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

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

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

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

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

1. End-of-life situations.
2. A resident or client 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.
3. Making major medical decisions regarding the resident or client.
4. A resident or client is grieving the loss of a friend or family member who recently died.
5. A resident or client needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
6. A resident or client who used to talk and interact with others is experiencing emotional distress, seldom speaking, or crying more frequently than he or she did previously.

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

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

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

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

408.8235 Hospital and hospice visitation rights.—

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

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

1. End-of-life situations.

2. For hospitals, childbirth, including labor and delivery.
The policies and procedures must allow visitation for at least
one companion during this circumstance.
3. Making major medical decisions regarding the patient.

4. Pediatric patients.

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

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

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

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to in-person visitation; providing a short title; creating s. 408.823, F.S.; defining the term “long-term care provider”; requiring long-term care providers to develop and establish visitation
policies and procedures within a specified timeframe; providing requirements for the visitation policies and procedures; authorizing long-term care providers to require visitors to sign and certify that they will follow the providers’ policies and procedures; requiring long-term care providers to submit their policies and procedures to the Agency for Health Care Administration at specified times; requiring long-term care providers to make their policies and procedures available to the agency upon request at all times; authorizing long-term care providers to suspend in-person visitation of specific visitors under certain circumstances, with exceptions; requiring long-term care providers to make their visitation 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 construction; creating s. 408.8235, F.S.; requiring hospitals and hospice facilities to develop and establish visitation policies and procedures within a specified timeframe; providing requirements for the visitation policies and procedures; requiring hospitals and hospice facilities to submit their policies and procedures to the agency at specified times; requiring hospitals and hospice facilities to make their policies and procedures available to the agency upon request at all times; requiring hospitals and hospice facilities to make their visitation
policies and procedures easily accessible from the homepage of their websites within a specified timeframe; providing construction; providing a directive to the Division of Law Revision; providing an effective date.