



## 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.