

DESIGNATED CAREGIVER ACT

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Senate Bill 352 as passed by the Senate
Sponsor: Sen. Margaret E. O'Brien
House Committee: Health Policy
Senate Committee: Health Policy
Complete to 2-8-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 352 would create a "Designated Caregiver Act" to give a patient the opportunity to designate a caregiver, who would have a right to patient information and who may care for the patient after discharge from a hospital. It would also do all of the following:

- Require a hospital to give a patient the opportunity to designate a caregiver for after-discharge care, and require the hospital to document the name and contact information of the caregiver, or if the patient declines to designate a caregiver.
- Require a hospital to attempt to notify the caregiver of the patient's transfer or impending discharge, to attempt to consult with the caregiver on after-discharge care, and to issue a discharge plan describing the patient's needs.
- Require a hospital to give the caregiver the opportunity to ask questions and receive answers about the patient's after-discharge needs.
- Provide that appointment as a caregiver does not obligate the designated individual to perform any after-care assistance for the patient.
- Provide that a hospital, hospital employee, or hospital consultant or contractor could not be held liable for the services rendered or not rendered by the caregiver to the patient at the patient's residence.
- Provide that this new act would not impact the patient's insurance company's obligations of care, coverage, or reimbursement.

Caregiver, designated caregiver, or lay caregiver would mean an individual at least 18 years old designated as a caregiver by this act who provides after-care assistance to a patient in the patient's residence, voluntarily and without compensation. The term would include a relative, spouse, partner, friend, or neighbor who has a significant relationship with the patient.

After-care assistance would mean assistance provided by a lay caregiver to a patient following the patient's hospital discharge that is related to the patient's condition at the time of discharge. It may include assisting with basic or instrumental activities of daily living or medical or nursing tasks.

The bill would take effect 90 days after enactment.

FISCAL IMPACT:

Senate Bill 352 as passed by the Senate, has no significant fiscal implications for state or local governments. Publicly funded hospitals may have minor costs to satisfy the requirements of the bill.

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