

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

---

1 Committee/Subcommittee hearing bill: Finance & Facilities  
 2 Subcommittee

3 Representative Shoaf offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 82-200 and insert:

7 (d) A residential facility, developmental disabilities  
 8 center, or direct service provider may suspend visits by  
 9 essential caregivers one time for no more than 7 days if in-  
 10 person visitation poses a serious health risk to the residents  
 11 or clients of the facility, center, or provider. In the event of  
 12 a suspension, the visitation policy required by this section  
 13 must allow for essential caregiver visitation on a case by case  
 14 basis during the suspension in all of the following  
 15 circumstances:

16 1. End-of-life situations.

Amendment No. 1

17           2. A client who was living with his or her family before  
18 recently being admitted to the provider's facility is struggling  
19 with the change in environment and lack of physical family  
20 support.

21           3. A client is grieving the loss of a friend or family  
22 member who recently died.

23           4. A client needs cueing or encouragement to eat or drink  
24 which was previously provided by a family member or caregiver,  
25 and the client is experiencing weight loss or dehydration.

26           5. A client who used to talk and interact with others is  
27 experiencing emotional distress, is seldom speaking, or is  
28 crying more frequently than he or she did previously.

29           6. Any other circumstance the agency deems appropriate.

30           (3) This section does not require an essential caregiver  
31 to provide necessary care to a resident or client of a  
32 residential facility, developmental disabilities center, or  
33 direct service provider and such facility, center, or provider  
34 may not require an essential caregiver to provide necessary care  
35 to the resident or client.

36           (4) The agency must dedicate a webpage on its website to  
37 explain visitation rights authorized under this section.

38           (5) This section prevails over any conflicting or  
39 inconsistent provisions of law.

40           (6) The agency shall adopt rules to implement this  
41 section.

455237 - h0987\_line 82.docx

Published On: 1/26/2022 5:51:22 PM

Amendment No. 1

42 Section 2. Section 400.026, Florida Statutes, is created  
43 to read:

44 400.026 Essential caregivers; in-person visitation.-

45 (1) As used in this section, the term "essential  
46 caregiver" means a family member, friend, guardian, or other  
47 individual designated by a resident for in-person visits.

48 (2)(a) A resident of a nursing home facility, or his or  
49 her guardian or legal representative, has the right to designate  
50 an essential caregiver. A facility may not prohibit in-person  
51 visitation by a resident's designated essential caregiver.

52 (b) Notwithstanding paragraph (a), the agency shall, by  
53 rule, develop guidelines to assist nursing home facilities in  
54 establishing essential caregiver visitation policies and  
55 procedures. The guidelines must require the facilities to do all  
56 of the following:

57 1. Allow a resident, or his or her guardian or legal  
58 representative, to designate an essential caregiver for in-  
59 person visitation in the same manner that a resident would  
60 designate a power of attorney.

61 2. Establish a visitation schedule allowing the essential  
62 caregiver to visit the resident for at least 2 hours each day.

63 3. Establish procedures to enable physical contact between  
64 the resident and essential caregiver.

Amendment No. 1

65 4. Obtain the signature of the essential caregiver  
66 certifying that the caregiver agrees to follow the facility's  
67 safety protocols and any other rules adopted under this section.

68 5. Establish a visitor's log.

69 (c) A nursing home facility may revoke an individual's  
70 designation as an essential caregiver if the caregiver violates  
71 the facility's safety protocols or rules adopted under this  
72 section. The safety protocols adopted by a nursing home facility  
73 for an essential caregiver may not be more stringent than safety  
74 protocols established for the facility's staff.

75 (d) A nursing home facility may suspend visits by  
76 essential caregivers one time for no more than 7 days if in-  
77 person visitation poses a serious health risk to the residents  
78 of the facility. In the event of a suspension, the visitation  
79 policy required by this section must allow for essential  
80 caregiver visitation on a case by case basis during the  
81 suspension in all of the following circumstances:

82 1. End-of-life situations.

83 2. A client who was living with his or her family before  
84 recently being admitted to the provider's facility is struggling  
85 with the change in environment and lack of physical family  
86 support.

87 3. A client is grieving the loss of a friend or family  
88 member who recently died.

Amendment No. 1

89       4. A client needs cueing or encouragement to eat or drink  
90 which was previously provided by a family member or caregiver,  
91 and the client is experiencing weight loss or dehydration.

