

Committee: House Health and Human Services

Tuesday, February 23, 2021 7:45 AM

Roll Call

Present: Rep. Deutsch, Rep. Healy, Rep. Kevin Jensen, Rep. Phil Jensen, Rep. Miskimins, Rep. Perry, Rep. St. John, Rep. Weis, Rep. Wiese, Rep. Davis, Rep. Aylward, Rep. Rehfeldt, and Rep. Keintz

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kevin Jensen

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 18TH

Moved by: Phil Jensen
Second by: Deutsch
Action: Prevailed by voice vote

HB 1139 : authorize visitation of hospital patients and other health care facility residents.

Presented by: Representative Phil Jensen

Proponents: Janet Jensen, self, Rapid City, South Dakota (Handout(s) 1)
Vicki Franzen, self, Rapid City
Steve Manlove, Psychiatrist, self, Rapid City
Kathy Rhoden, self, Newell, South Dakota
Treese Monford DeBoer, self, Hot Springs, South Dakota
Shamra Johnson, self, Sioux Falls

Opponents: Brett Hoffman, South Dakota Health Care Association, Sioux Falls
Tammy Hatting, South Dakota Association of Healthcare Organizations, Sioux Falls

MOTION: AMEND HB 1139

1139D

On page 1, line 1, of the Introduced bill, delete "authorize " and insert "require that assisted living facilities create and post "

On page 1, line 1, of the Introduced bill, delete "of hospital patients and other health care facility residents" and insert " policies"

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added:

"

On page 1, line 5, of the Introduced bill, after "added:" delete "Visitation of patient--Limitations--Restriction--Notice."

On page 1, line 5, of the Introduced bill, after "patient--Limitations--Restriction--Notice." delete " Except as otherwise provided in this section, each patient admitted to a hospital may designate one person who shall have an unrestricted privilege to be present while the patient is in the patient's room. If the attending physician determines that the designated person's presence is medically or therapeutically contraindicated or otherwise inadvisable, the physician may impose limitations, including the time of day, duration, and frequency of the presence, and may impose requirements, including the wearing of personal protective equipment, which must be provided, without charge, by the hospital.

The privilege afforded by this section may not be terminated, suspended, or waived in the event of a disaster or emergency declaration under chapter 34-48A.

Each hospital shall inform each patient of the privilege granted by this section and shall post information regarding this section in a conspicuous place within the hospital."

On page 1, line 17, of the Introduced bill, after "hospital." delete "Section 2. That a NEW SECTION be added:

"

On page 1, line 18, of the Introduced bill, after "added:" delete "Visitation of resident--Limitations--Restrictions--Notice."

On page 1, line 18, of the Introduced bill, after "resident--Limitations--Restrictions--Notice." delete "Except as otherwise provided in this section, each resident of an assisted living facility, intermediate care facility, or a skilled nursing facility may designate one person who shall have an unrestricted privilege to be present while the resident is in the resident's room. If the facility determines that the designated person's presence is medically or therapeutically contraindicated or otherwise inadvisable, the facility may impose limitations, including the time of day, duration, and frequency of the presence, and may impose requirements, including the wearing of personal protective equipment, which must be provided, without charge, by the facility.

An assisted living facility, intermediate care facility, or a skilled nursing facility may not restrict the designated person from accompanying the resident to a necessary medical or dental appointment.

The privilege afforded by this section may not be terminated, suspended, or waived in the event of a disaster or emergency declaration under chapter 34-48A.

Each assisted living facility, intermediate care facility, or skilled nursing facility shall inform each resident of the privilege granted by this section and shall post information regarding this section in a conspicuous place within the facility."

On page 2, after line 10, of the Introduced bill, insert "

Section 1. That a NEW SECTION be added:

34-12-67. Assisted living facility—Resident—Visitation rights.

Each resident of an assisted living facility has a right to receive visitors of the resident's own choosing, at the time of the resident's own choosing, provided the visitation does not impose upon the rights of another resident.

In addition to those persons granted access to a resident in accordance with their official capacities, a facility must provide access to any resident by:

- (1) A member of the resident's immediate family and other relatives of the resident, subject to reasonable clinical and safety restrictions and the resident's right to deny or withdraw consent;
- (2) Any other person visiting with the consent of the resident, subject to reasonable clinical and safety restrictions and the resident's right to deny or withdraw consent;
and
- (3) Any person providing health, social, legal, or other services to the resident, subject to reasonable clinical and safety restrictions and the resident's right to deny or withdraw consent.

"

On page 2, after line 10, of the Introduced bill, insert "

Section 2. That a NEW SECTION be added:

34-12-68. Visitation policies and procedures—Limitations and restrictions—Notice.

An assisted living facility shall post on its website and in a conspicuous place within the facility, all policies and procedures pertaining to the visitation rights set forth in § 34-12-67. The facility shall, prior to the signing of an occupancy contract with a resident and at least annually thereafter, provide electronic copies of the visitation policies and procedures to the resident and the resident's designated family members and shall provide printed copies upon request. Each facility shall also post its visitation policies and procedures on its website.

If in accordance with federal or state laws, or if in accordance with best clinical practices during a health emergency, the visitation policies and procedures must be limited or restricted, the facility shall inform each resident and designated

family members and shall provide electronic or, if requested, printed notices regarding the limitations and restrictions, the reason and rationale for such, and the period of time that the limitations and restrictions are to remain in effect. The facility shall also post such information on its website.

Any limitations and restrictions instituted in accordance with this section must be reviewed at least every thirty days. The facility shall provide notice of the review to residents and designated family members, encourage the submission of written and oral comments, and give due consideration to the submissions.

