By the Committee on Health Policy; and Senators Garcia, Berman, Rodriguez, and Perry

A bill to be entitled
An act relating to patient visitation rights;
providing a short title; creating s. 408.823, F.S.;
requiring providers to allow clients to receive
visitors during their admission or residency at the
facility; requiring providers to develop certain
alternative visitation protocols if providers have to
restrict public access to their facilities for health
or safety concerns; requiring providers to allow in-
person visits in specified circumstances; authorizing
providers to require visitors to adhere to specified
infection control protocols; authorizing providers to
refuse visitation to a visitor who does not pass a
health screening or refuses to comply with the
provider’s infection control protocols; requiring
providers to submit their visitation policies to the
Agency for Health Care Administration by a specified
date for approval; requiring providers to submit
updated policies within a specified timeframe under
certain circumstances; requiring providers to notify
clients and, if possible, their family members or
caregivers of their visitation rights and provide them
with specified information; requiring the agency to
dedicate a webpage on its website containing specified
information; requiring the agency to investigate a
report of a violation within a specified timeframe;
providing administrative penalties; requiring the
agency to adopt rules; providing an effective date.
WHEREAS, the COVID-19 pandemic has caused great uncertainty and anxiety across this state and has significantly affected patients and residents in health care facilities, and

WHEREAS, health care facilities have made great efforts to keep patients and employees in a safe environment and have attempted to minimize, to the extent possible, the risk of spread of COVID-19, and

WHEREAS, these prevention measures have had many unintended consequences for patients and residents of these facilities who were not diagnosed with COVID-19, and

WHEREAS, patients and residents of health care facilities who were not diagnosed with COVID-19 were prohibited from having any visitors, including a spouse, parent, close family member, guardian, health care agent, or caregiver, as a result of COVID-19 prevention measures, and

WHEREAS, many families have been unable to be physically present with their loved ones while they were in a hospital, long-term care facility, or residential treatment setting for mental illnesses, developmental or intellectual disabilities, or substance use disorders, and have been limited to electronic video communications, if any, and

WHEREAS, the patients and residents affected by these restrictions include adults, minors, and individuals with intellectual or developmental disabilities, and

WHEREAS, the Legislature finds that it is in the best interest of the state and its residents that the patients and residents of health care facilities be allowed visitation by visitors of their choosing during their hospitalization or residential treatment, NOW, THEREFORE,
Be It Enacted by the Legislature of the State of Florida:

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 Client visitation rights.—

(1) A provider shall allow clients to receive visitors during their admission to, or residency at, the provider’s facility in accordance with agency rules.

(2) If circumstances require a provider to restrict public access to the facility due to health or safety concerns, the provider must develop alternate visitation protocols that allow visitation to the greatest extent possible while maintaining client health and safety.

(3) A provider that admits clients to its facility or serves clients who are residents in the provider’s facility must allow in-person visits in all of the following circumstances:

(a) End-of-life situations.

(b) A client who was living with his or her family before recently being admitted to the provider’s facility is struggling with the change in environment and lack of physical family support.

(c) A client is grieving the loss of a friend or family member who recently died.

(d) A client needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver, and the client is experiencing weight loss or dehydration.
(e) A client who used to talk and interact with others is
experiencing emotional distress, is seldom speaking, or is
crying more frequently than he or she did previously.

(f) Any other circumstance the agency deems appropriate.

(4) To ensure the health and safety of clients, a provider
may require visitors to adhere to infection control protocols,
including passing a health screening and wearing personal
protective equipment while on the premises of the provider’s
facility. A provider may refuse visitation if the visitor does
not pass a health screening or refuses to comply with the
provider’s infection control protocols.

(5) Providers shall submit their visitation policies to the
agency by January 1 each year for approval. If the agency finds
any provision of a provider’s visitation policy deficient or not
in compliance with this section or the agency’s rules, the
provider must submit an updated policy conforming such provision
within 30 days after the agency’s notice.

(6) Providers must notify clients and, if possible, their
family members or caregivers of their visitation rights under
this section and provide them with the contact information for
the agency and the link to the dedicated webpage on the agency’s
website specified in subsection (7).

(7) The agency must dedicate a webpage on its website to
explain visitation rights authorized under this section and
provide a method for individuals to report violations of this
section to the agency. The agency shall investigate a report of
a violation within 30 days after receiving the report.

(8) A violation of this section or the rules adopted
pursuant hereto constitutes a class III violation as specified
in s. 408.813. If a provider does not correct a violation in the time specified by the agency or repeats a violation, the agency must impose an administrative fine of at least $500 per violation. Each occurrence and each day that the violation continues constitutes a separate violation.

(9) The agency shall adopt rules to implement this section.

Section 3. This act shall take effect July 1, 2022.