92       5. A client who used to talk and interact with others is  
93 experiencing emotional distress, is seldom speaking, or is  
94 crying more frequently than he or she did previously.

95       6. Any other circumstance the agency deems appropriate.

96       (3) This section does not require an essential caregiver  
97 to provide necessary care to a resident and a nursing home  
98 facility may not require an essential caregiver to provide  
99 necessary care to the resident.

100       (4) The agency must dedicate a webpage on its website to  
101 explain visitation rights authorized under this section.

102       (5) This section prevails over any conflicting or  
103 inconsistent provisions of law.

104       (6) The agency shall adopt rules to implement this  
105 section.

106       Section 3. Section 429.276, Florida Statutes, is created  
107 to read:

108       429.276 Essential caregivers; in-person visitation.-

109       (1) As used in this section, the term "essential  
110 caregiver" means a family member, friend, guardian, or other  
111 individual designated by a resident for in-person visits.

112       (2)(a) A resident of an assisted living facility, or his  
113 or her guardian or legal representative, has the right to

Amendment No. 1

114 designate an essential caregiver. A facility may not prohibit  
115 in-person visitation by the resident's designated essential  
116 caregiver.

117 (b) Notwithstanding paragraph (a), the agency shall, by  
118 rule, develop guidelines to assist assisted living facilities in  
119 establishing essential caregiver visitation policies and  
120 procedures. The guidelines must require the facilities to do all  
121 of the following:

122 1. Allow a resident, or his or her guardian or legal  
123 representative, to designate an essential caregiver for in-  
124 person visitation in the same manner that a resident would  
125 designate a power of attorney.

126 2. Establish a visitation schedule allowing the essential  
127 caregiver to visit the resident for at least 2 hours each day.

128 3. Establish procedures to enable physical contact between  
129 the resident and essential caregiver.

130 4. Obtain the signature of the essential caregiver  
131 certifying that the caregiver agrees to follow the facility's  
132 safety protocols and any other rules adopted under this section.

133 5. Establish a visitor's log.

134 (c) An assisted living facility may revoke an individual's  
135 designation as an essential caregiver if the caregiver violates  
136 the facility's safety protocols or rules adopted under this  
137 section. The safety protocols adopted by an assisted living

Amendment No. 1

138 facility for an essential caregiver may not be more stringent  
139 than safety protocols established for the facility's staff.

140 (d) An assisted living facility may suspend visits by  
141 essential caregivers one time for no more than 7 days if in-  
142 person visitation poses a serious health risk to the residents  
143 of the facility. In the event of a suspension, the visitation  
144 policy required by this section must allow for essential  
145 caregiver visitation on a case by case basis during the  
146 suspension in all of the following circumstances:

147 1. End-of-life situations.

148 2. A client who was living with his or her family before  
149 recently being admitted to the provider's facility is struggling  
150 with the change in environment and lack of physical family  
151 support.

152 3. A client is grieving the loss of a friend or family  
153 member who recently died.

154 4. A client needs cueing or encouragement to eat or drink  
155 which was previously provided by a family member or caregiver,  
156 and the client is experiencing weight loss or dehydration.

157 5. A client who used to talk and interact with others is  
158 experiencing emotional distress, is seldom speaking, or is  
159 crying more frequently than he or she did previously.

160 6. Any other circumstance the agency deems appropriate.

161 (3) This section does not require an essential caregiver  
162 to provide necessary care to a resident and an assisted living

455237 - h0987\_line 82.docx

Published On: 1/26/2022 5:51:22 PM

Amendment No. 1

163 facility may not require an essential caregiver to provide  
164 necessary care to the resident.

165 (4) The agency must dedicate a webpage on its website to  
166 explain visitation rights authorized under this section.

167 (5) This section prevails over any conflicting or  
168 inconsistent provisions of law.

169 (6) The agency shall adopt rules to implement this  
170 section.

171

172

-----

173

**T I T L E   A M E N D M E N T**

174

Remove lines 26-32 and insert:

175

once for a specified period under certain circumstances;

176

requiring visitation policies to allow for essential caregiver

177

visitation during a suspension on a case by case basis under

178

certain circumstances; providing construction; requiring the

179

agency to dedicate a webpage on its website containing specified

180

information; providing for preemption; providing for