

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 210

DATE: March 23, 2015

Version: Delete everything amendment (H0210DE2)

Authors: Zerwas and others

Subject: Caregiver designation

Analyst: Jamie Olson (651-296-5043)

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill requires a hospital to provide a patient or a patient's agent to designate at least one caregiver within a certain period of time. This bill also states the information that must be given to the caregiver and limitations for construction of this section, including, but not limited to, stating the section does not create a new cause of action against a hospital.

Section

1 Designation of a caregiver. Adds § 144.6522.

Subd. 1. Definitions. Defines terms.

Subd. 2. Opportunity to designate a caregiver. (a) Requires a hospital to provide a patient 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 discharge 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 document a patient's declination to designate a caregiver in the patient's medical record.

(c) Requires a hospital to have been deemed to have obtained written consent from a patient to release medical information, in compliance with state and federal law, to the caregiver once the patient has designated the caregiver. Allows the patient or patient's agent to revoke consent to release information to the caregiver at any time and does

Section

not require a hospital to provide notice to the caregiver of the revocation of consent or provide information in the patient's discharge plan.

(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 a discharge or transfer as soon as practicable after the health care provider issues a discharge or transfer notice.

(b) Requires a hospital to document efforts to contact a caregiver and states failure to contact a caregiver after a good faith effort of the discharge plan shall not interfere with or delay the discharge or transfer of the patient.

(c) States this subdivision does not apply if the patient is transferred to another facility due to an emergency.

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 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 certain information about the discharge plan and a description of the instructions provided in the patient's medical record.

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, 2016.