



2022 South Dakota Legislature

House Bill 1180

Introduced by: **Representative** Soye

1 **An Act to permit designated visitors in nursing facilities.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 34-12 be amended with a NEW SECTION:**

4 In addition to any other authorized visitation, each resident of a nursing facility has
 5 a right to designate two persons who, for the purpose of assisting the resident with
 6 activities of daily living, providing emotional support, or providing companionship, may
 7 not be denied:

8 (1) Entry into the facility; or

9 (2) Presence in the facility for:

10 (a) Up to twelve consecutive hours during any twenty-four-hour period; or

11 (b) Unlimited hours, if the resident requires end-of-life care.

12 If a resident is unable, as a result of a physical or mental disability, to make the
 13 designation permitted in this section, a resident's designated representative may do so.
 14 Once made, a designation may be changed by the resident, or the resident's
 15 representative.

16 **Section 2. That chapter 34-12 be amended with a NEW SECTION:**

17 A nursing facility may, for purposes of ensuring the health and safety of all
 18 residents in the facility:

19 (1) Impose restrictions or requirements on where, within the facility, the persons
 20 designated in accordance with section 1 of this Act may go or remain; and

21 (2) Require that the persons designated in accordance with section 1 of this Act
 22 exercise standard precautions, provided:

23 (a) If the standard precautions include the use of personal protective
 24 equipment, the facility shall provide such at its expense; and

1 **(b)** The requirements under this subdivision are no more stringent than those
2 imposed on facility staff members who have access to residents.

3 For purposes of this section, the term, standard precautions, means minimum
4 infection prevention practices that apply to all patient care, regardless of suspected or
5 confirmed infection status, in any setting where health care is delivered.

6 **Section 3. That chapter 34-12 be amended with a NEW SECTION:**

7 Each nursing facility shall post on its website and in a conspicuous place that is
8 readily accessible to residents and visitors, a copy of sections 1 and 2 of this Act, and any
9 other state laws or rules, and federal laws, regulations, or guidance documents, which
10 address the visitation of residents.