

SENATE BILL REPORT

SB 6327

As of January 28, 2016

Title: An act relating to hospital discharge planning with lay caregivers.

Brief Description: Providing for hospital discharge planning with lay caregivers.

Sponsors: Senators Bailey, Keiser, Nelson, Conway, Mullet and Dammeier.

Brief History:

Committee Activity: Health Care: 1/26/16.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: Hospitals and acute care facilities are required by statute to establish written policies and procedures to identify patients needing further nursing, therapy, or supportive care following discharge from the hospital; and to develop a discharge plan for each identified patient, including specific care requirements and information on follow-up care. The hospital is required to provide patients information on long-term care options in the community and coordinate with the case management agencies and long-term care providers to ensure transition to the appropriate home, community residential, or nursing facility care if necessary.

A health care provider may not disclose health care information about a person to any other person without the patient's written authorization. A health care provider or facility may disclose certain health care information about a patient without the patient's authorization, to the extent a recipient needs to know the information, if the disclosure is to a person who the provider reasonably believes is providing health care to the patient.

Federal law allows hospitals to share health care information with a spouse, family member, friend, or other person identified by the patient, if the information is directly relevant to the patient's care.

Summary of Bill: Hospitals must adopt and maintain written discharge policies. The discharge policies must ensure the discharge plan is appropriate for the patient's physical condition, and emotional and social needs. If a lay caregiver is involved, the discharge plan

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must take into consideration the lay caregiver's abilities. Lay caregivers are designated by the patient and will provide aftercare assistance to a patient living in his or her residence.

The discharge plan must include:

- details of the discharge plan;
- hospital staff assessment of the patient's ability for self-care after discharge;
- an opportunity for the patient to designate a lay caregiver;
- an opportunity for the patient to authorize disclosure of medical information to the patient's designated lay caregiver;
- documentation of any designated lay caregiver's contact information;
- description of aftercare tasks, including instructions or training to the patient or lay caregiver on aftercare tasks;
- an opportunity for the patient and lay caregiver to participate in discharge planning; and
- notification to a lay caregiver of the patient's discharge.

Hospitals are not required to adopt discharge policies that delay a patient's discharge or that require the disclosure of protected health information to a lay caregiver without obtaining a patient's consent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There are challenges for families in getting caregiver support. This will provide support to caregivers. It should be clarified that this is a short-term option and separate from long-term care programs. Long-term care workers should be excluded from the definition of lay caregivers. It should be clarified that care giving takes place in the patient's home. This bill will allow a patient to designate a caregiver and allow the caregiver to be contacted before discharge.

Other: We want to ensure that this does not delay discharge of the patient.

Persons Testifying: PRO: Cathy MacCaul, Advocacy Director, AARP Washington; Mary Clogston, AARP Washington; Lani Todd, SEIU 775; Peggy Quan, AARP; Bea Rector, Department of Social and Health Services.

OTHER: Lisa Thatcher, Washington State Hospital Association.

Persons Signed In To Testify But Not Testifying: No one.