



General Assembly

***Raised Bill No. 956***

January Session, 2023

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 Section 19a-504c of the general statutes is repealed and the  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  
9 section and section 19a-504e, the term caregiver shall not include any  
10 individual who receives compensation for providing post-discharge  
11 assistance to 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  
17 the patient's home in the community immediately preceding the  
18 patient's 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  
23 written 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  
30 standards for hospital discharge planning services. Such standards  
31 shall include, but [not necessarily] need not be limited to, requirements  
32 for (1) a written discharge plan prepared in consultation with the  
33 patient, or the patient's family or representative, and the patient's  
34 physician, including, but not limited to, the date and location of each  
35 follow-up medical appointment scheduled prior to the patient's  
36 discharge and a list of all medications the patient is currently taking  
37 and will continue to take after the patient's discharge, and (2) a  
38 procedure for advance notice to the patient of the patient's discharge  
39 and provision of a copy of the discharge plan to the patient prior to  
40 discharge.

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

46 and consultation.

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

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

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

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

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

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

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

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

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

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

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

108 (2) "Home" means the dwelling that the resident considers to be the  
109 resident's home in the community. The term "home" shall not include,  
110 and the provisions of this section and section 19a-535d, shall not apply  
111 to, a discharge to any rehabilitation facility, hospital, assisted living  
112 facility, group home or any other setting that was not the resident's  
113 home in the community immediately preceding the resident's  
114 admission.

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

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

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

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

140 (c) Whenever a discharge plan from a nursing home facility  
141 indicates that a resident shall be discharged to the resident's home, the  
142 nursing home facility shall (1) allow the resident to designate a  
143 caregiver at, or prior to, the time that a written copy of the discharge  
144 plan is provided to the resident, and (2) transmit in an oral, written or  
145 electronic manner to the resident's pharmacy each prescription  
146 ordered for the resident prior to discharge that the resident will need  
147 after discharge. A resident is not required to designate any individual  
148 as a caregiver and any individual designated as a caregiver under this  
149 section is not obligated to perform any post-discharge assistance for  
150 the resident or agree to receive any instruction required under this  
151 section.

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

155 (1) Record the resident's designation of caregiver, the relationship of  
156 the designated caregiver to the resident and, if known, the name,  
157 telephone number and address of the resident's designated caregiver  
158 in the discharge plan.

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

165 (3) Prior to discharge, provide caregivers with instructions in all  
166 post-discharge assistance tasks described in the discharge plan.  
167 Training and instructions for caregivers may be provided in writing or  
168 conducted in person or through video technology, as determined by  
169 the nursing home facility to effectively provide the necessary  
170 instruction. Any training or instructions provided to a caregiver shall  
171 be provided in nontechnical language, to the extent possible. At a

172 minimum, this instruction shall include: (A) A written, live or recorded  
173 demonstration of the tasks performed by an individual designated by  
174 the nursing home facility who is authorized to perform the post-  
175 discharge assistance task and is able to perform the demonstration in a  
176 culturally competent manner and in accordance with the requirements  
177 of the nursing home facility to provide language access services under  
178 state and federal law; (B) an opportunity for the caregiver to ask  
179 questions about the post-discharge assistance tasks; and (C) answers to  
180 the caregiver's questions provided in a culturally competent manner  
181 and in accordance with the requirements of the nursing home facility  
182 to provide language access services under state and federal law.

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