



October 26, 2021

Simone Marstiller, Secretary
Florida Agency for Health Care Administration
2727 Mahan Drive
Tallahassee, FL 32308

On behalf of the members of Home Care Association of America (HCAOA) Florida Chapter, we write to express our deep concern with the Agency for Health Care Administration's (AHCA) recent decision to require Medicare certification for home care agencies providing Private Duty Nursing (PDN) and Home and Community-Based Services (HCBS) under the state's Medicaid program. While we appreciate the grace period ACHA has given providers to meet this new requirement, some Managed Care Organizations (MCOs) have placed strict timeframes on this requirement – some as soon as next month.

We appreciate and respect ACHA's efforts to ensure quality care is provided to Medicaid consumers, however requiring Medicare certification for these two services is misdirected and, unfortunately, could only result in providers having to terminate services – leaving consumers without care and support.

Mandating Medicare certification for HCBS and PDN is like trying to fit a square peg into a round hole. While the intent may be to ensure quality, Medicare certification is more about Medicare reimbursement than actual quality assurance. While there are conditions of participation (COPs), those conditions have been established for care provided to acutely-ill older or disabled individuals for brief and intermittent periods of time. These conditions do not align well with HCBS and PDN, both of which require continuous care, sometimes as many as 24 hours a day, seven days a week.

For example, private duty nursing services are typically provided to infants and children with complex medical conditions, such as those with G-tubes and respirators, which frequently have several hours of care authorized each day. This type of care is seldom provided by Medicare-certified home health agencies because their care model is designed for brief and intermittent time frames, whereas the child receiving private duty nursing is usually in need of continuous care for several years.

Also, the assessment tool required for a Medicare certified home health agency is geared toward an older individual and in no way can be applied to an infant who has just come home after being in a NICU for three months.

We recognize that the home health moratorium has recently been lifted and AHCA is focused on quality and ensuring provider competency and integrity. One option we



would suggest to accomplish this is to require accreditation for these Medicaid services. ACHC, Joint Commission and CHAP all set standards for care, services and operations for home care agencies throughout the United States, ensuring that the highest industry standards for quality and safety are met by agencies whose specific type of services do not align with Medicare certification, without the cost and administrative burden of meeting the Medicare Conditions of Participation. Other states including Texas and North Carolina have adopted this policy. We suggest this as an alternative.

The HCAOA Florida Chapter requests a meeting with you, Secretary Marstiller, as well as Deputy Secretary Tom Wallace, to discuss these issues and work together toward a solution. Our members represent the largest providers of HCBS and PDN services, and we believe hearing directly from members providing these services will assist you in ensuring high quality care without sacrificing access to critical services for vulnerable populations.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Vicki Hoak". The signature is fluid and cursive.

Vicki Hoak
Executive Director

cc. *Deputy Secretary Tom Wallace*
Jennifer Ungru, Dean Mead