

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 988 — In-person Visitation

by Appropriations Committee; Health Policy Committee; and Senators Garcia, Berman, Rodriguez, and Perry

The bill establishes the “No Patient Left Alone Act” (Act), creating s. 408.823, F.S. The bill applies to developmental disabilities centers as defined in s. 393.063, F.S., hospitals licensed under ch. 395, F.S., nursing home facilities licensed under part II of ch. 400, F.S., hospice facilities licensed under part IV of ch. 400, F.S., intermediate care facilities for the developmentally disabled licensed and certified under part VIII of ch. 400, F.S., and assisted living facilities licensed under part I of ch. 429, F.S.

The bill requires that, no later than 30 days after the act becomes effective, each provider must establish visitation policies and procedures that:

- Address specified topics including infection control and education protocols and policies for visitors, permissible lengths of visits, and numbers of visitors;
- May not be more stringent than what the provider requires for staff;
- May not require proof of vaccine or immunization;
- Must allow consensual physical contact between the resident, client, or patient and the visitor; and
- Must allow in-person visitation under specified circumstances including:
 - o End-of-life situations.
 - o A resident, client, or patient who was living with his or her family before being admitted to the provider’s care is struggling with the change in environment and lack of in-person family support.
 - o The resident, client, or patient is making one or more major medical decisions.
 - o A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
 - o A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
 - o A resident, client, or patient who used to talk and interact with others is seldom speaking.
 - o For hospitals, childbirth, including labor and delivery.
 - o Pediatric patients.

The provider must provide its visitation policy to the Agency for Health Care Administration (AHCA) on initial licensure, license renewal, or change of ownership. The provider must also make the policy available to the AHCA upon request and make the policy available on its website within 24 hours of establishing the policy. The AHCA must dedicate a stand-alone page to explain visitation rights under the Act and provide a link to the AHCA’s webpage to report complaints.

The bill also allows each resident, client, or patient to designate an essential caregiver who must be allowed to visit the resident, client, or patient in-person for at least two additional hours daily in addition to other visitation requirements.

The bill authorizes a provider to require that a visitor agree in writing to the visitation policy and to suspend a visitor who has violated the policy.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 115-2