



GUIDANCE FROM THE DEPARTMENT OF ELDER AFFAIRS

RE: DOEA Emergency Order No. 20-01

COVID-19 (Coronavirus) Pandemic

On March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52 declaring a state of emergency due to COVID-19, and on March 15, 2020, the Division of Emergency Management (DEM) issued DEM Order No. 20-006 prohibiting all individuals from visiting various enumerated facilities within the state except in certain stated circumstances.

In furtherance of the objectives of the Governor's Executive Order, and the Division of Emergency Management's Order, the Office of Public and Professional Guardians (OPPG) has issued DOEA Executive Order No. 20-01 suspending the requirement of a personal visit to the ward where COVID-19 response and mitigation measures prevent such visits to Nursing Homes, ALFs, and other facilities enumerated in DEM Order No. 20-006.

Section 4 of DOEA's Executive Order No. 20-01 requires public and professional guardians to adhere to the DOEA's guidance on responsibilities to the ward during the COVID-19 Emergency which is as follows:

1. The professional or public guardian must continue to comply with the statutory and administrative rule requirements requiring a personal visit to their respective ward¹ on a quarterly basis as modified and set forth herein.
2. At a minimum, the professional or public guardian must make contact by

¹ Section 744.361(14), Florida Statutes, provides, in part, that "[a] professional guardian must ensure that each of the guardian's wards is personally visited by the guardian or one of the guardian's professional staff at least once each calendar quarter." This requirement is echoed in rule 58M-2.009(13)(c), Florida Administrative Code, which mirrors the statutory requirement for professional guardians to pay personal visits to their wards each calendar quarter. Section 744.2103(6), Florida Statutes, provides, in part, that "[a] public guardian shall ensure that each of the guardian's wards is personally visited by the public guardian or by one of the guardian's professional staff at least once each calendar quarter."

video conference or phone with the facility and determine the current status of their ward and then arrange a video conference call or telephone call with the ward (unless the ward is not able to at least listen to a call) to check on their needs and conditions.

3. All public and professional guardians must ensure that facility administrators, staff, and/or medical staff at the facility have the most up-to-date contact information to reach the guardian should an urgent need for the ward arise.
4. In end-of-life situations, as soon as the public or professional guardian learns of the ward's condition, the guardian must immediately contact the facility by phone or video conference call and determine the condition and needs of the ward. The guardian or its employee (who are not excluded by the screening criteria listed in DEM Order No. 20-006) must make a personal face to face visit with the ward as soon as possible if one has not been conducted in the current quarter. The guardian must follow all protective requirements that have been put in place by the facility to protect and screen other residents of the facility.
5. The video conferences and / or telephone calls must be documented in the same way as the in-person visits are documented.
6. The guardian must continue to follow all applicable court orders.

Executed this 30th day of March 2020.



Richard M. Prudom
Secretary
Department of Elder Affairs
State of Florida