

REPORT OF STANDING COMMITTEE – House Health and Human Services

MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1131** and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1139** and returns the same with the recommendation that said bill be amended as follows:

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."

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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."

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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."

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1220 and 1251** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **HB 1239** which was tabled.

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