



General Assembly

Substitute Bill No. 290

January Session, 2015



AN ACT CONCERNING PATIENT-DESIGNATED CAREGIVERS.

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

1 Section 1. Section 19a-504c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) For purposes of this section and section 2 of this act:

4 (1) "Caregiver" means any individual who a patient designates as a
5 caregiver to provide post-discharge assistance to the patient in the
6 patient's home in the community. The term caregiver includes, but is
7 not limited to, a relative, spouse, partner, friend or neighbor who has a
8 significant relationship with the patient. For the purposes of this
9 section and section 2 of this act, the term caregiver shall not include
10 any individual who receives compensation for providing post-
11 discharge assistance to the patient.

12 (2) "Home" means the dwelling that the patient considers to be the
13 patient's home in the community. The term home shall not include,
14 and the provisions of this act shall not apply to, a discharge to any
15 rehabilitation facility, hospital, nursing home, assisted living facility,
16 group home or any other setting that was not the patient's home in the
17 community immediately preceding the patient's inpatient admission.

18 (3) "Hospital" has the same meaning as provided in section 19a-490.

19 (4) "Post-discharge assistance" means nonprofessional care provided
20 by a designated caregiver to a patient following the patient's discharge
21 from an inpatient admission to a hospital in accordance with the
22 written discharge plan of care signed by the patient or the patient's
23 representative, including, but not limited to, assisting with basic
24 activities of daily living, instrumental activities of daily living and
25 carrying out support tasks, such as assisting with wound care,
26 administration of medications and use of medical equipment.

27 (b) The Department of Public Health shall adopt regulations, in
28 accordance with the provisions of chapter 54, to set minimum
29 standards for hospital discharge planning services. Such standards
30 shall include, but not necessarily be limited to, requirements for (1) a
31 written discharge plan prepared in consultation with the patient, or the
32 patient's family or representative, and the patient's physician, and (2) a
33 procedure for advance notice to the patient of the patient's discharge
34 and provision of a copy of the discharge plan to the patient prior to
35 discharge.

36 (c) Whenever a hospital refers a patient's name to a nursing home as
37 part of the hospital's discharge planning process, or when a hospital
38 patient requests such a referral, the hospital shall make a copy of the
39 patient's hospital record available to the nursing home and shall allow
40 the nursing home access to the patient for purposes of care planning
41 and consultation.

42 (d) Whenever a hospital's discharge planning indicates that an
43 inpatient will be discharged to the patient's home, the hospital shall
44 allow the patient to designate a caregiver at, or prior to, the time that a
45 written copy of the discharge plan is provided to the patient. A patient
46 is not required to designate any individual as a caregiver and any
47 individual designated as a caregiver under this section is not obligated
48 to perform any post-discharge assistance for the patient.

49 (e) If an inpatient designates a caregiver pursuant to subsection (d)
50 of this section prior to receiving written discharge instructions, the

51 hospital shall:

52 (1) Record the patient's designation of caregiver, the relationship of
53 the designated caregiver to the patient, and the name, telephone
54 number and address of the patient's designated caregiver in the
55 discharge plan.

56 (2) Make reasonable attempts to notify the patient's designated
57 caregiver of the patient's discharge to the patient's home as soon as
58 practicable. In the event the hospital is unable to contact the
59 designated caregiver, the lack of contact shall not interfere with, delay,
60 or otherwise affect the medical care provided to the patient or an
61 appropriate discharge of the patient.

62 (3) Prior to discharge, provide caregivers with instructions in all
63 post-discharge assistance tasks described in the discharge plan.
64 Training and instructions for caregivers may be conducted in person or
65 through video technology, at the discretion of the caregiver. Any
66 training or instructions provided to a caregiver shall be provided in
67 nontechnical language, to the extent possible. At a minimum, this
68 instruction shall include: (A) A live or recorded demonstration of the
69 tasks performed by an individual designated by the hospital who is
70 authorized to perform the post-discharge assistance task and is able to
71 perform the demonstration in a culturally-competent manner and in
72 accordance with the hospital's requirements to provide language
73 access services under state and federal law; (B) an opportunity for the
74 caregiver to ask questions about the post-discharge assistance tasks;
75 and (C) answers to the caregiver's questions provided in a culturally-
76 competent manner and in accordance with the hospital's requirements
77 to provide language access services under state and federal law.

78 (4) Document in the patient's medical record any training for initial
79 implementation of the discharge plan provided to the patient, the
80 patient's representative or the designated caregiver. Any instruction
81 required under subdivision (3) of this subsection shall be documented
82 in the patient's medical record, including, at a minimum, the date, time

83 and contents of the instruction.

84 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) Nothing in section 19a-
85 504c of the general statutes, as amended by this act, or this section shall
86 be construed to create a private right of action against a hospital, a
87 hospital employee, or any consultants or contractors with whom a
88 hospital has a contractual relationship.

89 (b) A hospital, a hospital employee, or any consultants or
90 contractors with whom a hospital has a contractual relationship shall
91 not be held liable, in any way, for the services rendered or not
92 rendered by the caregiver to the patient at the patient's home.

93 (c) Nothing in section 19a-504c of the general statutes, as amended
94 by this act, or this section shall be construed to obviate the obligation
95 of an insurance company, health service corporation, hospital service
96 corporation, medical service corporation, health maintenance
97 organization or any other entity issuing health benefits plans to
98 provide coverage required under a health benefits plan.

99 (d) (1) An individual designated as caregiver pursuant to subsection
100 (d) of section 19a-504c of the general statutes, as amended by this act,
101 shall not be reimbursed by any government or commercial payer for
102 post-discharge assistance that is provided pursuant to section 19a-504c
103 of the general statutes, as amended by this act.

104 (2) Nothing in section 19a-504c of the general statutes, as amended
105 by this act, or this section shall be construed to impact, impede or
106 otherwise disrupt or reduce the reimbursement obligations of an
107 insurance company, health service corporation, hospital service
108 corporation, medical service corporation, health maintenance
109 organization or any other entity issuing health benefits plans.

110 (3) Nothing in section 19a-504c of the general statutes, as amended
111 by this act, or this section shall delay the discharge of a patient or the
112 transfer of a patient from a hospital to another facility.

113 (4) Nothing in section 19a-504c of the general statutes, as amended
114 by this act, or this section shall affect, nor take precedence over, any
115 advance directive, conservatorship or other proxy health care rights as
116 may be delegated by the patient or applicable by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	19a-504c
Sec. 2	October 1, 2015	New section

Statement of Legislative Commissioners:

In Section 1(a)(1), "sections 1 and 2 of this act" was changed to "this section and section 2 of this act" for consistency with standard drafting conventions; in Section 1(a)(3), """Hospital" means a general acute care hospital licensed pursuant to chapter 368v" was changed to """Hospital" has the same meaning as provided in section 19a-490" for clarity and accuracy; and in Section 1(e)(2) "home in the community" was replaced with "home" for consistency with the defined term.

AGE *Joint Favorable Subst.*