

By Senator Garcia

37-00839-22

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1                                   A bill to be entitled  
2       An act relating to patient visitation rights;  
3       providing a short title; creating s. 408.823, F.S.;  
4       requiring providers to allow clients to receive  
5       visitors during their admission; requiring providers  
6       to develop certain alternative visitation protocols if  
7       providers have to restrict public access to their  
8       facilities for health or safety concerns; requiring  
9       providers to allow in-person visits in specified  
10      circumstances; authorizing providers to require  
11      visitors to adhere to specified infection control  
12      protocols; authorizing providers to refuse visitation  
13      to a visitor who does not pass a health screening or  
14      refuses to comply with the provider's infection  
15      control protocols; requiring providers to submit their  
16      visitation policies to the Agency for Health Care  
17      Administration by a specified date for approval;  
18      requiring providers to submit updated policies within  
19      a specified timeframe under certain circumstances;  
20      requiring providers to notify clients and, if  
21      possible, their family members or caregivers of their  
22      visitation rights and provide them with specified  
23      information; requiring the agency to dedicate a  
24      webpage on its website containing specified  
25      information; requiring the agency to investigate a  
26      report of a violation within a specified timeframe;  
27      providing administrative penalties; requiring the  
28      agency to adopt rules; providing an effective date.  
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30 WHEREAS, the COVID-19 pandemic has caused great uncertainty  
31 and anxiety across this state and has significantly affected  
32 patients and residents in health care facilities, and

33 WHEREAS, health care facilities have made great efforts to  
34 keep patients and employees in a safe environment and have  
35 attempted to minimize, to the extent possible, the risk of  
36 spread of COVID-19, and

37 WHEREAS, these prevention measures have had many unintended  
38 consequences for patients and residents of these facilities who  
39 were not diagnosed with COVID-19, and

40 WHEREAS, patients and residents of health care facilities  
41 who were not diagnosed with COVID-19 were prohibited from having  
42 any visitors, including a spouse, parent, close family member,  
43 guardian, health care agent, or caregiver, as a result of COVID-  
44 19 prevention measures, and

45 WHEREAS, many families have been unable to be physically  
46 present with their loved ones while they were in a hospital,  
47 long-term care facility, or residential treatment setting for  
48 mental illnesses, developmental or intellectual disabilities, or  
49 substance use disorders, and have been limited to electronic  
50 video communications, if any, and

51 WHEREAS, the patients and residents affected by these  
52 restrictions include adults, minors, and individuals with  
53 intellectual or developmental disabilities, and

54 WHEREAS, the Legislature finds that it is in the best  
55 interest of the state and its residents that the patients and  
56 residents of health care facilities be allowed visitation by  
57 visitors of their choosing during their hospitalization or  
58 residential treatment, NOW, THEREFORE,

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Be It Enacted by the Legislature of the State of Florida:

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 Client visitation rights.-

(1) A provider shall allow clients to receive visitors during their admission in accordance with agency rules.

(2) If circumstances require a provider to restrict public access to the facility due to health or safety concerns, the provider must develop alternate visitation protocols that allow visitation to the greatest extent possible while maintaining client health and safety.

(3) A provider must allow in-person visits in all of the following circumstances:

(a) End-of-life situations.

(b) A client who was living with his or her family before recently being admitted to the provider's facility is struggling with the change in environment and lack of physical family support.

(c) A client is grieving the loss of a friend or family member who recently died.

(d) A client needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver, and the client is experiencing weight loss or dehydration.

(e) A client who used to talk and interact with others is experiencing emotional distress, is seldom speaking, or is

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88 crying more frequently than he or she did previously.

89 (f) Any other circumstance the agency deems appropriate.

90 (4) To ensure the health and safety of clients, a provider  
91 may require visitors to adhere to infection control protocols,  
92 including passing a health screening and wearing personal  
93 protective equipment while on the premises of the provider's  
94 facility. A provider may refuse visitation if the visitor does  
95 not pass a health screening or refuses to comply with the  
96 provider's infection control protocols.

97 (5) Providers shall submit their visitation policies to the  
98 agency by January 1 each year for approval. If the agency finds  
99 any provision of a provider's visitation policy deficient or not  
100 in compliance with this section or the agency's rules, the  
101 provider must submit an updated policy conforming such provision  
102 within 30 days after the agency's notice.

103 (6) Providers must notify clients and, if possible, their  
104 family members or caregivers of their visitation rights under  
105 this section and provide them with the contact information for  
106 the agency and the link to the dedicated webpage on the agency's  
107 website specified in subsection (7).

108 (7) The agency must dedicate a webpage on its website to  
109 explain visitation rights authorized under this section and  
110 provide a method for individuals to report violations of this  
111 section to the agency. The agency shall investigate a report of  
112 a violation within 30 days after receiving the report.

113 (8) A violation of this section or the rules adopted  
114 pursuant hereto constitutes a class III violation as specified  
115 in s. 408.813. If a provider does not correct a violation in the  
116 time specified by the agency or repeats a violation, the agency

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117 must impose an administrative fine of at least \$500 per  
118 violation. Each occurrence and each day that the violation  
119 continues constitutes a separate violation.

120 (9) The agency shall adopt rules to implement this section.  
121 Section 3. This act shall take effect July 1, 2022.