

Number:	FL35	Policy:	In-Person Visitation
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PURPOSE

In accordance with Chapter 408.823 Florida Statutes, NeuroRestorative Florida will amend visitation policies to ensure compliance with visitation guidelines. Accordingly,

The In-Person Visitation bill has been signed into law, creating Chapter 408.823, which allows the right for residents to have ‘In-person visitation’ by visitors as well as the designated Essential Caregiver. A resident may designate an essential caregiver who is a family member, friend, guardian, or other individual of their choosing.

See Exhibits, attached hereto:

- A) Florida Law Chapter 2022-34 Committee Substitute for Senate Bill No.988
- B) Resident Essential Caregiver Designation Form
- C) Essential Caregiver Acceptance Form

POLICY

The following are the procedures to be followed to identify Essential Caregivers for participants and the expectations of all visitors. These procedures will be administered equally to all participants that request to have visitors and/or an essential caregiver, without regard to race, color, religion, sex (including gender identity and transgender status), age, national origin, disability, or veteran status.

Essential caregivers provide emotional support to help a participants deal with a difficult transition or loss, upsetting event, making major medical decisions, needs cueing to eat and drink, stops speaking, or end-of-life. Essential caregivers will be allowed entry into facilities outside of our regular visitation hours for these specific purposes. NeuroRestorative Florida programs will allow a the essential caregiver to have in-person visitation for a minimum of two hours daily in addition to the regular visitation hours which are from 9am-9pm. Other visitors may visit between 9am-9pm for a minimum of 2 hours unless otherwise approved by Program Director in cases of out-of-town guests and other similar situations. NeuroRestorative Florida may make exceptions to the additional 2-hour visitation on a case-by-case basis for end-of life residents. These exceptions will be discussed and agreed upon in writing by the facility’s Program Director or designee and the participant’s responsible party.

PROCEDURES

1. For designation and utilization of essential caregivers and all visitors:
 - a. NeuroRestorative Florida will provide the Agency for Health Care Administration (AHCA) with a copy of this policy and procedure, with the initial license application, renewal application, change of ownership application, and/or upon request.
 - b. NeuroRestorative Florida will post this policy in-house as well as make available to all participants and responsible parties.
 - c. NeuroRestorative Florida will designate the program nurses or designees as the key staff to support infection prevention and control training. The Program Director or designee will be the key staff to oversee adherence to the visitation policy herein.
 - d. NeuroRestorative Florida will set a limit on the total number of visitors allowed in the facility at any given time based on the ability of staff to safely screen and monitor and the space to accommodate the essential caregiver and/or other visitors. But, participants will be permitted to have a minimum of one isitor at a time.
 - i. Identify locations for visitation/care to occur planning for participants in shared spaces and facilities with minimal common space to identify maximum time availability and which allows for private and unrestricted communication (including sending and receiving unopened correspondence, access to telephone, and visiting any person of his/her choice, at any time between the hours from 9am-9pm at a minimum. Provisions will be made to extend visitation hours for caregivers and out-of-town guests, as needed.

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- ii. Provide outdoor visitation spaces that are protected from weather elements, such as porches, courtyards, patios, or other covered areas that are protected from heat and sun, with cooling devices, if needed.
 - iii. Create indoor visitation spaces for participants in a room that is not accessible by other participants or in a participant’s private room if the participant is bedbound and for health reasons cannot leave his/her room.
- e. All current participants will be given the opportunity to identify an essential caregiver.
- f. All new participants will be given the opportunity to identify an essential caregiver upon move-in.
- g. All participants will be allowed to update, as requested, the named essential caregiver of records within 2 business days of request.
- h. Participants are allowed in-person visitation in all the following circumstances, unless the participant objects:
- i. End-of-life situations
 - ii. A participant who was living with family before being admitted to NeuroRestorative Florida is struggling with the change of environment and lack of in-person family support.
 - iii. The participant is making one or more major medical decisions.
 - iv. A participant is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
 - v. A participant needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
 - vi. A participant who used to talk and interact with others is seldom speaking.
- i. Maintain a visitor log for signing in and out.
- j. No more than one essential caregiver visitor may be designated per resident.
- k. This policy does NOT prohibit essential caregiver visits, if the specific participant to be visit is quarantined, tested positive, or showing symptoms of a communicable disease. Visits in these circumstances will likely require a higher level of PPE than standard surgical masks. The general visitation requirement that the facility has no new facility-onset cases of a communicable disease does not apply to visitation by essential caregivers.
- l. NeuroRestorative Florida is not required to provide for “facility-provided” testing if recommended, and only if, it is based on the most recent CDC and FDA guidance. The cost of the testing cannot be passed on to the visitor.
- m. All visitors must wear Personal Protective Equipment (PPE) per facility’s Infection Control Policies. The PPE required must be consistent with the most recent CDC guidance for healthcare workers. At NeuroRestorative Florida the visitors shall wear the same PPE that staff wear to provide care or service to the participant. Visitors will not have PPE requirements that are more stringent than what our staff are required to wear.

