

2022988er

1
2 An act relating to in-person visitation; providing a
3 short title; creating s. 408.823, F.S.; providing
4 applicability; requiring certain providers to
5 establish visitation policies and procedures within a
6 specified timeframe; providing requirements for such
7 policies and procedures; authorizing the resident,
8 client, or patient to designate an essential
9 caregiver; establishing requirements related to
10 essential caregivers; requiring in-person visitation
11 in certain circumstances; providing that the policies
12 and procedures may require visitors to agree in
13 writing to follow such policies and procedures;
14 authorizing providers to suspend in-person visitation
15 of specific visitors under certain circumstances;
16 requiring providers to provide their policies and
17 procedures to the Agency for Health Care
18 Administration at specified times; requiring providers
19 to make their policies and procedures available to the
20 agency for review at any time, upon request; requiring
21 providers to make their policies and procedures easily
22 accessible from the homepage of their websites within
23 a specified timeframe; requiring the agency to
24 dedicate a stand-alone page on its website for
25 specified purposes; providing a directive to the
26 Division of Law Revision; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

2022988er

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

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

34 408.823 In-person visitation.—

35 (1) This section applies to developmental disabilities
36 centers as defined in s. 393.063, hospitals licensed under
37 chapter 395, nursing home facilities licensed under part II of
38 chapter 400, hospice facilities licensed under part IV of
39 chapter 400, intermediate care facilities for the
40 developmentally disabled licensed and certified under part VIII
41 of chapter 400, and assisted living facilities licensed under
42 part I of chapter 429.

43 (2) (a) No later than 30 days after the effective date of
44 this act, each provider shall establish visitation policies and
45 procedures. The policies and procedures must, at a minimum,
46 include infection control and education policies for visitors;
47 screening, personal protective equipment, and other infection
48 control protocols for visitors; permissible length of visits and
49 numbers of visitors, which must meet or exceed the standards in
50 ss. 400.022(1)(b) and 429.28(1)(d), as applicable; and
51 designation of a person responsible for ensuring that staff
52 adhere to the policies and procedures. Safety-related policies
53 and procedures may not be more stringent than those established
54 for the provider's staff and may not require visitors to submit
55 proof of any vaccination or immunization. The policies and
56 procedures must allow consensual physical contact between a
57 resident, client, or patient and the visitor.

58 (b) A resident, client, or patient may designate a visitor

2022988er

59 who is a family member, friend, guardian, or other individual as
60 an essential caregiver. The provider must allow in-person
61 visitation by the essential caregiver for at least 2 hours daily
62 in addition to any other visitation authorized by the provider.
63 This section does not require an essential caregiver to provide
64 necessary care to a resident, client, or patient of a provider,
65 and providers may not require an essential caregiver to provide
66 such care.

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

70 1. End-of-life situations.

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

75 3. The resident, client, or patient is making one or more
76 major medical decisions.

77 4. A resident, client, or patient is experiencing emotional
78 distress or grieving the loss of a friend or family member who
79 recently died.

80 5. A resident, client, or patient needs cueing or
81 encouragement to eat or drink which was previously provided by a
82 family member or caregiver.

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

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

86 8. Pediatric patients.

87 (d) The policies and procedures may require a visitor to

2022988er

88 agree in writing to follow the provider's policies and
89 procedures. A provider may suspend in-person visitation of a
90 specific visitor if the visitor violates the provider's policies
91 and procedures.

92 (e) The providers shall provide their visitation policies
93 and procedures to the agency when applying for initial
94 licensure, licensure renewal, or change of ownership. The
95 provider must make the visitation policies and procedures
96 available to the agency for review at any time, upon request.

97 (f) Within 24 hours after establishing the policies and
98 procedures required under this section, providers must make such
99 policies and procedures easily accessible from the homepage of
100 their websites.

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

104 Section 3. The Division of Law Revision is directed to
105 replace the phrase "30 days after the effective date of this
106 act" wherever it occurs in this act with the date 30 days after
107 this act becomes a law.

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