

House Research Act Summary

CHAPTER: 103

SESSION: 2016 Regular Session

TOPIC: Patient designation of caregiver

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Overview

This act requires a hospital to provide a patient or a patient's agent an opportunity to designate at least one caregiver within a certain period of time. This act also specifies the information that must be given to the caregiver and establishes limitations for construction of this section, including stating the section does not create a separate cause of action against a hospital or others.

Section

1 Designation of a caregiver. Adds § 144.6522.

Subd. 1. Definitions. Defines terms for this section: aftercare, agent, designated caregiver, discharge, entry, hospital, and residence.

Subd. 2. Opportunity to designate a caregiver. (a) Requires a hospital to provide a patient or a patient's agent an opportunity to designate at least one caregiver no later than 24 hours upon the patient's entry into a hospital and before the patient is discharged or transferred. Applies the same requirement for patients within 24 hours of a patient regaining consciousness or capacity.

(b) Requires the hospital to record certain information about a designated caregiver or to document if a patient or agent declines to designate a caregiver in the patient's medical record.

(c) If a patient designates a caregiver, specifies a hospital is deemed to have the patient's consent to release medical information to the designated caregiver. Allows the patient or patient's agent to revoke consent to release information to the designated caregiver at any time and does not require a hospital to provide notice to the caregiver of the revocation of consent or provide information in the patient's discharge plan.

Section

(d) Allows the patient to change their designated caregiver at any time and requires the hospital to record the change in the patient's medical record within 24 hours.

(e) States a designation of caregiver by a patient does not obligate the caregiver to provide any aftercare to the patient.

Subd. 3. Notice to designated caregiver. (a) Requires a hospital to notify the designated caregiver of the patient's discharge or transfer after the health care provider issues a discharge or transfer order.

(b) Requires a hospital to document efforts to contact the designated caregiver and states failure to contact a caregiver after a good faith effort or the caregiver's failure to be present at the hospital to receive the discharge plan and aftercare instructions shall not interfere with or delay the discharge or transfer of the patient.

(c) Provides that this subdivision does not apply if a patient is transferred in an emergency to another facility.

Subd. 4. Discharge plan and aftercare instructions to designated caregiver. (a) Requires a hospital to consult with the designated caregiver and patient and issue a discharge plan that describes the patient's aftercare needs, prior to the patient's discharge from the hospital to the patient's residence.

(b) Lists what the discharge plan must include at a minimum.

(c) Lists what the instructions for aftercare tasks included in the discharge plan must include.

(d) Requires the hospital to document the discharge plan and a description of the instructions provided.

Subd. 5. Limitations. (a) States this section does not create a separate private cause of action against a hospital or others, or otherwise supersede or replace existing duties, rights, or remedies under state or federal law. The section also does not establish a separate standard of care for use in an action against a hospital, health care facility, or health care provider.

(b) States this section does not require a patient or patient's agent to designate a caregiver.

(c) States this section does not interfere with the powers of a health care agent operating under a valid health care directive in compliance with chapter 145C.

Effective date. This section is effective January 1, 2017.