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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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 Long-term care visitation rights.-

(1) As used in this section, the term "long-term care



11 provider” means an intermediate care facility for the  
12 developmentally disabled which is licensed and certified under  
13 part VIII of chapter 400, a developmental disabilities center as  
14 defined in s. 393.063, a nursing home facility licensed under  
15 part II of chapter 400, or an assisted living facility licensed  
16 under part I of chapter 429.

17 (2) (a) No later than 30 days after the effective date of  
18 this act, each long-term care provider shall develop and  
19 establish visitation policies and procedures. The policies and  
20 procedures must, at a minimum, include infection control and  
21 education policies for visitors; screening, personal protective  
22 equipment, and other infection control recommendations for  
23 visitors; recommendations on the length of visits or number of  
24 visitors allowed which must meet or exceed the standards  
25 specified in ss. 400.022(1) (b) and 429.28(1) (d); and designation  
26 of a person who is responsible for ongoing assurance that staff  
27 adhere to the policies and procedures. The policies and  
28 procedures may not be more stringent than safety protocols  
29 established for the provider’s staff and may not require  
30 visitors to submit proof of any vaccination or immunization. The  
31 policies and procedures must allow visitors to physically touch  
32 the resident or client, unless the resident or client objects.

33 (b) The policies and procedures may require visitors to  
34 sign and certify that the visitors agree to follow the long-term  
35 care provider’s policies and procedures.

36 (c) Long-term care providers shall submit their visitation  
37 policies and procedures to the agency when applying for initial  
38 licensure, licensure renewal, or change of ownership. The  
39 provider must make the visitation policies and procedures



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40 available for review upon agency request at any time.

41 (d) A long-term care provider may suspend in-person visits  
42 of a specific visitor if the visitor violates the provider's  
43 policies and procedures. However, a long-term care provider's  
44 policies and procedures must allow for in-person visitation in  
45 all of the following circumstances, regardless of a suspension  
46 of visitation rights based on violations of the provider's  
47 infection control policies and procedures, unless the resident  
48 or client objects:

49 1. End-of-life situations.

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

54 3. Making major medical decisions regarding the resident or  
55 client.

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

58 5. A resident or client needs cueing or encouragement to  
59 eat or drink which was previously provided by a family member or  
60 caregiver.

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

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

68 (3) The agency shall dedicate a stand-alone page on its



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69 website to explain visitation rights authorized under this  
70 section and s. 408.8235 and to provide a portal and phone number  
71 for individuals to report violations.

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

74 Section 3. Section 408.8235, Florida Statutes, is created  
75 to read:

76 408.8235 Hospital and hospice visitation rights.—

77 (1)(a) No later than 30 days after the effective date of  
78 this act, each hospital licensed under chapter 395 and hospice  
79 facility licensed under part IV of chapter 400 shall develop and  
80 establish visitation policies and procedures. The policies and  
81 procedures must, at a minimum, include infection control and  
82 education policies for visitors; screening, personal protective  
83 equipment, and other infection control recommendations for  
84 visitors; recommendations on the length of visits or number of  
85 visitors; and designation of the person in the hospital or  
86 hospice facility who is responsible for ongoing assurance that  
87 staff adhere to the policies and procedures. The visitation  
88 policies and procedures may not require visitors to submit proof  
89 of any vaccination or immunization and must allow visitors to  
90 physically touch the patient, unless the patient objects.

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

94 1. End-of-life situations.

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

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



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98           3. Making major medical decisions regarding the patient.

99           4. Pediatric patients.

100           (c) Hospitals and hospice facilities shall submit their  
101 visitation policies and procedures to the agency when applying  
102 for initial licensure, licensure renewal, or change of  
103 ownership. The hospital or hospice facility must make the  
104 visitation policies and procedures available for review upon  
105 agency request at any time.

106           (d) Within 24 hours after establishing the policies and  
107 procedures under this section, hospitals and hospice facilities  
108 must make this information easily accessible from the homepage  
109 of their websites.

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

112           Section 4. The Division of Law Revision is directed to  
113 replace the phrase "30 days after the effective date of this  
114 act" wherever it occurs in this act with the date 30 days after  
115 this act becomes a law.

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

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118 ===== T I T L E   A M E N D M E N T =====

119 And the title is amended as follows:

120           Delete everything before the enacting clause  
121 and insert:

122                                   A bill to be entitled  
123           An act relating to in-person visitation; providing a  
124           short title; creating s. 408.823, F.S.; defining the  
125           term "long-term care provider"; requiring long-term  
126           care providers to develop and establish visitation



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127 policies and procedures within a specified timeframe;  
128 providing requirements for the visitation policies and  
129 procedures; authorizing long-term care providers to  
130 require visitors to sign and certify that they will  
131 follow the providers' policies and procedures;  
132 requiring long-term care providers to submit their  
133 policies and procedures to the Agency for Health Care  
134 Administration at specified times; requiring long-term  
135 care providers to make their policies and procedures  
136 available to the agency upon request at all times;  
137 authorizing long-term care providers to suspend in-  
138 person visitation of specific visitors under certain  
139 circumstances, with exceptions; requiring long-term  
140 care providers to make their visitation policies and  
141 procedures easily accessible from the homepage of  
142 their websites within a specified timeframe; requiring  
143 the agency to dedicate a stand-alone page on its  
144 website for specified purposes; providing  
145 construction; creating s. 408.8235, F.S.; requiring  
146 hospitals and hospice facilities to develop and  
147 establish visitation policies and procedures within a  
148 specified timeframe; providing requirements for the  
149 visitation policies and procedures; requiring  
150 hospitals and hospice facilities to submit their  
151 policies and procedures to the agency at specified  
152 times; requiring hospitals and hospice facilities to  
153 make their policies and procedures available to the  
154 agency upon request at all times; requiring hospitals  
155 and hospice facilities to make their visitation



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156 policies and procedures easily accessible from the  
157 homepage of their websites within a specified  
158 timeframe; providing construction; providing a  
159 directive to the Division of Law Revision; providing  
160 an effective date.