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SENATE BILL NO. 750

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health)

(Patrons Prior to Substitute—Senators Black, Barker, and Ebbin [SB 857])

Senate Amendments in [] — February 3, 2015

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03, relating to hospitals; required notice to patients.

Be it enacted by the General Assembly of Virginia:

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

§ 32.1-137.03. Patient notice of observation or outpatient status.

A. A hospital shall provide oral and written notice to any patient placed under observation or in any other outpatient status, or to such patient's authorized representative, informing the patient of his placement in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite services include a hospital bed and meals that are provided in an area of the hospital other than the emergency department. Such oral and written notice shall be provided not later than 24 hours after placement under observation or in any other outpatient status unless the patient has been discharged or has left the hospital prior to the expiration of such 24-hour period.

B. Such written notice shall be written in clear, understandable language and printed in at least 14-point type. The written notice shall include:

1. A statement that the patient is not admitted to the hospital as an inpatient but is under observation or in such other outpatient status;

2. A statement that such observation or other outpatient status may affect the patient's Medicare, Medicaid, or private health insurance coverage of (i) the current hospital services, including medications and pharmaceutical supplies, and (ii) care at a skilled nursing facility or home or community-based care upon the patient's discharge from the hospital; and

3. A statement that the patient should contact the identified hospital representative, his health insurance plan, or the appropriate Center for Medicare & Medicaid Services Beneficiary and Family-Centered Care Quality Improvement Organization for more information on his observation or other outpatient status and any available recourse.

[C. The written notice required by this section shall be signed and dated by the patient or his authorized representative receiving such notice and provided at the time of signature to the patient or his authorized representative. If the patient is unable to sign the notice and after a good faith effort to identify an authorized representative, no such authorized representative can be identified, then no signature is required. The hospital shall retain a copy of the notice.]

ENGROSSED

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