



Table of Contents

DOH Emergency Rules for Facial Coverings	2
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DOH Emergency Rules for Facial Coverings

It is the policy of Riviera Health Resort to ensure safe visitation to our residents.

The Agency for Health Care Administration (AHCA) and Florida Department of Health (DOH) have published emergency rules to establish the standards for the appropriate use of facial coverings for infection control in health care settings, including nursing centers. The content of the rules is the same, with the AHCA rules applying to health care providers and the DOH rules applying to health care practitioners. The AHCA rules, 59AER23-1 and 59AER23-2, became effective on June 30, 2023.

Riviera Health Resort has adopted facial covering policies in compliance with the standards by August 1, 2023.

Summary:

This emergency rule establishes facial covering requirements for health care practitioners and health care providers.

59AER23-1 Definitions.

- (1) “Common area” refers to areas in a health care setting where patients are not treated, diagnosed, or examined.
- (2) “Employee” refers to any person under employment or contract of a health care setting, including health care practitioners, administrative staff, maintenance staff, aides, contractors, students, and volunteers.
- (3) “Health care setting” refers to any place where health care practitioners and/or health care providers practice their profession or provide services.
- (4) “Patient” refers to a person receiving services from a health care practitioner or health care provider.

(5) “Sterile areas” refers to locations where surgery is conducted or where procedures that require aseptic techniques are performed.

(6) “Sterile procedure” refers to aseptic procedures with the goal of minimizing the risk of microbial contamination to reduce the rate of invasive or surgical site infection.

(7) “Visitor” refers to any person in a health care setting who is not an employee or patient of the health care setting.

Riviera Health Resort does not require patients, employees and/or visitors to use facial coverings for infection control.

59AER23-2 Standards for the Appropriate Use of Facial Coverings for Infection Control

(1) Riviera Health Resort requires a patient to wear a facial covering only when the patient is in a common area of the health care setting and is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission.

(2) Riviera Health Resort requires a visitor to wear a facial covering only when the visitor is:

(a) Exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission,

(b) In sterile areas of Riviera Health Resort or an area where sterile procedures are being performed,

(c) In an in-patient or clinical room with a patient who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission, or

(d) Visiting a patient whose treating health care practitioner has diagnosed the patient with or confirmed a condition affecting the immune system in a manner which is known to increase risk of transmission of an infection from visitors/employees without signs or symptoms of infection to a patient and whose treating practitioner has determined that the use of facial coverings is necessary for the patient’s safety.

(3) Opt-Out Requirements are as follows:

(a) Pursuant to 59AER23-2(1), and in accordance to the Florida Patient Bill of Rights and Responsibilities, section 381.026, F.S.

A patient of Riviera Health Resort who opts-out of wearing a facial covering in a common area and who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread

through droplet or airborne transmission may require TBP based on symptoms. The patient will be encouraged to stay and/or maintain a safe distance when in a common area.

(b) Pursuant to 59AER23-2(2),

Riviera Health Resort will not allow a visitor to enter the facility under the following circumstances:

(a) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission,

(b) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and the visitor is in a sterile area of Riviera Health Resort or an area where sterile procedures are being performed,

(c) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and in an in-patient or clinical room with a patient who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission, or

(d) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and is visiting a patient whose treating health care practitioner has diagnosed the patient with or confirmed a condition affecting the immune system in a manner which is known to increase risk of transmission of an infection from visitors/employees without signs or symptoms of infection to a patient and whose treating practitioner has determined that the use of facial coverings is necessary for the patient's safety.

(4) Riviera Health Resort allows an employee to opt-out of facial covering requirements unless an employee is:

(a) Conducting sterile procedures,

(b) Working in a sterile area,

(c) Working with a patient whose treating health care practitioner has diagnosed the patient with or confirmed a condition affecting the immune system in a manner which is known to increase risk of transmission of an infection from employees without signs or symptoms of infection to a patient

and whose treating practitioner has determined that the use of facial coverings is necessary for the patient's safety,

(d) With a patient on droplet or airborne isolation, or

(e) Engaging in non-clinical potentially hazardous activities that require facial coverings to prevent physical injury or harm in accordance with industry standards.

There are a variety of actions or job modifications Riviera Health Resort will implement to potentially reduce the risk of transmission of an infection including, but are not limited to:

- Reassigning staff who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission. to non-patient care areas, to duties that can be performed remotely (i.e., telework), or to duties which limit exposure to those most at risk.
- Requiring staff to follow additional CDC-recommended precautions, such as adhering to universal source control and physical distancing measures.

Compliance with the Policy

Riviera Health Resort requires visitors to adhere to the visitation policy and may suspend in-person visitation of a specific visitor if the visitor violates these policies and procedures.

Riviera Health Resort will provide the visitation policies and procedures to the agency when applying for initial licensure, licensure renewal, or change of ownership.

Riviera Health Resort will make the visitation policies and procedures available to the agency for review at any time, upon request.