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An act relating to in-person visitation; providing a short title; creating s. 408.823, F.S.; providing applicability; requiring certain providers to establish visitation policies and procedures within a specified timeframe; providing requirements for such policies and procedures; authorizing the resident, client, or patient to designate an essential caregiver; establishing requirements related to essential caregivers; requiring in-person visitation in certain circumstances; providing that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; authorizing providers to suspend in-person visitation of specific visitors under certain circumstances; requiring providers to provide their policies and procedures to the Agency for Health Care Administration at specified times; requiring providers to make their policies and procedures available to the agency for review at any time, upon request; requiring providers to make their policies and procedures easily accessible from the homepage of their websites within a specified timeframe; requiring the agency to dedicate a stand-alone page on its website for specified purposes; providing a directive to the Division of Law Revision; providing an effective date.

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

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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  
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  
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.