

Moved by Harris

Seconded by Lee

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 193

AMENDMENT TO THE BILL

1
2 On page 1 of the printed bill, delete lines 9 through 41; and delete pages
3 2 and 3, and insert:

4 "SECTION 1. That Chapter 97, Title 39, Idaho Code, as enacted by Section
5 1, Chapter 134, Laws of 2022, be, and the same is hereby amended to read as
6 follows:

7 CHAPTER ~~97~~ 98
8 ESSENTIAL CAREGIVERS

9 ~~39-9701~~ 39-9801. DEFINITIONS. As used in this chapter:

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

11 (2) "Essential caregiver" means a person or persons designated by a pa-
12 tient or resident to visit the patient or resident in person at a facility.

13 (3) "Facility" means an institution providing health care services, a
14 health care setting, or a setting in which to receive assistance, includ-
15 ing but not limited to hospitals and other licensed inpatient centers, am-
16 bulatory surgical or treatment centers, nursing facilities, skilled nursing
17 centers, residential treatment centers, rehabilitation and other therapeutic
18 health settings, ~~certified family homes, group homes,~~ or assisted living
19 facilities.

20 (4) "Health care services" means services for the diagnosis, preven-
21 tion, treatment, cure, or relief of a health condition, illness, injury, or
22 disease.

23 (5) "Patient" means a person receiving health care services at a facil-
24 ity.

25 (6) "Resident" means a person receiving assistance at a facility.

26 ~~39-9702~~ 39-9802. LEGISLATIVE INTENT. In enacting this chapter, it is
27 the intent of the legislature to guarantee and protect the right of Idahoans
28 to be visited by essential caregivers of their choosing when staying in a
29 health care or assistance facility.

30 ~~39-9703~~ 39-9803. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resi-
31 dent has the right to in-person visitation from an essential caregiver while
32 receiving assistance or health care services at a facility, even if other
33 visitors are being excluded by the facility. However, the essential care-
34 giver must follow safety and other protocols imposed by the facility, and a
35 facility may place reasonable restrictions as to where and when the essen-
36 tial caregiver may visit and the number of essential caregivers who may visit

1 at the same time. For purposes of this subsection, a restriction is reason-
2 able if the restriction:

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

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

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

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

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

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

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

23 CORRECTION TO TITLE

24 On page 1, delete lines 4 through 7, and insert: "CHAPTER, TO REVISE DEF-
25 INITIONS, TO REVISE AND CLARIFY PROVISIONS REGARDING THE RIGHT TO ESSENTIAL
26 CAREGIVERS, AND TO PROVIDE FOR APPROVAL OF CERTAIN VISITATION REQUESTS; AND
27 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE."