

GUIDANCE MEMORANDUM

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SUBJECT: Questions & Answers for APD-Licensed Facility Operators
Regarding Emergency Order 20-009

On March 14, 2020, Governor DeSantis signed Executive Order 20-52. The executive order includes a prohibition on visitors in certain facilities including APD-licensed group/foster homes based on the Governor's "Safe. Smart. Step by Step Plan for Florida's Recovery. Additionally, Governor DeSantis convened a task force to examine the safe and limited re-opening of Long-Term Care Facilities. A final report of the Task Force is available at:

<http://www.flgov.com/wp-content/uploads/covid19/Final%20Report%209-1-20.pdf>

For additional information regarding the Task Force meetings visit: <https://www.flgov.com/covid-19/>.

On September 1, 2020, the Division of Emergency Management issued Emergency Order 20-009, which provides additional flexibilities and criteria to authorize limited visitation to Long-term Care facilities including APD-licensed facilities located in counties that have entered into and remain in Phase 2 or Phase 3 of the plan may receive visitors in the home.

Emergency Order 20-009 Questions & Answers

1. Effective Date: When does the Emergency Order (Order) take effect?
Answer: The Order was effective on September 1, 2020. Facilities must comply with requirements in the Order before beginning visitation but are expected to move quickly to have all appropriate measures in place to enable visitors to enter the facility. No additional rules or regulations are needed from the state to proceed.

2. Affected Facilities: Which facilities are subject to the Order?
Answer: The Emergency Order suspends laws that allow residents to have visitors in the following types of facilities under each of the following agencies:

Agency for Persons with Disabilities:

- Group Home Facilities
- Foster Home Facilities
- Developmental Disability Centers

Department of Children and Families:

- Adult Mental Health and Treatment Facilities
- Adult Forensic Facilities
- Mental Health Commitment Civil Facilities

Agency for Health Care Administration:

- Long-Term Care Hospitals
- Nursing Homes
- Homes for Special Services
- Transitional Living Facilities
- Intermediate Care Facilities for the Developmentally Disabled
- Assisted Living Facilities
- Adult Family-Care Homes

3. Visitor Screening and Testing: Does a visitor need to be screened or tested to enter the APD-licensed facilities?

Answer: APD-licensed facilities are required to continue visitor screening (i.e., temperature checks and COVID-19 signs, symptoms, and exposure screening questions). Facilities may perform testing for visitors. If the facility conducts testing, it must be based on current CDC and FDA guidance.

4. Testing Cost: Can APD-licensed facilities require visitors to pay for facility-provided testing?

Answer: If an APD-licensed facility requires testing of visitors prior to entry, the facility cannot pass the cost of testing on to the visitor nor may the facility use the test kits provided through APD's Curative contract for this purpose. .

5. Personal Protective Equipment (PPE): Is the APD-licensed facility required to provide PPE for visitors?

Answer: The facility must make sure the visitor wears the appropriate PPE but is not required to supply it to the visitor. The facility should allow the visitor to wear their own PPE unless it does not meet the requirements. For example, a Compassionate Care visitor and an Essential Caregiver must wear a surgical mask, therefore if the Compassionate Care visitor or the Essential Caregiver arrives with a bandana or inappropriate face covering, that would not be allowed. The facility may offer a surgical mask if one is available, but they are not required to provide it.

6. Resident contact: Can visitors have physical contact with a resident, such as a hug?

Answer: Only Essential Caregivers and Compassionate Care visitors may have physical contact with the resident during visitation if they wear appropriate PPE. Those visitors entering for general visitation may not have physical contact with a resident.

7. Number of allowable visitors: How many total visitors can a resident or representative designate?

Answer: A resident or representative may designate up to two Essential Caregivers, two Compassionate Care visitors and up to five general visitors but may not have more than two visitors at one time.

Visitor Scheduling

7. Visit Location: Can multiple visitations occur at the same time in a large, common area if each group maintains minimum distance from others?

Answer: This is acceptable as long as residents may have private communications with their visitors.

8. Visit Duration: How does a visitor schedule these visits? And how often can they occur?

Answer: APD-licensed facilities are required to schedule visitors by appointment and monitor adherence to proper use of PPE and social distancing, while allowing for auditory privacy. Facilities must also notify and inform residents, their representatives, and recurring visitors of any change in the visitation policy.

Essential Caregivers/Compassionate Care Visitors

9. Required Access: Are APD-licensed facilities required to allow Essential Caregivers and Compassionate Care visitors?

Answer: APD-licensed facilities must allow entry of Essential Caregivers and Compassionate Care visitors who meet the requirements of the Order. Essential Caregivers must be recognized in the resident's support plan. The Order also spells out the requirements of facilities related to these individuals.

10. Eligibility: Does the definition of Essential Caregivers only apply to those providing services before the pandemic?

Answer: No, Essential Caregivers recognized in the Order include individuals who request to provide services now, even if the services were not provided to the resident prior to the pandemic.

11. Designation: How does an individual become a recognized Essential Caregiver or a Compassionate Care visitor?

Answer: The resident or their representative designates up to two individuals to be Essential Caregivers whose activities are outlined in the

resident's support plan by the Waiver Support Coordinator. The resident or their representative designates up to two individuals to be Compassionate Care visitors who should discuss their interest with the facility for limited visitation and care during a resident's difficult situation. Essential Caregivers and Compassionate Care visitors work directly with the facility and do not have to register with APD.

12. Visit Duration: Can the APD-licensed facility limit the length of time of an Essential Caregiver's visit?

Answer: APD-licensed facilities must schedule visitor time and be able to manage visitors in a fair manner for all residents. Although the Order does not create a maximum visit length, facilities and Essential Caregivers should work together to establish reasonable lengths of visits to accommodate the services provided, while recognizing the facility's responsibility to manage visitation.

For additional information on Essential Caregivers and Compassionate Care visitors, please see Division of Emergency Management [Emergency Order 20-009](#).

General Visitation

13. Required Access: Are facilities required to allow general visitation?

Answer: Facilities that are eligible based on the conditions in Emergency Order 20-009 must permit visitors who meet screening and other requirements in the Order. Visits can occur in outdoor spaces, indoor spaces, or both. The Order also prescribes the requirements of facilities related to these individuals. If a facility does not meet criteria for general visitation, visitors will not be able to enter, however, the facility should assist visitors with alternative methods to communicate with residents such as virtual options.

14. Facility Eligibility COVID Status: How does a Group Home determine if they meet the requirement for 14 days with no new facility-onset resident cases?

Answer: The date of onset is the day a COVID-positive resident began showing symptoms or tested positive. A facility can hold general visitation if 14 days have passed since the onset of the most recent resident COVID-positive case.

15. Facility Eligibility Information: How will a family member know if a facility meets the requirements for general visitation?

Answer: The facility should explain their visitor status to all residents and their families.

16. Tours for Prospective Residents: May a facility allow tours by prospective residents and their families?

Answer: An APD-licensed facility that meets the criteria for general visitation, may make arrangements for a tour by no more than two individuals, as long as the visitors comply with the same requirements for general visitation and are accompanied by facility staff at all times.