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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/04/2022 10:24 AM

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Senator Garcia moved 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 In-person visitation.—

(1) This section applies to developmental disabilities
centers as defined in s. 393.063, hospitals licensed under



12 chapter 395, nursing home facilities licensed under part II of
13 chapter 400, hospice facilities licensed under part IV of
14 chapter 400, intermediate care facilities for the
15 developmentally disabled licensed and certified under part VIII
16 of chapter 400, and assisted living facilities licensed under
17 part I of chapter 429.

18 (2) (a) No later than 30 days after the effective date of
19 this act, each provider shall establish visitation policies and
20 procedures. The policies and procedures must, at a minimum,
21 include infection control and education policies for visitors;
22 screening, personal protective equipment, and other infection
23 control protocols for visitors; permissible length of visits and
24 numbers of visitors, which must meet or exceed the standards in
25 ss. 400.022(1) (b) and 429.28(1) (d), as applicable; and
26 designation of a person responsible for ensuring that staff
27 adhere to the policies and procedures. Safety-related policies
28 and procedures may not be more stringent than those established
29 for the provider's staff and may not require visitors to submit
30 proof of any vaccination or immunization. The policies and
31 procedures must allow consensual physical contact between a
32 resident, client, or patient and the visitor.

33 (b) A resident, client, or patient may designate a visitor
34 who is a family member, friend, guardian, or other individual as
35 an essential caregiver. The provider must allow in-person
36 visitation by the essential caregiver for at least 2 hours daily
37 in addition to any other visitation authorized by the provider.
38 This section does not require an essential caregiver to provide
39 necessary care to a resident, client, or patient of a provider,
40 and providers may not require an essential caregiver to provide



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41 such care.

42 (c) The visitation policies and procedures required by this
43 section must allow in-person visitation in all of the following
44 circumstances, unless the resident, client, or patient objects:

45 1. End-of-life situations.

46 2. A resident, client, or patient who was living with
47 family before being admitted to the provider's care is
48 struggling with the change in environment and lack of in-person
49 family support.

50 3. The resident, client, or patient is making one or more
51 major medical decisions.

52 4. A resident, client, or patient is experiencing emotional
53 distress or grieving the loss of a friend or family member who
54 recently died.

55 5. A resident, client, or patient needs cueing or
56 encouragement to eat or drink which was previously provided by a
57 family member or caregiver.

58 6. A resident, client, or patient who used to talk and
59 interact with others is seldom speaking.

60 7. For hospitals, childbirth, including labor and delivery.

61 8. Pediatric patients.

62 (d) The policies and procedures may require a visitor to
63 agree in writing to follow the provider's policies and
64 procedures. A provider may suspend in-person visitation of a
65 specific visitor if the visitor violates the provider's policies
66 and procedures.

67 (e) The providers shall provide their visitation policies
68 and procedures to the agency when applying for initial
69 licensure, licensure renewal, or change of ownership. The



70 provider must make the visitation policies and procedures
71 available to the agency for review at any time, upon request.

72 (f) Within 24 hours after establishing the policies and
73 procedures required under this section, providers must make such
74 policies and procedures easily accessible from the homepage of
75 their websites.

76 (3) The agency shall dedicate a stand-alone page on its
77 website to explain the visitation requirements of this section
78 and provide a link to the agency's webpage to report complaints.

79 Section 3. The Division of Law Revision is directed to
80 replace the phrase "30 days after the effective date of this
81 act" wherever it occurs in this act with the date 30 days after
82 this act becomes a law.

83 Section 4. This act shall take effect upon becoming a law.

84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete everything before the enacting clause
88 and insert:

89 A bill to be entitled
90 An act relating to in-person visitation; providing a
91 short title; creating s. 408.823, F.S.; providing
92 applicability; requiring certain providers to
93 establish visitation policies and procedures within a
94 specified timeframe; providing requirements for such
95 policies and procedures; authorizing the resident,
96 client, or patient to designate an essential
97 caregiver; establishing requirements related to
98 essential caregivers; requiring in-person visitation



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99 in certain circumstances; providing that the policies
100 and procedures may require visitors to agree in
101 writing to follow such policies and procedures;
102 authorizing providers to suspend in-person visitation
103 of specific visitors under certain circumstances;
104 requiring providers to provide their policies and
105 procedures to the Agency for Health Care
106 Administration at specified times; requiring providers
107 to make their policies and procedures available to the
108 agency for review at any time, upon request; requiring
109 providers to make their policies and procedures easily
110 accessible from the homepage of their websites within
111 a specified timeframe; requiring the agency to
112 dedicate a stand-alone page on its website for
113 specified purposes; providing a directive to the
114 Division of Law Revision; providing an effective date.