

IN THE SENATE

SENATE BILL NO. 1262

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE PATIENT CAREGIVER SUPPORT ACT; AMENDING TITLE 39, IDAHO
2 CODE, BY THE ADDITION OF A NEW CHAPTER 95, TITLE 39, IDAHO CODE, TO
3 PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR DESIGNATION OF
4 A CAREGIVER, TO PROVIDE FOR A CERTAIN NOTIFICATION, TO ESTABLISH PRO-
5 VISIONS REGARDING AFTERCARE, TO CLARIFY THAT THE PROVISIONS OF THIS
6 CHAPTER SHALL NOT INTERFERE WITH AN EXISTING HEALTH CARE DIRECTIVE, TO
7 PROVIDE LIMITATIONS AND TO CLARIFY THAT CAREGIVERS SHALL NOT BE PAID
8 USING STATE OR FEDERAL FUNDS.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 95, Title 39, Idaho Code, and to read as follows:

14 CHAPTER 95

15 PATIENT CAREGIVER SUPPORT ACT

16 39-9501. SHORT TITLE. This chapter shall be known and may be cited as
17 the "Patient Caregiver Support Act."

18 39-9502. DEFINITIONS. As used in this chapter:

19 (1) "Aftercare" means assistance provided by a designated caregiver to
20 a patient pursuant to this chapter after the patient's discharge from a hos-
21 pital. Assistance under this chapter may include the performance of tasks
22 necessary for the treatment of the patient's condition at the time of dis-
23 charge where performance does not require a licensed professional.

24 (2) "Caregiver" means an individual at least eighteen (18) years of age
25 who is designated as a caregiver by a patient pursuant to this chapter and who
26 provides unpaid aftercare to a patient living at home.

27 (3) "Discharge" means a patient's exit or release from a hospital to the
28 patient's residence following an inpatient stay.

29 (4) "Hospital" means a facility as defined in section 39-1301(a)(1),
30 Idaho Code.

31 (5) "Representative of the patient" means a person who:

32 (a) Is a legal guardian;

33 (b) Holds medical or legal power of attorney; or

34 (c) Is a representative named in an advance care directive in Idaho or
35 another state.

36 (6) "Residence" means a dwelling considered by a patient to be the pa-
37 tient's home, but does not include:

38 (a) A hospital;

39 (b) A residential care facility;

40 (c) A nursing home; or

1 (d) A rehabilitation facility.

2 39-9503. DESIGNATION OF CAREGIVER. (1) Hospitals shall provide each
3 patient or the representative of the patient with an opportunity to desig-
4 nate one (1) caregiver following inpatient admission at the hospital and
5 prior to the patient's discharge to the patient's residence or to another
6 place.

7 (a) In the event the patient is unconscious or otherwise incapacitated
8 upon admission to the hospital, the hospital shall provide the repre-
9 sentative of the patient with an opportunity to designate a caregiver to
10 care for the patient as long as the designation or lack of a designation
11 does not interfere with, delay or otherwise affect the medical care pro-
12 vided to the patient.

13 (b) If the patient or the patient's representative declines to desig-
14 nate a caregiver, the hospital shall document the declination in the pa-
15 tient's medical record.

16 (c) If a caregiver is designated, a hospital shall:

17 (i) Record the name of the caregiver, the relationship of the
18 caregiver to the patient and the name, telephone number and phys-
19 ical address of the patient's designated caregiver, if available,
20 in the patient's medical record; and

21 (ii) Request written consent from the patient or the patient's
22 guardian to release the patient's medical information to the care-
23 giver in compliance with any applicable law and in accordance with
24 the hospital's procedures for releasing a patient's health infor-
25 mation. If consent is refused, the hospital is exempt from the
26 provisions of sections 39-9504 and 39-9505, Idaho Code.

27 (d) A patient may change the patient's designated caregiver at any
28 time, and the hospital shall record this change in the patient's medical
29 record as soon as possible.

30 (2) Designation of a caregiver pursuant to the provisions of this chap-
31 ter shall not obligate any individual to perform any aftercare tasks for the
32 patient.

33 (3) This section shall not be construed to require a patient or a repre-
34 sentative of a patient to designate an individual as a caregiver under this
35 chapter.

36 39-9504. NOTIFICATION. As soon as possible, a hospital shall notify a
37 patient's designated caregiver of the patient's discharge or transfer to an-
38 other hospital or licensed medical facility. Inability to contact the des-
39 igned caregiver shall not interfere with, delay or otherwise affect the
40 medical care provided to the patient or the discharge of the patient.

41 39-9505. AFTERCARE PLAN. (1) As soon as practicable after designation
42 of a caregiver, the hospital shall attempt to consult with the designated
43 caregiver to prepare for the patient's aftercare and shall issue a discharge
44 plan describing a patient's aftercare needs.

45 (2) Before discharge, the hospital shall provide individualized expla-
46 nations and in-person or video instruction about tasks the caregiver will
47 need to carry out at home after discharge.

1 (3) In the event the hospital is unable to contact the designated care-
2 giver, the lack of contact shall not interfere with, delay or otherwise af-
3 fect the discharge of the patient.

4 39-9506. EXISTING HEALTH CARE DIRECTIVES. (1) Nothing in this chapter
5 shall be construed to interfere with the rights of an agent operating under a
6 valid health care directive under section 39-4510, Idaho Code.

7 (2) Any health care directive claimed to be in conflict with this chap-
8 ter must exist prior to the patient's entry into a hospital.

9 39-9507. LIMITATIONS. (1) Nothing in this chapter shall interfere
10 with the rights of a person legally authorized to make health care decisions
11 for a patient.

12 (2) Nothing in this chapter shall create a private right of action
13 against a hospital, hospital employee or a duly authorized agent of a hos-
14 pital, or otherwise supersede or replace rights or remedies available under
15 any other law.

16 39-9508. IMPACT ON STATE OR FEDERAL PROGRAM FUNDING. No moneys of the
17 state or federal government shall be used for the payment of any caregiver
18 pursuant to this chapter. No state or federal program funding shall be im-
19 pacted by this chapter.