

**AARP Kansas Balloon Language for HB 2058
HB 2058 Hearing scheduled 2/3/2016 @1:30 p.m.
House Health and Human Services.**

The balloon will strike all language in HB 2058 as printed in 2015 and insert language (below) worked on by Kansas Hospital Association and AARP Kansas.

AN ACT TO CREATE THE KANSAS LAY CAREGIVER ACT;

Title: This act shall be known and may be cited as the "Kansas Lay Caregiver Act.

Definitions.

(1) "Aftercare" means assistance that:

(A) Is provided by a caregiver to an eligible patient after discharge of the patient from a hospital;

(B) Is related to the condition of the patient at the time of discharge; and

(C) Does not require a professional license under Kansas codes defining specialized training in order to perform the assistance;

(2) "Caregiver" means an individual who is eighteen (18) years of age or older; and

(A) Has a significant relationship with the patient, including but not limited to, next of kin, a partner, friend or neighbor, etc. and;

(B) Provides aftercare to an individual; and

(C) Is identified by the patient or, if applicable, the legal guardian of the patient as a person who is involved with the health care of the patient as it existed on January 1, 2016.

(3) "Discharge" means the release of a patient from hospital care to the residence or other location identified by the patient or guardian as temporary residence of the patient following an inpatient admission.

(4) "Hospital" means a facility that is licensed by the Kansas Department of Health and Environment as a surgery and/or general medical care hospital or a general hospital;

(5) "Legal guardian" means an individual who is appointed by the court to make decisions about the health or medical care of a patient;

(6) "Patient" means an individual who has been admitted to a hospital for inpatient care and who is eighteen (18) years of age and older;

(7) "Residence" means the dwelling that the patient considers to be the home of the patient, but does not include any rehabilitative facility, hospital, nursing home, assisted living facility, group home, or other healthcare facility licensed by the Kansas Department of Health and Environment.

Designation of caregiver.

(a) (1) A hospital shall provide each patient or, if applicable, the patient's legal guardian, with an opportunity to designate a caregiver following the patient's admission into a hospital and before the discharge of the patient to the residence of the patient.

(2) Prior to discharge, a patient may elect to change the patient's designated caregiver in the event that the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient.

(b) Designation of an individual as a caregiver pursuant to this section does not obligate that individual to accept the role of caregiver for the patient.

(c) This section does not require a patient to designate a caregiver.

(d) The hospital shall be deemed to have complied in full with the requirements of this subchapter, in the event that the patient or, if applicable, the legal guardian of the patient:

(1) Declines to designate a caregiver when given the opportunity, under this section; or

(2) Objects to the disclosure of medical information concerning the patient to the caregiver.

Notification to caregiver.

(a) If a patient has designated a caregiver, the hospital shall notify the designated caregiver concerning the discharge or transfer of the patient to another licensed facility as soon as possible before discharge or transfer.

(b) In the event that the hospital is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect the medical care or appropriate discharge provided to the patient.

Consultation with caregiver - Discharge instructions.

(a)(1) As soon as practicable prior to the discharge of the patient, the hospital shall attempt to consult with the designated caregiver to prepare the caregiver to provide for the aftercare needs of the patient.

(2) As part of the consultation under subdivision (a) (1) of this section, the hospital shall provide the designated caregiver and patient the opportunity to ask questions and receive answers about the aftercare needs of the patient.

(b)(1) At or before discharge, the hospital shall provide the caregiver with the discharge instructions of the patient that describes any aftercare needs of the patient.

(2) The hospital will educate the caregiver concerning the aftercare of the patient in a manner that is consistent with current accepted practices and is based on the learning needs of the caregiver and allows the caregiver the opportunity to ask questions about the aftercare assistance tasks;

(c) In the event that the hospital is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect an appropriate discharge of the patient.

Immunity.

(a) This subchapter shall not:

(1) Confer upon the caregiver any authority to make healthcare decisions on behalf of the patient;

(2) Create a private right of action against a hospital, hospital employee, or duly authorized agent of the hospital; or

(3) Remove the obligation of a third party payer to cover a healthcare item or service that the third party payer is obligated to provide to a patient under the terms of a valid agreement, insurance policy, plan, or certification of coverage or health maintenance organization contract.

(b) A hospital, hospital employee, contractor having a contractual relationship with a hospital, or duly authorized agent of a hospital shall not be held liable in any way for an act or omission of the caregiver.

