

IN THE SENATE

SENATE BILL NO. 1353

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 97, TITLE 39, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE LEGISLA-
3 TIVE INTENT, AND TO ESTABLISH PROVISIONS REGARDING A FACILITY PATIENT'S
4 OR RESIDENT'S RIGHT TO HAVE AN ESSENTIAL CAREGIVER VISIT UNDER CERTAIN
5 CIRCUMSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

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

9 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 97, Title 39, Idaho Code, and to read as follows:

12 CHAPTER 97
13 ESSENTIAL CAREGIVERS

14 39-9701. DEFINITIONS. As used in this chapter:

15 (1) "Assistance" means aid in meeting daily living needs.

16 (2) "Essential caregiver" means a person designated by a patient or
17 resident to visit the patient or resident 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. LEGISLATIVE INTENT. In enacting this chapter, it is the in-
32 tent of the legislature to guarantee and protect the right of Idahoans to be
33 visited by essential caregivers of their choosing when staying in a health
34 care or assistance facility.

35 39-9703. RIGHT TO AN ESSENTIAL CAREGIVER. (1) A patient or resident
36 has the right to visitation from an essential caregiver while receiving as-
37 sistance or health care services at a facility, even if other visitors are
38 being excluded by the facility. However, the essential caregiver must fol-
39 low safety and other protocols imposed by the facility, and a facility may

1 place reasonable restrictions as to where and when the essential caregiver
2 may visit. For purposes of this subsection, a restriction is reasonable if
3 the restriction:

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

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

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

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

13 (b) Provide each patient or resident an opportunity to designate an es-
14 sential caregiver; and

15 (c) Accommodate a patient's or resident's request to have an essential
16 caregiver visit within the limits prescribed by this section.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2022.