



Senate

General Assembly

File No. 412

January Session, 2005

Substitute Senate Bill No. 1095

Senate, April 19, 2005

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING HOSPITAL PATIENTS' RIGHTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) Each hospital, as defined
2 in section 19a-490 of the general statutes, shall notify each patient, or
3 where appropriate and permitted by state and federal privacy laws,
4 the patient's representative or guardian, upon such patient's admission
5 to the hospital, of the patient's rights identified in the federal
6 conditions of participation in Medicare for hospitals. Such notification
7 shall (1) be in writing, (2) specifically enumerate the rights identified in
8 the federal conditions of participation in Medicare for hospitals, and
9 (3) provide information regarding the means of redress or complaint
10 available to a patient who believes such patient's rights have been
11 violated, including, but not limited to, contact information for the
12 Department of Public Health.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
UConn Health Ctr.	GF - Cost	Minimal	Minimal
Public Health, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The notification requirements in this bill will lead to increased costs for the University of Connecticut Health Center. These costs result from the design and printing of the notification form, and are expected to be minimal.

No fiscal impact will result for the Department of Public Health.

OLR Bill Analysis

sSB 1095

AN ACT CONCERNING HOSPITAL PATIENTS' RIGHTS**SUMMARY:**

This bill requires hospitals to notify each patient of the rights he has under the hospital's participation in Medicare. Notification must be made upon the patient's admission and can be made to his guardian or representative as allowed by state and federal law. The notice must (1) be written; (2) specifically state the rights identified in the Medicare conditions of participation; and (3) provide information on how the patient can complain when he believes his rights have been violated, including contacting the Department of Public Health.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Medicare and Patients' Bill of Rights***

In 1999, the federal Health Care Financing Administration (now the Center for Medicare and Medicaid Services) published the Patients' Rights Condition of Participation (COP), which hospitals must meet to be approved for, or to continue participation in, Medicare and Medicaid. Generally, the COP addresses a patient's right to:

1. notification of his rights,
2. exercise those rights in regard to his care,
3. privacy and safety,
4. confidentiality,
5. freedom from use of restraints for hospital care unless clinically necessary, and

6. freedom from seclusion and restraints used in behavior management unless clinically necessary.

The first standard listed above (notice of rights) means that the hospital must notify the patient or his representative of his right to:

1. file a grievance;
2. participate in the development of his plan of care;
3. make decisions concerning his care;
4. be informed of his health status;
5. formulate advance directives;
6. maintain personal privacy;
7. receive care in a safe setting;
8. have medical records kept confidential; and
9. be free from restraints and seclusion in any form as a means of coercion, discipline, convenience, or retaliation.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0