



General Assembly

February Session, 2016

***Raised Bill No. 166***

LCO No. 748



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT EXPANDING UTILIZATION OF 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 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

4 (a) For purposes of this section and section 19a-504e, as amended by  
5 this act:

6 (1) "Caregiver" means any individual who a patient designates as a  
7 caregiver to provide post-discharge assistance to the patient in the  
8 patient's home in the community. The term "caregiver" includes, but is  
9 not limited to, a relative, spouse, partner, friend or neighbor who has a  
10 significant relationship with the patient. For the purposes of this  
11 section and section 19a-504e, as amended by this act, the term  
12 [caregiver] "caregiver" shall not include any individual who receives  
13 compensation for providing post-discharge assistance to the patient.

14 (2) "Home" means the dwelling that the patient considers to be the  
15 patient's home in the community. The term "home" shall not include,  
16 and the provisions of this section and section 19a-504e, as amended by  
17 this act, shall not apply to, a discharge to any rehabilitation facility,  
18 hospital, nursing home, assisted living facility, group home or any  
19 other setting that was not the patient's home in the community  
20 immediately preceding the patient's inpatient admission.

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

22 (4) "Nursing home facility" has the same meaning as provided in  
23 section 19a-521.

24 [(4)] (5) "Post-discharge assistance" means nonprofessional care  
25 provided by a designated caregiver to a patient following the patient's  
26 discharge from an inpatient admission to a hospital or a nursing home  
27 facility in accordance with the written discharge plan of care signed by  
28 the patient or the patient's representative, including, but not limited to,  
29 assisting with basic activities of daily living, instrumental activities of  
30 daily living and carrying out support tasks, such as assisting with  
31 wound care, administration of medications and use of medical  
32 equipment.

33 (b) The Department of Public Health [shall] may adopt regulations,  
34 in accordance with the provisions of chapter 54, to set minimum  
35 standards for hospital and nursing home facility discharge planning  
36 services. [Such] Any such standards shall include, but [not necessarily]  
37 need not be limited to, requirements for (1) a written discharge plan  
38 prepared in consultation with the patient, or the patient's family or  
39 representative, and the patient's physician, and (2) a procedure for  
40 advance notice to the patient of the patient's discharge and provision  
41 of a copy of the discharge plan to the patient prior to discharge.

42 (c) Whenever a hospital refers a patient's name to a nursing home as  
43 part of the hospital's discharge planning process, or when a hospital  
44 patient requests such a referral, the hospital shall make a copy of the

45 patient's hospital record available to the nursing home and shall allow  
46 the nursing home access to the patient for purposes of care planning  
47 and consultation.

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

56 (e) If an inpatient designates a caregiver pursuant to subsection (d)  
57 of this section prior to receiving written discharge instructions, the  
58 hospital or nursing home facility shall:

59 (1) Record the patient's designation of caregiver, the relationship of  
60 the designated caregiver to the patient, and the name, telephone  
61 number and address of the patient's designated caregiver in the  
62 discharge plan.

63 (2) Make reasonable attempts to notify the patient's designated  
64 caregiver of the patient's discharge to the patient's home as soon as  
65 practicable. In the event the hospital or nursing home facility is unable  
66 to contact the designated caregiver, the lack of contact shall not  
67 interfere with, delay, or otherwise affect the medical care provided to  
68 the patient or an appropriate discharge of the patient.

69 (3) Prior to discharge, provide caregivers with instructions in all  
70 post-discharge assistance tasks described in the discharge plan.  
71 Training and instructions for caregivers may be conducted in person or  
72 through video technology, as determined by the hospital or nursing  
73 home facility to effectively provide the necessary instruction. Any  
74 training or instructions provided to a caregiver shall be provided in  
75 nontechnical language, to the extent possible. At a minimum, this

76 instruction shall include: (A) A live or recorded demonstration of the  
77 tasks performed by an individual designated by the hospital or  
78 nursing home facility who is authorized to perform the post-discharge  
79 assistance task and is able to perform the demonstration in a culturally  
80 competent manner and in accordance with the [hospital's]  
81 requirements of the hospital or nursing home facility to provide  
82 language access services under state and federal law; (B) an  
83 opportunity for the caregiver to ask questions about the post-discharge  
84 assistance tasks; and (C) answers to the caregiver's questions provided  
85 in a culturally competent manner and in accordance with the  
86 [hospital's] requirements of the hospital or nursing home facility to  
87 provide language access services under state and federal law.

88 (4) Document in the patient's medical record any training for initial  
89 implementation of the discharge plan provided to the patient, the  
90 patient's representative or the designated caregiver. Any instruction  
91 required under subdivision (3) of this subsection shall be documented  
92 in the patient's medical record, including, at a minimum, the date, time  
93 and contents of the instruction.

94 Sec. 2. Section 19a-504e of the 2016 supplement to the general  
95 statutes is repealed and the following is substituted in lieu thereof  
96 (*Effective October 1, 2016*):

97 (a) Nothing in section 19a-504c, as amended by this act, or this  
98 section shall be construed to create a private right of action against a  
99 hospital or a nursing home facility, a hospital or a nursing home  
100 facility employee, or any consultants or contractors with whom a  
101 hospital or a nursing home facility has a contractual relationship.

102 (b) A hospital or a nursing home facility, a hospital or a nursing  
103 home facility employee, or any consultants or contractors with whom a  
104 hospital or a nursing home facility has a contractual relationship shall  
105 not be held liable, in any way, for the services rendered or not  
106 rendered by the caregiver to the patient at the patient's home.

107 (c) Nothing in section 19a-504c, as amended by this act, or this  
108 section shall be construed to obviate the obligation of an insurance  
109 company, health service corporation, hospital service corporation,  
110 medical service corporation, health maintenance organization or any  
111 other entity issuing health benefits plans to provide coverage required  
112 under a health benefits plan.

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

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

123 (3) Nothing in section 19a-504c, as amended by this act, or this  
124 section shall delay the discharge of a patient or the transfer of a patient  
125 from a hospital or a nursing home facility to another facility.

126 (4) Nothing in section 19a-504c, as amended by this act, or this  
127 section shall affect, nor take precedence over, any advance directive,  
128 conservatorship or other proxy health care rights as may be delegated  
129 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, 2016</i>	19a-504c
Sec. 2	<i>October 1, 2016</i>	19a-504e

**Statement of Purpose:**

To facilitate caregiver utilization at nursing home facilities as well as hospitals.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*