If after the required review the facility determines that the limitations or restrictions are to be continued, the facility shall post notice of the continuation on the facility's website and in a conspicuous place within the facility. The notice must include:

- (1) The citation of the federal or state law being implemented; or
- (2) A link to evidence-based research indicating that the continuation is clinically necessary for the health and safety of the residents.

A printed copy of the applicable laws or evidence-based research must be provided upon request."

On page 2, after line 10, of the Introduced bill, insert "

Section 3. That a NEW SECTION be added:

34-12-69. Guidance documents—Visitation—Posting requirement.

During a health emergency, each facility shall post on its website, the most recent guidance documents provided from or through the Department of Health and pertaining to the imposition of restrictions or limitations on visitation and the conditions under which such restrictions or limitations may be reduced or removed."

Moved by: Deutsch
Second by: Perry
Action: Prevailed by voice vote

MOTION: DEFER HB 1139 TO THE 41ST LEGISLATIVE DAY

Moved by: Davis
Second by: Healy
Action: Was not acted on.

Representative Kevin Jensen announced that HB1161 was withdrawn on the House floor on 2/22/2021.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1139 AS AMENDED

Moved by: Deutsch
Second by: Kevin Jensen
Action: Prevailed by roll call vote (8-5-0-0)

Voting Yes: Deutsch, Kevin Jensen, Phil Jensen, Perry, St. John, Weis, Wiese, and Aylward

Voting No: Healy, Miskimins, Davis, Rehfeldt, and Keintz

HB 1131 : authorize primary care agreements.

Presented by: Representative Tamara St. John (Handout(s) 2)
Proponents: Don Haggart, Americans For Prosperity, Arlington
Dr. Dan Heinemann, SD Academy of Family Physicians

Dean Krogman, State Medical Association SD, Sioux Falls

MOTION: DO PASS HB 1131

Moved by: Aylward
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-1-0-0)

Voting Yes: Healy, Kevin Jensen, Phil Jensen, Miskimins, Perry, St. John, Weis, Wiese, Davis, Aylward, Rehfeldt, and Keintz

Voting No: Deutsch

HB 1239 : make an appropriation to build a traumatic brain injury center in the Black Hills and to declare an emergency.

Presented by: Representative Mike Derby
Proponents: Tom Martinec, Department of Human Services

MOTION: TO TABLE HB 1239

Moved by: Perry
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Deutsch, Healy, Kevin Jensen, Phil Jensen, Miskimins, Perry, Weis, Wiese, Davis, Aylward, Rehfeldt, and Keintz

Excused: St. John

Representative Kevin Jensen announced that the committee was recessed to reconvene in Room 412 15 minutes following the House adjournment today.

Representative Kevin Jensen reconvened the meeting of House Health and Human Services at 6:00PM. All committee members were present.

HB 1220 : authorize the provision of informed consent by a pregnant minor.

Presented by: Representative Erin Healy
Proponents: Avery Keller Olson, self, Rapid City
Dr. Mark Ballard, self, Rapid City
Deb Fischer-Clemens, Avera Health, Sioux Falls
Paul Knecht, South Dakota Dental Association, Pierre
Mitchell Rave, Sanford Health, Sioux Falls
Opponents: Debbie Pease, Family Heritage Alliance Action, Rapid City
Dr. Tamara Grove, South Dakota Family Policy Council, Sioux Falls
Linda Schauer, Concerned Women for America, Alexandria
Others: Representative Paul Miskimins

MOTION: DEFER HB 1220 TO THE 41ST LEGISLATIVE DAY

Moved by: Deutsch

Second by: Weis
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1220

Moved by: Davis
Second by: Rehfeldt
Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Healy, Miskimins, St. John, Davis, Rehfeldt, and Keintz

Voting No: Deutsch, Kevin Jensen, Phil Jensen, Perry, Weis, Wiese, and Aylward

Revert to previous motion

MOTION: DEFER HB 1220 TO THE 41ST LEGISLATIVE DAY

Moved by: Deutsch
Second by: Weis
Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Deutsch, Kevin Jensen, Phil Jensen, Perry, Weis, Wiese, and Aylward

Voting No: Healy, Miskimins, St. John, Davis, Rehfeldt, and Keintz

HB 1251 : provide provisions regarding abortion.

Presented by: Representative Tony Randolph
Proponents: Audrey Randolph, self, Rapid City

MOTION: AMEND HB 1251

1251A

On page 1, line 1, of the Introduced bill, delete " provisions regarding abortion" and insert " a penalty to prohibit threats meant to coerce a person to have an unwanted abortion"

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act provides provisions regarding abortion. "

On page 1, after line 3, of the Introduced bill, insert "

Section 1. That a NEW SECTION be added:

22-17-14. Threat--Intent to coerce unwanted abortion--Felony.

Any person who threatens to commit:

(1) Homicide, murder, or manslaughter under chapter 22-16;

(2) Aggravated assault under § 22-18-1.1; or

(3) Kidnapping under chapter 22-19;

against a pregnant mother or any other person within the pregnant mother's presence with the intent to coerce the pregnant mother to undergo an abortion against her will is guilty of a Class 5 felony.

"

Moved by: Perry
Second by: Miskimins
Action: Prevailed by voice vote

MOTION: DEFER HB 1251 TO THE 41ST LEGISLATIVE DAY

Moved by: Rehfeldt
Second by: Deutsch
Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Deutsch, Healy, Kevin Jensen, Phil Jensen, Miskimins, Perry, St. John, Wiese, Davis, Rehfeldt, and Keintz

Voting No: Weis and Aylward

MOTION: ADJOURN

Moved by: Perry
Second by: Miskimins
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KEVIN D. JENSEN
Kevin D. Jensen, Chair