

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section
3 numbered 32.1-137.03, relating to discharge planning; designation of individual to provide care.

4 [H 1413]

5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a
8 section numbered 32.1-137.03 as follows:

9 § 32.1-137.03. *Discharge planning; designation of individual to provide care.*

10 A. Every hospital (i) shall provide each patient admitted as an inpatient or his legal guardian the
11 opportunity to designate an individual who will care for or assist the patient in his residence following
12 discharge from the hospital and to whom the hospital shall provide information regarding the patient's
13 discharge plan and any follow-up care, treatment, and services that the patient may require and (ii)
14 upon admission, shall record in the patient's medical record the name of the individual designated by
15 the patient, the relationship between the patient and the person, and the person's telephone number and
16 address. If the patient fails or refuses to designate an individual to receive information regarding his
17 discharge plan and any follow-up care, treatment, and services, the hospital shall record the patient's
18 failure or refusal in the patient's medical record. For the purposes of this subsection, "residence" does
19 not include any rehabilitation facility, hospital, nursing home, assisted living facility, or group home.

20 B. A patient may change the designated individual at any time prior to the patient's release, and the
21 hospital shall record in the patient's medical record the name of the designated individual, the
22 relationship between the patient and the person, and the person's telephone number and address, within
23 24 hours of such change.

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

35 D. The hospital shall provide each individual designated pursuant to subsection A or B the
36 opportunity for a demonstration of specific follow-up care tasks that the designated individual will
37 provide to the patient in accordance with the patient's discharge plan prior to the patient's discharge,
38 including opportunity for the designated individual to ask questions regarding the performance of
39 follow-up care tasks. Such opportunity shall be provided in a culturally competent manner and in the
40 designated individual's native language.

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

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

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

50 H. Nothing in this section shall interfere with an individual acting under a valid health care
51 directive.

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