

In-Person Visitation for Residents Updated Requirements Take Effect Today, May 6, 2022

The "[No Patient Left Alone Act](#)" (Act) requires nursing centers and assisted living facilities to make their visitation policies and procedures accessible from the homepage of their website by today, May 6, 2022. The Act creates new residents' rights for essential caregivers and in-person visitation.

Provider visitation policies and procedures must address:

- Infection control and education policies for visitors
- Screening, use of PPE, and other infection control protocols
- The requirements for length of visits and number of visitors that must meet or exceed the statutory resident rights for nursing center and assisted living facility residents
- Designation of a person that must enforce staff adherence to the policies
- Allowance for consensual physical contact between residents and their visitors

In addition, the policies and procedures cannot be more stringent than the safety protocols for staff and may not require visitors to show proof of vaccination or immunization. The provider can require a visitor to agree in writing to follow the policies and can suspend in-person visitation if that visitor violates the policies. AHCA will review websites for posting compliance and will ask for the policies and procedures to be submitted at the time of initial licensure, upon renewal, or upon the filing of a change of ownership application.

Regarding the essential caregiver, the resident has the right to designate one person who must be allowed to visit in-person for at least 2 hours per day. This person is in addition to other visitors. The name "caregiver" is a bit of a misnomer, as this person cannot be required to provide care.

Finally, the Act provides a list of situations where in-person visitation must be allowed unless the resident objects. The most pertinent to nursing centers and assisted living facilities are:

- End-of-life
- Resident is struggling after being admitted
- Resident is faced with a major medical decision
- Resident is experiencing emotional distress or is grieving the loss of a loved one
- Resident needs cueing or encouragement to eat or drink
- Resident is not talking or interacting with others

AHCA has created a [stand-alone page](#) on its website dedicated to visitation. This webpage includes a summary of the law and a portal for collecting complaints about alleged facility non-compliance.

Nursing centers must also be sure to comply with CMS visitation requirements found in [QSO-20-39-NH revised 3/10/22](#) and the companion [Frequently Asked Questions revised 3/10/22](#).

FHCA has a Long Term Care Facility Visitation web page with these and other resources which can be accessed [here](#). For questions, please contact Susan Anderson of FHCA at sanderson@fhca.org.