

AMENDMENTS TO LB849

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Assisting Caregiver Transitions Act.

5 Sec. 2. For purposes of the Assisting Caregiver Transitions Act:

6 (1) Activities of daily living means transfer, ambulation, exercise,
7 toileting, eating, self-administration of medication, and similar
8 activities;

9 (2) Aftercare means assistance provided by a caregiver to a patient
10 in the patient's residence after the patient's discharge from a hospital
11 following an inpatient stay and may include, but is not limited to, (a)
12 assisting with activities of daily living and (b) carrying out medical or
13 nursing tasks, including, but not limited to, managing wound care,
14 assisting in administration of medication, and operating medical
15 equipment;

16 (3) Caregiver means a person nineteen years of age or older who is
17 designated by a patient or a patient's legal guardian to provide
18 aftercare;

19 (4) Hospital means a general acute hospital as defined in section
20 71-412; and

21 (5) Residence means the home in which a patient resides. Residence
22 does not include an assisted-living facility as defined in section
23 71-406, a group home, a hospital as defined in section 71-419, an
24 intermediate care facility as defined in section 71-420, a rehabilitation
25 hospital as defined in section 71-427 or other rehabilitation facility, a
26 nursing facility as defined in section 71-424, or a skilled nursing
27 facility as defined in section 71-429.

1 Sec. 3. (1) A hospital shall give each patient or patient's legal
2 guardian the opportunity to designate at least one caregiver as soon as
3 practicable and prior to the patient's release.

4 (2) If a patient is unconscious or incapacitated upon his or her
5 admission to the hospital, the hospital shall give the patient or the
6 patient's legal guardian the opportunity to designate a caregiver as soon
7 as possible after the patient's recovery of consciousness or capacity.

8 (3) A patient or his or her legal guardian is not required to
9 designate a caregiver at any time. If a patient or a patient's legal
10 guardian declines to designate a caregiver, the hospital shall document
11 this fact in the patient's medical record.

12 Sec. 4. (1) If a patient or a patient's legal guardian designates a
13 caregiver, the hospital shall record in the patient's medical record the
14 designated caregiver's name, his or her relationship to the patient, and
15 the caregiver's telephone number, residence address, and other contact
16 information.

17 (2) A patient or a patient's legal guardian may change the caregiver
18 designation at any time. The hospital shall document the change in the
19 patient's medical record before the patient's discharge.

20 (3) A person designated as a caregiver is not obligated to accept
21 such designation or to perform aftercare for the designating patient or
22 patient's legal guardian.

23 Sec. 5. If a patient or a patient's legal guardian designates a
24 caregiver, the hospital shall notify the caregiver of the patient's
25 discharge from the hospital or transfer to another facility as soon as
26 practicable which may be after the patient's physician issues a discharge
27 or transfer order. If the hospital is unable to contact the caregiver,
28 such lack of contact shall not interfere with, delay, or otherwise affect
29 the medical care provided to the patient or the medically appropriate
30 discharge or transfer of the patient. The hospital shall document all
31 attempts to contact the caregiver in the patient's medical record.

1 Sec. 6. (1) As soon as possible after designation of a caregiver
2 and prior to the patient's discharge, the hospital shall attempt to
3 consult with the patient or the patient's legal guardian and the
4 caregiver and shall issue a discharge plan that describes the patient's
5 aftercare needs. The discharge plan shall include, but need not be
6 limited to:

7 (a) The name and contact information of the caregiver, as provided
8 by him or her; and

9 (b) A description of the aftercare tasks necessary to maintain the
10 patient's ability to reside in his or her residence.

11 (2) The hospital shall provide the caregiver with instructions
12 concerning all aftercare tasks described in the discharge plan. The
13 instructions shall include, but need not be limited to:

14 (a) A live demonstration of or instruction in the aftercare tasks,
15 as performed by a hospital employee or other authorized individual in a
16 culturally competent manner;

17 (b) An opportunity for the caregiver and the patient or the
18 patient's guardian to ask questions about aftercare; and

19 (c) Answers to the caregiver's, patient's, and patient's legal
20 guardian's questions in a culturally competent manner.

21 (3) The hospital shall document the instructions in the patient's
22 medical record, including the date, time, and contents of the
23 instructions and whether the caregiver accepted or refused the offer of
24 instruction.

25 Sec. 7. The Assisting Caregiver Transitions Act does not:

26 (1) Create a private right of action against a hospital, a hospital
27 employee, or a person with whom the hospital has a contractual
28 relationship;

29 (2) Create additional civil or regulatory liability for a hospital,
30 a hospital employee, or a person with whom the hospital has a contractual
31 relationship;

1 (3) Supersede or replace existing rights or remedies under any other
2 law;

3 (4) Affect a license issued to a hospital pursuant to the Health
4 Care Facility Licensure Act;

5 (5) Establish a new requirement to reimburse or otherwise pay for
6 services rendered by a caregiver for aftercare; or

7 (6) Interfere with an individual acting under a valid health care
8 power of attorney as defined in section 30-3401 or acting as a
9 conservator as defined in section 30-2209.

10 Sec. 8. The Department of Health and Human Services may adopt and
11 promulgate rules and regulations to carry out the Assisting Caregiver
12 Transitions Act.