

**Proposed Substitute  
Bill No. 290**

LCO No. 4781

**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 Section 19a-504c of the general statutes is repealed and the  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 **Sec. 19a-504c. Regulations; standards for hospital discharge**  
4 **planning.** (a) For purposes of this section and section 2 of this act:

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

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

19 (3) "Hospital" means a general acute care hospital licensed pursuant  
20 to chapter 368v of the general statutes;

21 (4) "Post-discharge assistance" means nonprofessional care provided

22 by a designated caregiver to a patient following the patient's discharge  
23 from an inpatient admission to a hospital in accordance with the  
24 written discharge plan of care signed by the patient or the patient's  
25 representative including, but not limited to, assisting with basic  
26 activities of daily living, instrumental activities of daily living, and  
27 carrying out support tasks, such as assisting with wound care,  
28 administration of medications, and use of medical equipment.

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

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

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

51 (e) If an inpatient designates a caregiver pursuant to subsection (d)  
52 of this section prior to receiving written discharge instructions, the  
53 hospital shall:

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

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

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

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

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

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

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

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

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

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

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

117 by the patient or applicable by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	19a-504c
Sec. 2	<i>October 1, 2015</i>	NEW