



Senate

General Assembly

File No. 67

January Session, 2023

Senate Bill No. 956

Senate, March 14, 2023

The Committee on Public Health reported through SEN. ANWAR of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REQUIRING DISCHARGE STANDARDS REGARDING FOLLOW-UP APPOINTMENTS AND PRESCRIPTION MEDICATIONS FOR PATIENTS BEING DISCHARGED FROM A HOSPITAL OR NURSING HOME FACILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-504c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) For purposes of this section and section 19a-504e:

4 (1) "Caregiver" means any individual who a patient designates as a
5 caregiver to provide post-discharge assistance to the patient in the
6 patient's home in the community. The term "caregiver" includes, but is
7 not limited to, a relative, spouse, partner, friend or neighbor who has a
8 significant relationship with the patient. For the purposes of this section
9 and section 19a-504e, the term caregiver shall not include any individual
10 who receives compensation for providing post-discharge assistance to
11 the patient.

12 (2) "Home" means the dwelling that the patient considers to be the
13 patient's home in the community. The term "home" shall not include,
14 and the provisions of this section and section 19a-504e shall not apply
15 to, a discharge to any rehabilitation facility, hospital, nursing home,
16 assisted living facility, group home or any other setting that was not the
17 patient's home in the community immediately preceding the patient's
18 inpatient admission.

19 (3) "Hospital" has the same meaning as provided in section 19a-490.

20 (4) "Post-discharge assistance" means nonprofessional care provided
21 by a designated caregiver to a patient following the patient's discharge
22 from an inpatient admission to a hospital in accordance with the written
23 discharge plan of care signed by the patient or the patient's
24 representative, including, but not limited to, assisting with basic
25 activities of daily living, instrumental activities of daily living and
26 carrying out support tasks, such as assisting with wound care,
27 administration of medications and use of medical equipment.

28 (b) The Department of Public Health shall adopt regulations, in
29 accordance with the provisions of chapter 54, to set minimum standards
30 for hospital discharge planning services. Such standards shall include,
31 but [not necessarily] need not be limited to, requirements for (1) a
32 written discharge plan prepared in consultation with the patient, or the
33 patient's family or representative, and the patient's physician, including,
34 but not limited to, the date and location of each follow-up medical
35 appointment scheduled prior to the patient's discharge and a list of all
36 medications the patient is currently taking and will continue to take
37 after the patient's discharge, and (2) a procedure for advance notice to
38 the patient of the patient's discharge and provision of a copy of the
39 discharge plan to the patient prior to discharge.

40 (c) Whenever a hospital refers a patient's name to a nursing home as
41 part of the hospital's discharge planning process, or when a hospital
42 patient requests such a referral, the hospital shall make a copy of the
43 patient's hospital record available to the nursing home and shall allow
44 the nursing home access to the patient for purposes of care planning and

45 consultation.

46 (d) Whenever a hospital's discharge planning indicates that an
47 inpatient will be discharged to the patient's home, the hospital shall (1)
48 allow the patient to designate a caregiver at, or prior to, the time that a
49 written copy of the discharge plan is provided to the patient, and (2)
50 transmit in an oral, written or electronic manner to the patient's
51 pharmacy each prescription ordered for the patient prior to discharge
52 that the patient will need after discharge. A patient is not required to
53 designate any individual as a caregiver and any individual designated
54 as a caregiver under this section is not obligated to perform any post-
55 discharge assistance for the patient.

56 (e) If an inpatient designates a caregiver pursuant to subsection (d) of
57 this section prior to receiving written discharge instructions, the
58 hospital shall:

59 (1) Record the patient's designation of caregiver, the relationship of
60 the designated caregiver to the patient, and the name, telephone number
61 and address of the patient's designated caregiver in the discharge plan.

