

IN THE SENATE

SENATE BILL NO. 1336

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 RESI-
4 DENT'S RIGHT TO HAVE AN ESSENTIAL CAREGIVER VISIT UNDER CERTAIN CIRCUM-
5 STANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

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

11 CHAPTER 97
12 ESSENTIAL CAREGIVERS

13 39-9701. DEFINITIONS. As used in this chapter:

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

15 (2) "Essential caregiver" means a person designated by a resident to
16 visit the resident when the resident is receiving health care services or as-
17 sistance in 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) "Resident" means a person staying in a facility for at least twenty-
29 four (24) hours in order to receive assistance or health care services.

30 39-9702. LEGISLATIVE INTENT. In enacting this chapter, it is the in-
31 tent of the legislature to guarantee and protect the right of Idahoans to be
32 visited by essential caregivers of their choosing when staying in a health
33 care or assistance facility.

34 39-9703. RIGHT TO AN ESSENTIAL CAREGIVER. (1) A resident has the right
35 to visitation from an essential caregiver while receiving assistance or
36 health care services at a facility, even if other visitors are being excluded
37 by the facility. However, a facility may place reasonable restrictions as
38 to where and when the essential caregiver may visit. For purposes of this
39 subsection, a restriction is reasonable if the restriction:

1 (a) Is necessary to prevent the disruption of assistance or health care
2 services to the resident; and

3 (b) Does not interfere with the resident's general right to visitation
4 by an essential caregiver.

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

7 (a) When practicable, notify a potential resident of the right to des-
8 ignate an essential caregiver prior to admission to the facility;

9 (b) Provide each resident an opportunity to designate an essential
10 caregiver; and

11 (c) Accommodate a resident's request to have an essential caregiver
12 visit within the limits prescribed by this section.

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