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- n. Any changes to NeuroRestorative Florida In-Person Visitation policies must be promptly communicated to affected participants and essential caregivers.
2. To facilitate visitors upon a request from a participant or friend/family member:
 - a. The participant (or their representative) will read and sign the policy and procedures. The acknowledgement of the signature represents that the essential caregiver visitor will abide by the policies set forth in this document.
 - b. The visitor will complete training on NeuroRestorative Florida infection prevention and control including the use of PPE, use of masks, and hand sanitation.
 - c. The visitor must immediately inform the facility if they develop symptoms consistent with a communicable disease within 24 hours of their last visit at the facility.
 - d. Visits may take place in the participant’s room or a designated area determined by NeuroRestorative Florida at the time the visitation scheduled is developed and agreed upon.
 3. When a visitor is scheduled to visit, NeuroRestorative Florida will:
 - a. NeuroRestorative Florida will thoroughly screen the visitor per the facility’s infection control policy and procedure and document the name of the individual, the date and time of entry, and the screening mechanism used, along with the screening employee’s name and signature. Just as with staff entering the building, if the visitor fails the screening, the visitor CANNOT be allowed entry. Essential caregivers will not be denied access.
 - b. NeuroRestorative Florida will ensure that the required consents and infection control/PPE training and policy acknowledgments are available for visitors to review upon entry to the program.
 - c. NeuroRestorative Florida will ensure that the visitor has appropriate PPE or that they have been provided PPE, as applicable.
 - d. NeuroRestorative Florida will require the visitor to sign-in and out on the visitor log.
 - e. The Program Director or designee will monitor the visitor’s adherence to policies and procedures.
 - f. If the visitor fails to follow the facility’s infection prevention and control requirements, after attempts to mitigate concerns, NeuroRestorative Florida may restrict or revoke visitation.
 - g. In the event the designated essential caregiver's status is revoked due to the individual not following the facility’s policy and procedures, the participant may select a different essential caregiver who will be granted visitation rights upon proper vetting and agreeing to NeuroRestorative Florida’s policies and procedures.
 - h. Visitors will not be asked about and/or required to provide proof of vaccination or immunization status.
 - i. Consensual physical contact between participant and visitor is allowed.

Exhibit A:

CHAPTER 2022-34

Committee Substitute for Committee Substitute for Senate Bill No. 988

An act relating to in-person visitation; providing a short title; creating s. 408.823, F.S.; providing applicability; requiring certain providers to establish visitation policies and procedures within a specified timeframe; providing requirements for such policies and procedures; authorizing the resident, client, or patient to designate an essential caregiver; establishing requirements related to essential caregivers; requiring in-person visitation in certain circumstances; providing that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; authorizing providers to suspend in-person visitation of specific visitors under certain circumstances; requiring providers to provide their policies and procedures to the Agency for Health Care Administration at specified times; requiring providers to make their policies and procedures available to the agency for review at any time, upon request; requiring providers to make their 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 a directive to the Division of Law Revision; providing an effective date.

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 In-person visitation.—

(1) This section applies to developmental disabilities centers as defined in s. 393.063, hospitals licensed under chapter 395, nursing home facilities licensed under part II of chapter 400, hospice facilities licensed under part IV of chapter 400, intermediate care facilities for the developmentally disabled licensed and certified under part VIII of chapter 400, and assisted living facilities licensed under part I of chapter 429.

(2)(a) No later than 30 days after the effective date of this act, each provider shall 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 protocols for visitors; permissible length of visits and numbers of visitors, which must meet or exceed the standards in ss. 400.022(1)(b) and 429.28(1)(d), as applicable; and designation of a person responsible for ensuring that staff adhere to the policies and procedures. Safety-related policies and procedures may not be more stringent than those 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 consensual physical contact between a resident, client, or patient and the visitor.

(b) A resident, client, or patient may designate a visitor who is a family member, friend, guardian, or other individual as an essential caregiver. The provider must allow in-person visitation by the essential caregiver for at least 2 hours daily in addition to any other visitation authorized by the provider. This section does not require an essential caregiver to provide necessary care to a resident, client, or patient of a provider, and providers may not require an essential caregiver to provide such care.