62 (2) Make reasonable attempts to notify the patient's designated
63 caregiver of the patient's discharge to the patient's home as soon as
64 practicable. In the event the hospital is unable to contact the designated
65 caregiver, the lack of contact shall not interfere with, delay, or otherwise
66 affect the medical care provided to the patient or an appropriate
67 discharge of the patient.

68 (3) Prior to discharge, provide caregivers with instructions in all post-
69 discharge assistance tasks described in the discharge plan. Training and
70 instructions for caregivers may be conducted in person or through video
71 technology, as determined by the hospital to effectively provide the
72 necessary instruction. Any training or instructions provided to a
73 caregiver shall be provided in nontechnical language, to the extent
74 possible. At a minimum, this instruction shall include: (A) A live or
75 recorded demonstration of the tasks performed by an individual
76 designated by the hospital who is authorized to perform the post-

77 discharge assistance task and is able to perform the demonstration in a
78 culturally competent manner and in accordance with the hospital's
79 requirements to provide language access services under state and
80 federal law; (B) an opportunity for the caregiver to ask questions about
81 the post-discharge assistance tasks; and (C) answers to the caregiver's
82 questions provided in a culturally competent manner and in accordance
83 with the hospital's requirements to provide language access services
84 under state and federal law.

85 (4) Document in the patient's medical record any training for initial
86 implementation of the discharge plan provided to the patient, the
87 patient's representative or the designated caregiver. Any instruction
88 required under subdivision (3) of this subsection shall be documented
89 in the patient's medical record, including, at a minimum, the date, time
90 and contents of the instruction.

91 (f) If the patient agrees, the written discharge materials referenced in
92 this section may include electronic-only versions, and acknowledgment
93 of any such written discharge materials may be documented through
94 electronic means.

95 Sec. 2. Section 19a-535c of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective October 1, 2023*):

97 (a) For purposes of this section and section 19a-535d:

98 (1) "Caregiver" means any individual who a resident designates to
99 provide post-discharge assistance to the resident in the resident's home
100 in the community. The term "caregiver" includes, but is not limited to, a
101 relative, spouse, partner, friend or neighbor who has a significant
102 relationship with the resident. For the purposes of this section and
103 section 19a-535d, the term "caregiver" shall not include any individual
104 who receives compensation for providing post-discharge assistance to
105 the resident.

106 (2) "Home" means the dwelling that the resident considers to be the
107 resident's home in the community. The term "home" shall not include,

108 and the provisions of this section and section 19a-535d, shall not apply
109 to, a discharge to any rehabilitation facility, hospital, assisted living
110 facility, group home or any other setting that was not the resident's
111 home in the community immediately preceding the resident's
112 admission.

113 (3) "Resident" means a resident of a nursing home facility or the
114 resident's representative.

115 (4) "Nursing home facility" has the same meaning as provided in
116 section 19a-521.

117 (5) "Post-discharge assistance" means nonprofessional tasks provided
118 by a designated caregiver to a resident following the resident's
119 discharge from a nursing home facility in accordance with the written
120 discharge plan of care signed by the resident or the resident's
121 representative, which involves assisting with basic activities of daily
122 living, instrumental activities of daily living and carrying out support
123 tasks, such as assisting with wound care, administration of medications
124 and use of medical equipment.

125 (b) The Department of Public Health may adopt regulations, in
126 accordance with the provisions of chapter 54, to set minimum standards
127 for nursing home facility discharge planning services. Any such
128 standards shall include, but need not be limited to, requirements for (1)
129 a written discharge plan prepared in consultation with the resident, or
130 the resident's family or representative, and the resident's physician,
131 including, but not limited to, the date and location of each follow-up
132 medical appointment scheduled prior to the resident's discharge and a
133 list of all medications the resident is currently taking and will continue
134 to take after the resident's discharge, and (2) a procedure for advance
135 notice to the resident of the resident's discharge and provision of a copy
136 of the discharge plan to the resident prior to discharge.

