



General Assembly

January Session, 2023

***Raised Bill No. 956***

LCO No. 3486



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***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 Section 19a-504c of the general statutes is repealed and the  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

**Statement of Purpose:**

To require discharge standards regarding follow-up appointments and prescription medications for patients being discharged from a hospital or nursing home facility.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*