



Michael Phillips
State Ombudsman

Bills Regarding Visitation

H.R. 3733 – Essential Caregivers Act – This bill is pending in Congress and there is little indication it is moving toward passage. It provides an important comparison point for the bills filed in the Florida Legislature discussed below.

- Applies during declared public health emergency
- Allows each resident to designate up to two individuals to have access and provide assistance to the resident for 12 hours per day (unlimited at end-of-life).
- Provides an expedited appeals process for denial of access; imposes penalties for violations.

SB 987 – Essential Caregivers –

- Not limited to emergencies
- Applies to nursing homes and ALFs, among other facilities
- Every resident may designate an essential caregiver
- May visit at least 2 hours per day
- Facility may suspend visitation by essential caregiver for 7 days if poses “serious health risk”
- Provides for AHCA rulemaking

SB 988 – Patient Visitation Rights

- Applies to all providers regulated by AHCA, including nursing homes and ALFs
- If circumstances require provider to restrict public access due to health or safety concerns, provider must develop alternative visitation protocols allowing visitation to greatest extent possible
- Must allow in end-of-life, struggling w/change of environment, needs encouragement to eat or drink, emotional distress, other circumstances (similar to Compassionate Care visitors allowed by CMS memorandum)
- Must notify clients and families of visitation rights
- Visitation policies approved annually by AHCA
- Provides for AHCA rulemaking

Discussion: Concern that these bills are weaker than the federal mandate that visitation be permitted. Significant that they apply to ALFs as federal law does not.



FLORIDA OMBUDSMAN PROGRAM

ADVOCATING FOR QUALITY LONG-TERM CARE

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PCA Rule – There has been no activity by AHCA regarding the proposed rule pertaining to Personal Care Attendants since the rule hearing on October 29, 2021.

2. New Business – None
3. Public Comment – None.
4. ADJOURNMENT
 - Motion to adjourn was made, seconded and approved.
 - Workgroup adjourned at 3:40 PM.