

IN THE SENATE

SENATE BILL NO. 1139, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HEALTH CARE; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 39-1396, IDAHO CODE, TO ESTABLISH PROVI-
3 SIONS REGARDING AUTHORITY TO ADMIT PATIENTS TO CERTAIN HOSPITALS OR
4 FACILITIES; AMENDING SECTION 66-318, IDAHO CODE, TO REVISE PROVISIONS
5 REGARDING AUTHORITY TO ADMIT VOLUNTARY PATIENTS IN FACILITIES FOR THE
6 MENTALLY ILL; AMENDING SECTION 66-324, IDAHO CODE, TO REVISE PROVISIONS
7 REGARDING AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS IN FACILITIES FOR
8 THE MENTALLY ILL; AND AMENDING SECTION 66-409, IDAHO CODE, TO REVISE
9 PROVISIONS REGARDING AUTHORITY TO ADMIT PERSONS INTO FACILITIES FOR THE
10 DEVELOPMENTALLY DISABLED.
11

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

13 SECTION 1. That Chapter 13, Title 39, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 39-1396, Idaho Code, and to read as follows:

16 39-1396. AUTHORITY TO ADMIT PATIENTS. (1) A hospital or facility may
17 grant to physicians, physician assistants and advanced practice nurses the
18 privilege to admit patients to such hospital or facility; provided however,
19 that admitting privileges may be granted only if the privileges are:

- 20 (a) Recommended by the medical staff at the hospital or facility;
21 (b) Approved by the governing board of the hospital or facility; and
22 (c) Within the scope of practice conferred by the license of the physi-
23 cian, physician assistant or advanced practice nurse.

24 (2) A hospital or facility shall specify in its bylaws the process
25 by which its governing body and medical staff oversee those practitioners
26 granted admitting privileges. Such oversight shall include, but is not lim-
27 ited to, credentialing and competency review.

28 SECTION 2. That Section 66-318, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 66-318. AUTHORITY TO ADMIT VOLUNTARY PATIENTS -- DENIAL OF ADMIS-
31 SION. (1) The director of any facility or a practitioner granted admitting
32 privileges pursuant to chapter 13, title 39, Idaho Code, may admit as a
33 voluntary patient the following persons for observation, diagnosis, evalua-
34 tion, care or treatment of mental illness:

- 35 (a) Any person who is eighteen (18) years of age or older;
36 (b) Any individual fourteen (14) to eighteen (18) years of age who may
37 apply to be admitted for observation, diagnosis, evaluation, care or
38 treatment and the facility director will notify the parent, parents or
39 guardian of the individual of the admission; a parent or guardian may
40 apply for the individual's release and the facility director will re-

1 lease the patient within three (3) days, excluding Saturdays, Sundays
 2 and legal holidays, of the application for discharge, unless the time
 3 period for diagnosis, evaluation, care or treatment is extended pur-
 4 suant to section 66-320, Idaho Code;

5 (c) Any emancipated minor;

6 (d) Any individual under fourteen (14) years of age upon application of
 7 the individual's parent or guardian, provided that admission to an in-
 8 patient facility shall require a recommendation for admission by a des-
 9 ignated examiner;

10 (e) Any individual who lacks capacity to make informed decisions about
 11 treatment upon application of the individual's guardian; provided that
 12 admission to an inpatient facility shall require a recommendation for
 13 admission by a designated examiner; or

14 (f) Any individual confined for examination pursuant to section 18-211
 15 or 20-520, Idaho Code.

16 (2) The director of any facility or a practitioner granted admitting
 17 privileges pursuant to chapter 13, title 39, Idaho Code, must refuse admis-
 18 sion to any applicant under this section whenever:

19 (a) The applicant is determined not to be in need of observation, diag-
 20 nosis, evaluation, care or treatment at the facility;

21 (b) The applicant is determined to lack capacity to make informed deci-
 22 sions about treatment unless the application is made by a guardian with
 23 authority to consent to treatment; or

24 (c) The applicant's welfare or the welfare of society, or both, are bet-
 25 ter protected by the provisions of section 66-329, Idaho Code.

26 SECTION 3. That Section 66-324, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of
 29 any facility, or a practitioner granted admitting privileges pursuant to
 30 chapter 13, title 39, Idaho Code, is authorized to receive therein in the
 31 facility for observation, diagnosis, evaluation, care or treatment any in-
 32 dividual:

33 (1) Committed to the department director pursuant to section 16-1619,
 34 20-520, 18-212 or 66-329, Idaho Code;

35 (2) Transferred pursuant to section 66-1201, Idaho Code; or

36 (3) Detained or transferred pursuant to section 66-326, Idaho Code.

37 SECTION 4. That Section 66-409, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 66-409. AUTHORITY TO ADMIT DEVELOPMENTALLY DISABLED PERSONS. The
 40 head of any facility licensed under state law, or a practitioner granted
 41 admitting privileges by the facility's bylaws and other process by which
 42 the facility's governing body and medical staff exercise oversight, such as
 43 through credentialing and competency review, is authorized to admit for ob-
 44 servaion, diagnosis, care or treatment any developmentally disabled person
 45 for services provided by that facility.