



FLORIDA  
**OMBUDSMAN PROGRAM**

ADVOCATING FOR QUALITY LONG-TERM CARE

Michael Phillips  
 State Ombudsman

**MEETING MINUTES**  
**Legislative Workgroup**  
 1/4/2022  
 via Teams video and audio

WORKGROUP MEMBERS			
Sharon Lauter, Chair	Present <input checked="" type="checkbox"/>	Marshall Kapp	Present <input checked="" type="checkbox"/>
Louis Grossman, Co-Chair	Present <input checked="" type="checkbox"/>	Raymond "Sully" Sullivan	Present <input checked="" type="checkbox"/>
Irene Dion	Present <input checked="" type="checkbox"/>	Donna Nagel	Present <input checked="" type="checkbox"/>
OTHER OMBUDSMAN PROGRAM REPRESENTATIVES			
Lynn Hearn	Legal Advocate (Staff Liaison)		
Michael Phillips	State Ombudsman		
Lori Berndt	North Region Ombudsman Manager		

**WELCOME/ROLL CALL/APPROVAL OF MINUTES**

- Called to order at 2:35 PM                      Quorum Established:  Yes    No
- Minutes Approved:      Yes    No (12/8/21)

**MEETING TOPICS**

1.        **Update regarding Florida & Federal Legislative Topics** (Lynn Hearn)

There has been no activity related to any of the bills discussed at the prior meeting, with the exception of a companion bill being filed to HB 539 – Nursing Home Financial Reporting (SB 1324 by Senator Trumbull).

Additional Bills LTCOP is Tracking:

SB 700 (Senator Burgess) / HB 413 (Rep. Snyder) – Delegation of Medication Administration  
 Enables a registered nurse to delegate to a CNA or home health aide the administration of certain types of medications to “nurse registry” patients in addition to home health agency patients.

It is unclear to the workgroup whether this bill could affect residents of nursing homes or assisted living facilities. Lynn and workgroup members will continue to research the scope and effect of this proposal.



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### 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.



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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.