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

1. End-of-life situations.
2. A resident, client, or patient who was living with family before being admitted to the provider's care is struggling with the change in environment and lack of in-person family support.
3. The resident, client, or patient is making one or more major medical decisions.
4. A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
5. A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
6. A resident, client, or patient who used to talk and interact with others is seldom speaking.
7. For hospitals, childbirth, including labor and delivery.
8. Pediatric patients.

(d) The policies and procedures may require a visitor to agree in writing to follow the provider's policies and procedures. A provider may suspend in-person visitation of a specific visitor if the visitor violates the provider's policies and procedures.

(e) The providers shall provide 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 to the agency for review at any time, upon request.

(f) Within 24 hours after establishing the policies and procedures required under this section, providers must make such policies and procedures easily accessible from the homepage of their websites.

(3) The agency shall dedicate a stand-alone page on its website to explain the visitation requirements of this section and provide a link to the agency’s webpage to report complaints.

Section 3. 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 4. This act shall take effect upon becoming a law.

Approved by the Governor April 6, 2022.

Filed in Office Secretary of State April 6, 2022.

Exhibit B:

Essential Caregivers Designation

I, _____ designate _____ as essential caregiver for _____. In making this designation, I consent and understand that:

- Visits by essential caregivers are subject to _____'s policies and procedures and ability to screen visitors and monitor visits.
- All essential caregiver visits may be scheduled, based on current facility conditions and are at will be set for a minimum of 2 hours daily.
- Limited to one visitor at a time, and are limited to designated areas only. (Please speak with the Administrator regarding possible exceptions for end-of-life situations)
- _____ has the ability to object to a visit at any time, even under the following circumstances:
 1. End-of-life situations.
 2. A resident, client, or patient who was living with family before being admitted to the provider's care is struggling with the change in environment and lack of in-person family support.
 3. The resident, client, or patient is making one or more major medical decisions.
 4. A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
 5. A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
 6. A resident, client, or patient who used to talk and interact with others is seldom speaking.
- Essential caregivers will need to follow the facility's infection control and education policies and procedures and agree to such. At no time will they be more stringent than those for staff and at no time require to submit proof of vaccination.
- Essential caregivers must sign an acknowledgement of completion of required trainings and adherence to infection prevention and control policies.
- Visits by a specific essential caregiver may be suspended for failure to follow infection prevention and control requirements or other related rules of _____. At that time the resident or resident's representative can designate a new essential caregiver.

Resident or Legal Representative Signature

Date

Resident or Legal Representative Printed Name

Date

Facility Representative Signature

Date

Facility Representative Printed Name

Exhibit C:

Essential Caregivers Acknowledgement

I, _____ accept the designation as an essential caregiver for _____. I understand that:

- My visits as an essential caregiver are subject to _____'s infection control and education policies and procedures. I acknowledge receiving the policies and procedures and agree to abide by them at all times.
- My visits as an essential caregiver may be scheduled, and may be no less than two hours per day.
- Essential caregiver visits cannot occur if the resident personally objects/declines your visit no matter the circumstance per 408.823 of F.S.

“(c) The visitation policies and procedures required by this section must allow in-person visitation in all of the following circumstances, unless the resident, client, or patient objects:

1. End-of-life situations. 2. A resident, client, or patient who was living with family before being admitted to the provider’s care is struggling with the change in environment and lack of in-person family support. 3. The resident, client, or patient is making one or more major medical decisions. 4. A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died. 5. A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver. 6. A resident, client, or patient who is seldom talking and interacting with others is seldom speaking.”

- When visiting as an essential caregiver, I will utilize personal protective equipment (PPE) as determined by facility policies and procedures related to current facility status and current medical condition of _____.
- I acknowledge having received training on infection prevention and control, use of PPE, use of masks, hand sanitation, and social distancing. I am satisfied with the training provided and do not have any questions regarding any of these topics.
- I acknowledge my obligation and agree to **immediately** notify _____ if I experience symptoms of a respiratory infection, cough, fever, shortness of breath or difficulty breathing, congestion or runny nose, sore throat, chills, headache, muscle pain, repeated shaking with chills, new loss of taste or smell, nausea or vomiting, diarrhea, symptoms possibly related to a contagious infection.
- Visits by essential caregivers may be restricted or revoked for failure to follow infection prevention and control procedures of _____.

Designated Essential Caregiver Signature

Date

Designated Essential Caregiver Printed Name

Facility Representative Signature

Date

Facility Representative Printed Name