth Task Force within the DOH. The task force's purpose is to assess and recommend support measures for individuals under 18 who care for household members needing assistance due to various conditions. The bill mandates the creation of a task force to investigate the needs and support mechanisms for caregiving youth, including identifying best practices, state and federal resources, and legislative barriers.

Outcome: Both SB 152 and HB 323 were referred to three legislative committees in their respective chambers but stalled in their first committee, failing to advance further.

SB 390 & HB 219 • PATIENT-DIRECTED DOCTOR'S ORDERS **FAILED**

Sponsors: Senator Joe Gruters (R-Sarasota) and Representative Susan Plasencia (R-Winter Park)

Summary: This legislation aimed to amend various Florida statutes to authorize health care personnel, including those employed by licensed home health agencies, to withhold or withdraw cardiopulmonary resuscitation (CPR) based on patient-directed doctor's orders (PDDO) specifying do-not-resuscitate instructions. It proposed extending immunity from criminal and civil liabilities to individuals adhering to the directives outlined in the PDDO.

Outcome: Both SB 390 and HB 219 were referred to three legislative committees in their respective chambers but stalled in their first committee, failing to advance further.

LEGISLATION

SB 584 & HB 659 • HEALTH CARE SERVICES & HEALTH PLANS

FAILED

Sponsors: Senator Gayle Harrell (R-Stuart) and Representative Shane Abbott (R-Marianna)

Summary: This legislation aimed to enforce the participation of health plans in the Statewide Provider and Health Plan Claim Dispute Resolution Program, ensuring they cannot opt out. Overseen by AHCA, this program serves as an alternative dispute resolution mechanism for health care providers and insurers. The bill empowered AHCA to impose sanctions on non-compliant participants and to enforce final orders issued by the third-party resolution organization. Additionally, it mandated that parties must adhere to any orders within 35 days, with non-compliance subject to a penalty of \$500 per day. Furthermore, in cases of health plans failing to promptly pay resolved provider claims, AHCA is required to notify the Office of Insurance Regulation.

Outcome: SB 584 was referred to three legislative committees but failed to progress beyond the first committee stage as it was not heard. Conversely, HB 659 advanced through two of the four legislative committees it was referred to before ultimately failing.

SB 726 & HB 949 • HEALTH CARE SERVICES & HEALTH PLANS

FAILED

Sponsors: Senator Ileana Garcia (R-Miami) and Representative Kimberly Daniels (D-Jacksonville)

Summary: This legislation aimed to expand priority enrollment eligibility for Medicaid HCBS to encompass additional demographic groups. Specifically, it proposed:

- Allowing priority enrollment for individuals aged 18 to 20 with chronic debilitating diseases.
- Granting priority to nursing facility residents seeking community transition after a 60-day residency.
- Affording priority to high-risk individuals temporarily placed in assisted living facilities by the Department of Children and Families.
- Adding individuals residing in licensed assisted living facilities for at least six months, or 30 days post-referral by DCF, who require assistance with two or more daily living activities, to the list of those eligible for priority enrollment.

Outcome: Both SB 726 and HB 949 were referred to three legislative committees in their respective chambers but stalled in their first committee, failing to advance further.

Empowering Home Care: Support the PAC for Positive Policy Change!



Advocacy and financial support are essential for influencing policy decisions that impact Florida's home care industry. The Home Care Political Action Committee (PAC) serves as a vital platform for consolidating resources and directing them to candidates who advocate for home care interests in Tallahassee.

As a voluntary, non-profit, and non-partisan entity, the PAC operates independently of HCAF membership dues and is regulated by the Florida Division of Elections. Contributions to the PAC not only enhance the political influence of the home care industry but also ensure that policymakers prioritize initiatives promoting quality care and caregiver support.

The PAC has achieved significant legislative victories, including securing Medicaid reimbursement rate increases and expanding access to home- and community-based services. It has also advocated for regulatory reforms that offer greater operational flexibility for home care agencies. From securing funding to alleviate waiting lists to defeating legislation that could hinder caregiver employment, the PAC consistently advocates for policies benefiting both providers and patients.

Furthermore, the PAC has played a pivotal role in shaping telehealth regulations, addressing workforce shortages, and safeguarding liability protections for home care agencies. Through its legislative advocacy efforts, the PAC remains steadfast in championing the interests of home care providers.

With continued support, the PAC will drive positive change and foster a favorable legislative environment for the home care industry in Florida. **Please join us in supporting the PAC's fundraising campaign, aiming to raise \$50,000 for the 2024 election.** Together, we can make a lasting impact on the future of home care.



Scan the QR code with your smartphone or visit HomeCareFLA.org/PAC to learn more and contribute online today!

2013 MEDICAID REIMBURSEMENT INCREASE, REDUCED FINES

- Secured a 10% Medicaid reimbursement increase for Home Health and Private Duty Nursing (PDN) services (\$9.3 million).
- Achieved unanimous passage of SB 1094, reducing mandatory fines for non-filing of quarterly reports by home health agencies with the Agency for Health Care Administration (AHCA). The bill slashed fines from \$5,000 to \$200 per day and exempted providers that do not bill Medicare or Medicaid from reporting.



