

STATE RESCINDS NURSING HOME VISITATION ORDERS

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TALLAHASSEE — Gov. Ron DeSantis' administration has swept away four emergency orders dealing with visitors to nursing homes, just days before the Legislature is poised to pass a bill that would help shield the facilities from lawsuits associated with the COVID-19 pandemic.

The administration has told the nursing-home industry to abide by recently issued federal guidelines that allow visitors to touch fully vaccinated residents.

Florida Division of Emergency Management Director Jared Moskowitz issued an order on Monday rescinding the four orders he issued last year. The state initially barred nursing-home visitors to try to prevent the spread of the disease but later issued orders that loosened restrictions, including an October order that allowed residents to leave facilities to spend time with family and friends for the holidays.

"To ensure the continued safety of individuals in care, every facility shall, at a minimum, maintain visitation and infection control policies in accordance with all state and federal laws and shall continue to monitor all (federal) Centers for Medicare and Medicaid Services and Centers for Disease Control and Prevention guidance," Moskowitz wrote in the Monday order.

The administration did not publicly announce it had withdrawn the previous orders. The governor has made clear, though, in recent weeks that he wants nursing home residents to have greater visitation rights now that most residents and staff members are fully vaccinated or have been offered the vaccines.

"My view is you need to open it up and you need to do it," he said adding that for residents the visits are "the type of personal interaction that makes life worth living."

DeSantis also said all long-term care residents and staff members have been offered vaccines and that most of them have been fully vaccinated. As such, DeSantis said, the number of COVID-19 deaths among long-term care residents has plummeted.

"So let's embrace that and treat these folks like they are immune," DeSantis said.

According to the latest state report, 523 long-term care facilities — which include assisted living facilities, nursing homes and institutions for people with developmental and intellectual disabilities — in the state had COVID-19-infected residents and staff. The data show that more than 3,004 residents have been transferred from their facilities and another 390 remain in place, isolated or quarantined.

As of Friday, at least 10,806 residents of facilities had died, according to the state report.

Caregivers for Compromise Florida founder Mary Daniel has been pressing the administration in recent weeks to rescind the October executive order on visitation policies. Daniel made national news last year for working as a dishwasher at the long-term care facility in Jacksonville where her husband is a resident.

she alleges, the state never enforced it.

While she is glad that the federal guidelines will be in place, she said the state still needs to issue an executive order that clarifies those rules for nursing homes.

“Facilities don’t know what the hell they are doing. They need clear, concise language.” Daniel told The News Service of Florida on Monday night.

DeSantis has said he believes facilities are not fully reopening to visitors because nursing-home operators are fearful of getting sued. The governor said Monday the proposal (SB 72) that limits lawsuits against nursing homes and assisted living facilities should give operators comfort that they won’t get sued.

“If you’re just facilitating visitation, that’s what you’re supposed to be doing,” DeSantis said. “There’s nothing reckless about that.”

The House of Representatives is expected to give final approval to the bill this week, setting the stage for DeSantis’ expected signature. The bill is supported by the Florida Health Care Association, the Florida Hospital Association and other health care groups. The bill also provides protections to non-health care businesses.

Daniel, who has focused her efforts on visitation policies, told the News Service she was unaware that the Legislature was giving nursing homes protections from COVID-19 related lawsuits. Working as a dishwasher, she said, gave her first hand knowledge of some of the events that are unfolding at the facilities.

“I’m getting a little perturbed that this is happening behind our back without us even knowing about it,” she said.

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