

By the Committees on Appropriations; and Health Policy; and
Senators Garcia, Berman, Rodriguez, and Perry

576-03543-22

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1 A bill to be entitled
2 An act relating to in-person visitation; providing a
3 short title; creating s. 408.823, F.S.; defining the
4 term "long-term care provider"; requiring long-term
5 care providers to develop and establish visitation
6 policies and procedures within a specified timeframe;
7 providing requirements for the visitation policies and
8 procedures; authorizing long-term care providers to
9 require visitors to sign and certify that they will
10 follow the providers' policies and procedures;
11 requiring long-term care providers to submit their
12 policies and procedures to the Agency for Health Care
13 Administration at specified times; requiring long-term
14 care providers to make their policies and procedures
15 available to the agency upon request at all times;
16 authorizing long-term care providers to suspend in-
17 person visitation of specific visitors under certain
18 circumstances, with exceptions; requiring long-term
19 care providers to make their visitation policies and
20 procedures easily accessible from the homepage of
21 their websites within a specified timeframe; requiring
22 the agency to dedicate a stand-alone page on its
23 website for specified purposes; providing
24 construction; creating s. 408.8235, F.S.; requiring
25 hospitals and hospice facilities to develop and
26 establish visitation policies and procedures within a
27 specified timeframe; providing requirements for the
28 visitation policies and procedures; requiring
29 hospitals and hospice facilities to submit their

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30 policies and procedures to the agency at specified
31 times; requiring hospitals and hospice facilities to
32 make their policies and procedures available to the
33 agency upon request at all times; requiring hospitals
34 and hospice facilities to make their visitation
35 policies and procedures easily accessible from the
36 homepage of their websites within a specified
37 timeframe; providing construction; providing a
38 directive to the Division of Law Revision; providing
39 an effective date.

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

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

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

47 408.823 Long-term care visitation rights.-

48 (1) As used in this section, the term "long-term care
49 provider" means an intermediate care facility for the
50 developmentally disabled which is licensed and certified under
51 part VIII of chapter 400, a developmental disabilities center as
52 defined in s. 393.063, a nursing home facility licensed under
53 part II of chapter 400, or an assisted living facility licensed
54 under part I of chapter 429.

55 (2) (a) No later than 30 days after the effective date of
56 this act, each long-term care provider shall develop and
57 establish visitation policies and procedures. The policies and
58 procedures must, at a minimum, include infection control and

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59 education policies for visitors; screening, personal protective
60 equipment, and other infection control recommendations for
61 visitors; recommendations on the length of visits or number of
62 visitors allowed which must meet or exceed the standards
63 specified in ss. 400.022(1)(b) and 429.28(1)(d); and designation
64 of a person who is responsible for ongoing assurance that staff
65 adhere to the policies and procedures. The policies and
66 procedures may not be more stringent than safety protocols
67 established for the provider's staff and may not require
68 visitors to submit proof of any vaccination or immunization. The
69 policies and procedures must allow visitors to physically touch
70 the resident or client, unless the resident or client objects.

71 (b) The policies and procedures may require visitors to
72 sign and certify that the visitors agree to follow the long-term
73 care provider's policies and procedures.

74 (c) Long-term care providers shall submit their visitation
75 policies and procedures to the agency when applying for initial
76 licensure, licensure renewal, or change of ownership. The
77 provider must make the visitation policies and procedures
78 available for review upon agency request at any time.

79 (d) A long-term care provider may suspend in-person visits
80 of a specific visitor if the visitor violates the provider's
81 policies and procedures. However, a long-term care provider's
82 policies and procedures must allow for in-person visitation in
83 all of the following circumstances, regardless of a suspension
84 of visitation rights based on violations of the provider's
85 infection control policies and procedures, unless the resident
86 or client objects:

87 1. End-of-life situations.

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

92 3. Making major medical decisions regarding the resident or
93 client.

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

96 5. A resident or client needs cueing or encouragement to
97 eat or drink which was previously provided by a family member or
98 caregiver.

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

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

106 (3) The agency shall dedicate a stand-alone page on its
107 website to explain visitation rights authorized under this
108 section and s. 408.8235 and to provide a portal and phone number
109 for individuals to report violations.

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

112 Section 3. Section 408.8235, Florida Statutes, is created
113 to read:

114 408.8235 Hospital and hospice visitation rights.-

115 (1) (a) No later than 30 days after the effective date of
116 this act, each hospital licensed under chapter 395 and hospice

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117 facility licensed under part IV of chapter 400 shall develop and
118 establish visitation policies and procedures. The policies and
119 procedures must, at a minimum, include infection control and
120 education policies for visitors; screening, personal protective
121 equipment, and other infection control recommendations for
122 visitors; recommendations on the length of visits or number of
123 visitors; and designation of the person in the hospital or
124 hospice facility who is responsible for ongoing assurance that
125 staff adhere to the policies and procedures. The visitation
126 policies and procedures may not require visitors to submit proof
127 of any vaccination or immunization and must allow visitors to
128 physically touch the patient, unless the patient objects.

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

132 1. End-of-life situations.

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

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

136 3. Making major medical decisions regarding the patient.

137 4. Pediatric patients.

138 (c) Hospitals and hospice facilities shall submit their
139 visitation policies and procedures to the agency when applying
140 for initial licensure, licensure renewal, or change of
141 ownership. The hospital or hospice facility must make the
142 visitation policies and procedures available for review upon
143 agency request at any time.

144 (d) Within 24 hours after establishing the policies and
145 procedures under this section, hospitals and hospice facilities

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146 must make this information easily accessible from the homepage
147 of their websites.

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

150 Section 4. The Division of Law Revision is directed to
151 replace the phrase "30 days after the effective date of this
152 act" wherever it occurs in this act with the date 30 days after
153 this act becomes a law.

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