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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2022	.	
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The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "No Patient Left Alone Act."

Section 2. Section 408.823, Florida Statutes, is created to read:

408.823 Long-term care visitation rights.-

(1) As used in this section, the term "long-term care



11 provider” means an intermediate care facility for the
12 developmentally disabled which is licensed and certified under
13 part VIII of chapter 400, a developmental disabilities center as
14 defined in s. 393.063, a nursing home facility licensed under
15 part II of chapter 400, or an assisted living facility licensed
16 under part I of chapter 429.

17 (2) (a) No later than 30 days after the effective date of
18 this act, each long-term care provider shall develop and
19 establish visitation policies and procedures. The policies and
20 procedures must, at a minimum, include infection control and
21 education policies for visitors; screening, personal protective
22 equipment, and other infection control recommendations for
23 visitors; recommendations on the length of visits or number of
24 visitors allowed which must meet or exceed the standards
25 specified in ss. 400.022(1) (b) and 429.28(1) (d); and designation
26 of a person who is responsible for ongoing assurance that staff
27 adhere to the policies and procedures. The policies and
28 procedures may not be more stringent than safety protocols
29 established for the provider’s staff and may not require
30 visitors to submit proof of any vaccination or immunization. The
31 policies and procedures must allow visitors to physically touch
32 the resident or client, unless the resident or client objects.

33 (b) The policies and procedures may require visitors to
34 sign and certify that the visitors agree to follow the long-term
35 care provider’s policies and procedures.

36 (c) Long-term care providers shall submit their visitation
37 policies and procedures to the agency when applying for initial
38 licensure, licensure renewal, or change of ownership. The
39 provider must make the visitation policies and procedures



40 available for review upon agency request at any time.

41 (d) A long-term care provider may suspend in-person visits
42 of a specific visitor if the visitor violates the provider's
43 policies and procedures. However, a long-term care provider's
44 policies and procedures must allow for in-person visitation in
45 all of the following circumstances, regardless of a suspension
46 of visitation rights based on violations of the provider's
47 infection control policies and procedures, unless the resident
48 or client objects:

49 1. End-of-life situations.

50 2. A resident or client who was living with his or her
51 family before being admitted to the provider's care is
52 struggling with the change in environment and lack of in-person
53 family support.

54 3. Making major medical decisions regarding the resident or
55 client.

56 4. A resident or client is grieving the loss of a friend or
57 family member who recently died.

58 5. A resident or client needs cueing or encouragement to
59 eat or drink which was previously provided by a family member or
60 caregiver.

61 6. A resident or client who used to talk and interact with
62 others is experiencing emotional distress, seldom speaking, or
63 crying more frequently than he or she did previously.

64 (e) Within 24 hours after establishing the policies and
65 procedures under this section, long-term care providers must
66 make this information easily accessible from the homepage of
67 their websites.

68 (3) The agency shall dedicate a stand-alone page on its



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69 website to explain visitation rights authorized under this
70 section and s. 408.8235 and to provide a portal and phone number
71 for individuals to report violations.

72 (4) This section prevails over any conflicting or
73 inconsistent provisions of state law.

74 Section 3. Section 408.8235, Florida Statutes, is created
75 to read:

76 408.8235 Hospital and hospice visitation rights.—

77 (1)(a) No later than 30 days after the effective date of
78 this act, each hospital licensed under chapter 395 and hospice
79 facility licensed under part IV of chapter 400 shall develop and
80 establish visitation policies and procedures. The policies and
81 procedures must, at a minimum, include infection control and
82 education policies for visitors; screening, personal protective
83 equipment, and other infection control recommendations for
84 visitors; recommendations on the length of visits or number of
85 visitors; and designation of the person in the hospital or
86 hospice facility who is responsible for ongoing assurance that
87 staff adhere to the policies and procedures. The visitation
88 policies and procedures may not require visitors to submit proof
89 of any vaccination or immunization and must allow visitors to
90 physically touch the patient, unless the patient objects.

91 (b) The visitation policies and procedures required by this
92 section must allow for in-person visitation in all of the
93 following circumstances, unless the patient objects:

94 1. End-of-life situations.

95 2. For hospitals, childbirth, including labor and delivery.

96 The policies and procedures must allow visitation for at least
97 one companion during this circumstance.



98 3. Making major medical decisions regarding the patient.

99 4. Pediatric patients.

100 (c) Hospitals and hospice facilities shall submit their
101 visitation policies and procedures to the agency when applying
102 for initial licensure, licensure renewal, or change of
103 ownership. The hospital or hospice facility must make the
104 visitation policies and procedures available for review upon
105 agency request at any time.

106 (d) Within 24 hours after establishing the policies and
107 procedures under this section, hospitals and hospice facilities
108 must make this information easily accessible from the homepage
109 of their websites.

110 (2) This section prevails over any conflicting or
111 inconsistent provisions of state law.

112 Section 4. The Division of Law Revision is directed to
113 replace the phrase "30 days after the effective date of this
114 act" wherever it occurs in this act with the date 30 days after
115 this act becomes a law.

116 Section 5. This act shall take effect upon becoming a law.

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118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete everything before the enacting clause
121 and insert:

122 A bill to be entitled
123 An act relating to in-person visitation; providing a
124 short title; creating s. 408.823, F.S.; defining the
125 term "long-term care provider"; requiring long-term
126 care providers to develop and establish visitation



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127 policies and procedures within a specified timeframe;
128 providing requirements for the visitation policies and
129 procedures; authorizing long-term care providers to
130 require visitors to sign and certify that they will
131 follow the providers' policies and procedures;
132 requiring long-term care providers to submit their
133 policies and procedures to the Agency for Health Care
134 Administration at specified times; requiring long-term
135 care providers to make their policies and procedures
136 available to the agency upon request at all times;
137 authorizing long-term care providers to suspend in-
138 person visitation of specific visitors under certain
139 circumstances, with exceptions; requiring long-term
140 care providers to make their visitation policies and
141 procedures easily accessible from the homepage of
142 their websites within a specified timeframe; requiring
143 the agency to dedicate a stand-alone page on its
144 website for specified purposes; providing
145 construction; creating s. 408.8235, F.S.; requiring
146 hospitals and hospice facilities to develop and
147 establish visitation policies and procedures within a
148 specified timeframe; providing requirements for the
149 visitation policies and procedures; requiring
150 hospitals and hospice facilities to submit their
151 policies and procedures to the agency at specified
152 times; requiring hospitals and hospice facilities to
153 make their policies and procedures available to the
154 agency upon request at all times; requiring hospitals
155 and hospice facilities to make their visitation



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156 policies and procedures easily accessible from the
157 homepage of their websites within a specified
158 timeframe; providing construction; providing a
159 directive to the Division of Law Revision; providing
160 an effective date.