

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

588-01989-22

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

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

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

40 WHEREAS, patients and residents of health care facilities
41 who were not diagnosed with COVID-19 were prohibited from having
42 any visitors, including a spouse, parent, close family member,
43 guardian, health care agent, or caregiver, as a result of COVID-
44 19 prevention measures, and

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

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

54 WHEREAS, the Legislature finds that it is in the best
55 interest of the state and its residents that the patients and
56 residents of health care facilities be allowed visitation by
57 visitors of their choosing during their hospitalization or
58 residential treatment, NOW, THEREFORE,

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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.

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88 (e) A client who used to talk and interact with others is
89 experiencing emotional distress, is seldom speaking, or is
90 crying more frequently than he or she did previously.

91 (f) Any other circumstance the agency deems appropriate.

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

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

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

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

115 (8) A violation of this section or the rules adopted
116 pursuant hereto constitutes a class III violation as specified

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117 in s. 408.813. If a provider does not correct a violation in the
118 time specified by the agency or repeats a violation, the agency
119 must impose an administrative fine of at least \$500 per
120 violation. Each occurrence and each day that the violation
121 continues constitutes a separate violation.

122 (9) The agency shall adopt rules to implement this section.
123 Section 3. This act shall take effect July 1, 2022.