The following has special meaning:
green underline denotes added text
~~red-struck-out text denotes deleted text~~

Powered by State Net

2021 SD H 1139	**Author:** Jensen **Version:** Enacted **Version Date:** 03/25/2021

96th Legislative Session

2021 South Dakota Legislature

House Bill 1139

ENROLLED

An Act

ENTITLED An Act to require that assisted living facilities create and post visitation policies .

Be it enacted by the Legislature of the State of South Dakota:

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.

Section 2. That a NEW SECTION be added:

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

An assisted living facility shall post on its website, if one exists, 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.

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, if one exists.

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, if one exists, 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.

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, if one exists, a link to 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.

Copyright © 2022 State Net