

TITLE 39  
HEALTH AND SAFETY

CHAPTER 98  
ESSENTIAL CAREGIVERS

39-9801. DEFINITIONS. As used in this chapter:

- (1) "Assistance" means aid in meeting daily living needs.
- (2) "Essential caregiver" means a person or persons designated by a patient or resident to visit the patient or resident in person at a facility.
- (3) "Facility" means an institution providing health care services, a health care setting, or a setting in which to receive assistance, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, nursing facilities, skilled nursing centers, residential treatment centers, rehabilitation and other therapeutic health settings, or assisted living facilities.
- (4) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (5) "Patient" means a person receiving health care services at a facility.
- (6) "Resident" means a person receiving assistance at a facility.

[ (39-9801) 39-9701, added 2022, ch. 134, sec. 1, p. 500; am. and redesign. 2023, ch. 218, sec. 12, p. 615; am. and redesign. 2023, ch. 300, sec. 1, p. 910.]

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

[ (39-9802) 39-9702, added 2022, ch. 134, sec. 1, p. 500; am. and redesign. 2023, ch. 218, sec. 12, p. 615; am. and redesign. 2023, ch. 300, sec. 1, p. 910.]

39-9803. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resident has the right to in-person visitation from an essential caregiver while receiving assistance or health care services at a facility, even if other visitors are being excluded by the facility. However, the essential caregiver must follow safety and other protocols imposed by the facility, and a facility may place reasonable restrictions as to where and when the essential caregiver may visit and the number of essential caregivers who may visit at the same time. For purposes of this subsection, a restriction is reasonable if the restriction:

- (a) Is necessary to prevent the disruption of assistance or health care services to the patient or resident; and
  - (b) Does not interfere with the patient's or resident's general right to visitation by essential caregivers.
- (2) A facility that provides or intends to provide health care services or assistance must:
- (a) When practicable, notify a potential patient or resident of the right to designate essential caregivers prior to admission to the facility;

(b) Provide each patient or resident an opportunity to designate essential caregivers; and

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

[(39-9803) 39-9703, added 2022, ch. 134, sec. 1, p. 500; am. and redesignig. 2023, ch. 218, sec. 12, p. 615; am. and redesignig. 2023, ch. 300, sec. 1, p. 910.]