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HOUSE BILL NO. 1413

Offered January 14, 2015

Prefiled December 19, 2014

A BILL to amend the Code of Virginia by adding a section numbered 32.1-137.03, relating to discharge planning; designation of individual to provide care.

Patrons—Filler-Corn, Hope, Krupicka, Sickles and Spruill

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-137.03 as follows:

§ 32.1-137.03. Discharge planning; designation of individual to provide care.

A. Every hospital (i) shall provide each patient or his legal guardian the opportunity to designate an individual who will care for or assist the patient in his residence following discharge from the hospital and to whom the hospital shall provide information regarding the patient's discharge plan and any follow-up care, treatment, and services that the patient may require and (ii) shall obtain written consent to disclose such protected health information as may be necessary to the designated individual. The hospital shall record in the patient's medical record the name of the individual designated by the patient, the relationship between the patient and the person, and the person's telephone number and address, together with written consent to the disclosure of protected health information. If the patient fails or refuses to designate an individual to receive information regarding his discharge plan and any follow-up care, treatment, and services or fails or refuses to consent to the disclosure of such protected health information as may be necessary, the hospital shall record the patient's failure or refusal in the patient's medical record. For the purposes of this subsection, "residence" does not include any rehabilitation facility, hospital, nursing home, assisted living facility, or group home.

B. A patient may change the designated individual at any time prior to the patient's release, and the hospital shall record in the patient's medical record the name of the designated individual, the relationship between the patient and the person, and the person's telephone number and address, together with written consent to the disclosure of protected health information, within 24 hours of such change.

C. Prior to discharging or transferring a patient who has designated an individual pursuant to subsection A or B, the hospital shall notify the designated individual of the patient's discharge or transfer and shall provide the designated individual with a copy of the patient's discharge plan and instructions and information regarding any follow-up care, treatment, or services the patient may require and consult with the designated individual regarding the designated individual's ability to provide the care, treatment, or services that the patient requires. Such discharge plan shall include (i) the name and contact information of the designated individual; (ii) a description of the follow-up care, treatment, and services that the patient requires; and (iii) information, including contact information, about any health care, long-term care, or other community-based services and supports necessary for the implementation of the patient's discharge plan. A copy of the discharge plan and any instructions or information provided to the designated individual shall be included in the patient's medical record.

D. The hospital shall provide each individual designated pursuant to subsection A or B the opportunity for a live demonstration of specific follow-up care tasks required by the patient's discharge plan by an employee of the hospital prior to the patient's discharge, including opportunity for the designated individual to ask questions regarding the performance of follow-up care tasks. Such opportunity shall be provided in a culturally competent manner and in the designated individual's native language.

E. Designation of an individual pursuant to subsection A or B shall not create any obligation on the part of the designated individual regarding the provision of any follow-up care, treatment, and services that the patient may require.

F. Nothing in this section shall create a private right of action against any hospital, its employees, or its contractors.

G. No hospital or its employees or contractors shall be liable for any civil damages for any injuries resulting from any act of an individual designated pursuant to subsection A or B related to the provision of or failure to provide follow-up care, treatment, or services pursuant to a patient's discharge plan.

H. The Department shall promulgate regulations for the implementation of this section.

INTRODUCED

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