

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-137.04 of the Code of Virginia, relating to patient notice of*
3 *observation or outpatient status.*

4
5 Approved

[S 269]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 32.1-137.04 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 32.1-137.04. Patient notice of observation or outpatient status.**

9 A. A hospital shall provide oral and written notice to any patient placed under observation or in any
10 other outpatient status, or to such patient's authorized representative, informing the patient of his
11 placement in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite
12 services include a hospital bed and meals that are provided in an area of the hospital other than the
13 emergency department. Such oral and written notice shall be provided not later than 24 36 hours after
14 placement under observation or in any other outpatient status unless the patient has been discharged or
15 has left the hospital prior to the expiration of such 24-hour 36-hour period.

16 B. Such written notice shall be written in clear, understandable language and printed in at least
17 14-point type. The written notice shall include:

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

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

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

28 C. *For any patient placed under observation or in any other outpatient status who is entitled to have*
29 *payment made under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), a hospital*
30 *providing written notice and oral explanation of such notice to the patient which satisfies the provisions*
31 *of 42 U.S.C. § 1395cc(a)(1)(Y) shall be deemed to have satisfied the provisions of this section.*

ENROLLED

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