

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 193, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO ESSENTIAL CAREGIVERS; AMENDING CHAPTER 97, TITLE 39, IDAHO CODE,
2 AS ENACTED BY SECTION 1, CHAPTER 134, LAWS OF 2022, TO REDESIGNATE THE
3 CHAPTER, TO REVISE DEFINITIONS, TO REVISE AND CLARIFY PROVISIONS RE-
4 GARDING THE RIGHT TO ESSENTIAL CAREGIVERS, AND TO PROVIDE FOR APPROVAL
5 OF CERTAIN VISITATION REQUESTS; AND DECLARING AN EMERGENCY AND PROVID-
6 ING AN EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 97, Title 39, Idaho Code, as enacted by Section
10 1, Chapter 134, Laws of 2022, be, and the same is hereby amended to read as
11 follows:

12 CHAPTER ~~97~~ 98
13 ESSENTIAL CAREGIVERS

- 14 ~~39-9701~~ 39-9801. DEFINITIONS. As used in this chapter:
15 (1) "Assistance" means aid in meeting daily living needs.
16 (2) "Essential caregiver" means a person or persons designated by a pa-
17 tient or resident to visit the patient or resident in person at a facility.
18 (3) "Facility" means an institution providing health care services, a
19 health care setting, or a setting in which to receive assistance, includ-
20 ing but not limited to hospitals and other licensed inpatient centers, am-
21 bulatory surgical or treatment centers, nursing facilities, skilled nursing
22 centers, residential treatment centers, rehabilitation and other therapeu-
23 tic health settings, ~~certified family homes, group homes,~~ or assisted living
24 facilities.
25 (4) "Health care services" means services for the diagnosis, preven-
26 tion, treatment, cure, or relief of a health condition, illness, injury, or
27 disease.
28 (5) "Patient" means a person receiving health care services at a facil-
29 ity.
30 (6) "Resident" means a person receiving assistance at a facility.

31 ~~39-9702~~ 39-9802. LEGISLATIVE INTENT. In enacting this chapter, it is
32 the intent of the legislature to guarantee and protect the right of Idahoans
33 to be visited by essential caregivers of their choosing when staying in a
34 health care or assistance facility.

35 ~~39-9703~~ 39-9803. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resi-
36 dent has the right to in-person visitation from an essential caregiver while
37 receiving assistance or health care services at a facility, even if other
38 visitors are being excluded by the facility. However, the essential care-
39 giver must follow safety and other protocols imposed by the facility, and a

1 facility may place reasonable restrictions as to where and when the essen-
2 tial caregiver may visit and the number of essential caregivers who may visit
3 at the same time. For purposes of this subsection, a restriction is reason-
4 able if the restriction:

5 (a) Is necessary to prevent the disruption of assistance or health care
6 services to the patient or resident; and

7 (b) Does not interfere with the patient's or resident's general right
8 to visitation by essential caregivers.

9 (2) A facility that provides or intends to provide health care services
10 or assistance must:

11 (a) When practicable, notify a potential patient or resident of the
12 right to designate essential caregivers prior to admission to the fa-
13 cility;

14 (b) Provide each patient or resident an opportunity to designate essen-
15 tial caregivers; and

16 (c) Accommodate a patient's or resident's request to have essential
17 caregivers visit within the limits prescribed by this section. If the
18 patient or resident is a minor or incapacitated, visitation requests
19 must be approved by a person with legal authority to make decisions on
20 behalf of the patient or resident, such as a parent, guardian, or con-
21 servator.

22 SECTION 2. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2023.