

Sugarmill Manor
Assisted Living Facility

Subject: COVID-19 Policy Governor DeSantis

Revised 2022

Department: FACILITY-WIDE

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NO VACCINE MANDATE

While the Federal Centers for Medicare and Medicaid Services continue to waive this requirement for patients in hospitals, Florida law now guarantees this right. An outline of the legislation is found below. Please read this information carefully so you know what protections are available to you and your family.

No health care facility in Florida may require a vaccine as a condition to visitation and must allow for consensual physical contact between patients and their loved ones.

[SB 988](#) states that all hospitals, hospices, and long-term care facilities visitation policies and procedures must allow for in-person visitation in all the following circumstances, unless the resident, client, or patient objects:

- End-of-life situations.
- 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.
- The resident, client, or patient is making one or more major medical decisions.
- A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently died.
- A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
- A resident, client, or patient who used to talk and interact with others is seldom speaking.
- For hospitals, childbirth, including labor and delivery.
- Pediatric patients.



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Operational Updates: Hospitals & Long Term Care Facilities

This health care alert is to remind Florida's hospitals and long-term care facilities (nursing homes, assisted living facilities, and intermediate care facilities for the developmentally disabled) of standard protocols, including recommendations against screening, masks, and other measure known as "source control" for COVID-19. Additionally, Providers are obligated to allow for robust visitation and must adhere to Florida's prohibition against blanket employer vaccine mandates for COVID-19.

Use of Masks, Screening, and other "Source Control" Protocols

As referenced in guidance issued by the Florida Department of Health in February 2022, there is not strong evidence to support that facial coverings reduce the transmission of respiratory viruses. The State of Florida follows the science that these constraints have not been proven to be effective and are, therefore, arbitrary and unnecessary.

Prior to the pandemic, physicians, nurses, and other direct care staff used their professional judgment and training to determine the need to use personal protective equipment such as masks/"source control" when completing a medical procedure or examination or otherwise providing direct care to an individual.

Based on these facts, the Agency for Health Care Administration is providing the following recommendations related to the use of masks/"source control" for COVID-19:

For Hospital Patients and Long-Term Care Residents

The Agency **does not recommend** global masking or similar source control requirements for individuals receiving inpatient or outpatient care in hospitals.

The Agency **does not recommend** global masking or similar source control requirements for residents of long-term care facilities. Facilities should empower residents to make that decision within any setting of a facility.

For Hospital and Long-Term Care Facility Employees

The Agency **does not recommend** facility-wide COVID-19 mask mandates for employees. The Agency **recommends** facilities employ standard protocols related to the use of masks/"source control" when providing direct care, rather than protocols that solely focus on COVID-19 as a reason for masking. Hospital and long-term care facility employees must be permitted to use their professional judgment and training to inform their personal decision on the use of masks/"source control" when caring for patients/residents, or as requested by the individual receiving care.

Additionally, the Agency **does not recommend** global masking or similar "source control" requirements for employees who do not provide direct care or who work in administrative areas of facilities.

For Hospital and Long-Term Care Facility Visitors

CDC no longer supports screening of individuals for COVID-19 without symptoms. The Agency therefore **recommends** that hospitals and long-term care facilities need no longer perform COVID-19 related screening on visitors.

The Agency **does not recommend** global masking or similar COVID-19 "source control" requirements for visitors. Facilities should NOT utilize haphazard COVID-19 protocols and mandates as a way to prevent widespread visitation.

Vaccine Mandates

As communicated in January, the State of Florida was the first state to commit to NOT surveying for compliance with the federal Centers for Medicare and Medicaid

Services vaccine mandate rule. AHCA Secretary Simone Marstiller reinforced Florida's decision in a recent letter to Centers for Medicare and Medicaid Services Administrator Chiquita Brooks-LaSure and called on Biden Administration to withdraw the "emergency rule" requiring COVID-19 vaccinations for eligible staff at health care facilities. Knowing that the COVID-19 vaccine **DOES NOT** prevent transmission of the disease, the Agency would reinforce to providers their obligation to follow Florida law which requires all employers, including health care employers, to provide broad exemptions to a COVID-19 vaccine mandate:

Medical Exemption from COVID-19 Vaccination

Religious Exemption from COVID-19 Vaccination

Exemption from COVID-19 Vaccination Based on COVID-19 Immunity

Exemption from COVID-19 Vaccination Based on Periodic Testing

Exemption from COVID-19 Vaccination Based on Employer-Provided Personal Protective Equipment

Employers and employees seeking additional information related to COVID-19 vaccine requirement exemptions and associated exemption forms should visit the Florida Department of Health's website [HERE](#).

The Agency for Health Care Administration is committed to better health care for all Floridians. The Agency administers Florida's Medicaid program, licenses and regulates more than 48,000 health care facilities and 47 health plans, and publishes health care data and statistics at www.FloridaHealthFinder.gov.