2014 EXPANDED LONG-TERM CARE ACCESS

- Fostered a 5% Medicaid reimbursement rate increase for PDN services (\$5.5 million).
- Secured a \$12.6 million appropriation to reduce the Long-Term Care (LTC) waiver program waiting list by approximately 823 individuals, expanding access to home- and community-based services (HCBS).
- Successfully advocated for HB 1179, exempting non-Medicare/Medicaid-participating home health agencies not offering skilled care from accreditation.



LEGISLATIVE ADVOCACY ACHIEVEMENTS

2015

SIMPLIFIED REPORTING, ENHANCED FLEXIBILITY

- Championed HB 441, eliminating mandatory quarterly reports to AHCA for home health agencies. The state collected over \$4 million throughout the report's existence.
- Advocated for SB 904, allowing agencies to operate additional offices within health service districts, enhancing flexibility without added licensing requirements.



2016

INCREASED MEDICAID REIMBURSEMENT, STREAMLINED LICENSING

- Secured a 5% Medicaid reimbursement rate increase for PDN services (\$7.7 million).
- Enabled a \$7.2 million allocation to reduce the LTC waiver program waiting list by approximately 570 individuals.
- Successfully supported HB 1061, joining the Nurse Licensure Compact to streamline nursing services across multiple states.



2017

REMOVED GEOGRAPHIC RESTRICTIONS

- Unanimously passed HB 6021, repealing a state law that prohibited home health agencies with a controlling interest from being located in the same county and within 10 miles of each other. This change enables agencies to provide services to a wider range of patient populations and payers without added costs.



2018

BLOCKED BURDENSOME CAREGIVER LEGISLATION

- Defeated legislation (SB 1362/HB 835) that would have expanded on the Palm Beach County caregiver ordinance, which requires caregivers to register through a public searchable database, acquire an ID badge, submit to a Level 2 background check, and pay a fee for employment.



2019

PIONEERED TIMELY TELEHEALTH REGULATIONS

- Pioneered the enactment of HB 23, establishing timely telehealth regulations ahead of the impending COVID-19 outbreak.



2020

EXPANDED DIRECT CARE WORKER SCOPE

- Successfully proposed HB 607, expanding direct care workers' scope of practice. The innovative law allows registered nurses to delegate tasks to home health aides and certified nursing assistants, fostering skill development and addressing the health care workforce shortage.
- Secured \$30.2 million to reduce the Agency for Persons with Disabilities waiver waiting list.



LEGISLATIVE ADVOCACY ACHIEVEMENTS

2021

AVERTED INCREASED TRAINING REQUIREMENTS

- Effectively opposed SB 634/HB 309, averting increased Alzheimer's disease and related disorders (ADRD) training requirements for long-term care providers. Under the bill, workers were subject to an additional hour of training, and direct care workers faced three (3) initial hours of training and four (4) hours of training annually.



2022

SECURED SUBSTANTIAL FUNDS FOR THE DIRECT CARE WORKFORCE

- In a collaborative effort with health care organizations, our advocacy secured over \$600 million for Medicaid rate increases, elevating the minimum wage for direct care workers to \$15.
- Championed HB 469, enhancing the scope of practice for direct care workers, and SB 7014, extending COVID-19 liability protections for health care providers.
- Defeated legislation (SB 1572/HB 1507) that again sought to increase ADRD training requirements for long-term care providers.



2023

REVISED PROVIDER ENROLLMENT, WORKFORCE PROGRAMS ESTABLISHED

- Passed SB 2510 to revise the Medicaid provider enrollment policy, sparing certain providers from unnecessary requirements, and reducing costs and bureaucracy.
- After dedicated negotiations, successfully passed HB 299, instituting balanced ADRD training requirements for long-term care providers, provided online at no cost.
- Championed HB 391, establishing the Home Health Aide for Medically Fragile Children Program, bridging workforce gaps and offering training opportunities.
- Secured a \$79.6 million appropriation to reduce the Home and Community-Based Services (iBudget) waiver waiting list and \$5 million to expand services through the Community Care for the Elderly and Home Care for the Elderly programs.



2024

EXPANDED ACCESS TO MEDICAID, SECURED FUNDING

- Passed HB 935 to enable non-physician practitioners to prescribe Medicaid home health services.
- Secured a \$29 million Medicaid PDN reimbursement rate increase.
- Secured a \$195.8 million appropriation to implement a uniform iBudget waiver provider rate increase.
- Secured \$5 million to expand the Linking Industry to Nursing Education (LINE) fund, aimed at increasing the number of certified nursing assistants and licensed practical nurses through state-funded grants to nursing education programs.
- Passed legislation (SB 7016) mandating Florida's participation in the audiology and speech-language pathology and the physical therapy licensure compacts.