137 (c) Whenever a discharge plan from a nursing home facility indicates
138 that a resident shall be discharged to the resident's home, the nursing
139 home facility shall (1) allow the resident to designate a caregiver at, or

140 prior to, the time that a written copy of the discharge plan is provided
141 to the resident, and (2) transmit in an oral, written or electronic manner
142 to the resident's pharmacy each prescription ordered for the resident
143 prior to discharge that the resident will need after discharge. A resident
144 is not required to designate any individual as a caregiver and any
145 individual designated as a caregiver under this section is not obligated
146 to perform any post-discharge assistance for the resident or agree to
147 receive any instruction required under this section.

148 (d) If a resident designates a caregiver pursuant to subsection (c) of
149 this section prior to receiving written discharge instructions, the nursing
150 home facility shall:

151 (1) Record the resident's designation of caregiver, the relationship of
152 the designated caregiver to the resident and, if known, the name,
153 telephone number and address of the resident's designated caregiver in
154 the discharge plan.

155 (2) Make more than one reasonable attempt to notify the resident's
156 designated caregiver of the resident's discharge to the resident's home
157 as soon as practicable. In the event the nursing home facility is unable
158 to contact the designated caregiver, the lack of contact shall not interfere
159 with, delay, or otherwise affect the medical care provided to the resident
160 or an appropriate discharge of the resident.

161 (3) Prior to discharge, provide caregivers with instructions in all post-
162 discharge assistance tasks described in the discharge plan. Training and
163 instructions for caregivers may be provided in writing or conducted in
164 person or through video technology, as determined by the nursing
165 home facility to effectively provide the necessary instruction. Any
166 training or instructions provided to a caregiver shall be provided in
167 nontechnical language, to the extent possible. At a minimum, this
168 instruction shall include: (A) A written, live or recorded demonstration
169 of the tasks performed by an individual designated by the nursing home
170 facility who is authorized to perform the post-discharge assistance task
171 and is able to perform the demonstration in a culturally competent
172 manner and in accordance with the requirements of the nursing home

173 facility to provide language access services under state and federal law;
174 (B) an opportunity for the caregiver to ask questions about the post-
175 discharge assistance tasks; and (C) answers to the caregiver's questions
176 provided in a culturally competent manner and in accordance with the
177 requirements of the nursing home facility to provide language access
178 services under state and federal law.

179 (4) Document in the resident's medical record any training for initial
180 implementation of the discharge plan provided to the resident, the
181 resident's representative or the designated caregiver. Any instruction
182 required under subdivision (3) of this subsection shall be documented
183 in the resident's medical record, including, at a minimum, the date, time
184 and subject of the instruction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	19a-504c
Sec. 2	<i>October 1, 2023</i>	19a-535c

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which directs the Department of Public Health to adopt regulations requiring the inclusion of instructions for follow-up appointments and prescription medications when a patient is discharged from a hospital or nursing home facility, does not result in a fiscal impact to the agency or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**SB 956*****AN ACT REQUIRING DISCHARGE STANDARDS REGARDING FOLLOW-UP APPOINTMENTS AND PRESCRIPTION MEDICATIONS FOR PATIENTS BEING DISCHARGED FROM A HOSPITAL OR NURSING HOME FACILITY.*****SUMMARY**

This bill requires Department of Public Health regulations setting minimum standards for hospital and nursing home discharge planning services to require written discharge plans to include (1) the date and location of each follow-up medical appointment scheduled before the patient's discharge and (2) a list of all medications the patient is currently taking and will take after discharge.

Under existing law, unchanged by the bill, these regulations must also require (1) written discharge plans made in consultation with the patient, or the patient's family or representative, and the patient's physician and (2) a procedure to give the patient notice of their discharge and a copy of their discharge plan before discharge.

Additionally, when a hospital or nursing home discharges a patient to his or her home, the bill requires the facility to send, orally, electronically, or in writing, each prescription ordered for the patient before discharge that they will need after discharge, to the patient's pharmacy.

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 35 Nay 0 (03/03/2023)