



Rep. Jerry F. Costello, II

Filed: 3/10/2015

09900HB2915ham001

LRB099 09290 RPS 32130 a

1 AMENDMENT TO HOUSE BILL 2915

2 AMENDMENT NO. _____. Amend House Bill 2915 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Caregiver Advise, Record, and Enable Act.

6 Section 5. Definitions. As used in this Act:

7 "After care" means clinical assistance to a patient
8 provided by a caregiver in the patient's residence following
9 the patient's discharge from an inpatient hospital stay that is
10 related to the patient's condition at the time of discharge, as
11 determined appropriate by the discharging physician or other
12 health care professional. Clinical assistance may include
13 activities of daily living or medication management.

14 "Caregiver" means any individual designated by a patient to
15 provide after care to a patient. A designated caregiver may
16 include, but is not limited to, a relative, spouse, partner,

1 friend, or neighbor.

2 "Discharge" means a patient's release from a hospital to
3 the patient's residence following an inpatient admission.

4 "Hospital" means a hospital that provides general acute
5 care that is either licensed under the Hospital Licensing Act
6 or operated under the University of Illinois Hospital Act.

7 "Legal representative" means a personal representative
8 having designated legal status, including an agent designated
9 through a power of attorney.

10 "Patient" means an individual admitted to a hospital as an
11 inpatient. "Patient" does not include a pediatric patient or a
12 patient who is not capable of designating a caregiver due to a
13 health care condition or other circumstances, as determined by
14 the health care provider.

15 "Residence" means a dwelling that the patient considers to
16 be the patient's home. "Residence" does not include a
17 rehabilitation facility, hospital, nursing home, assisted
18 living establishment, group home licensed by the Department of
19 Public Health or the Department of Human Services, or a
20 State-operated facility.

21 Section 10. Opportunity to designate a caregiver.

22 (a) A hospital shall provide each patient or, if
23 applicable, the patient's legal representative with an
24 opportunity to designate a caregiver following the patient's
25 admission into the hospital as an inpatient and prior to the

1 patient's discharge to the patient's residence or transfer to
2 another facility.

3 (b) In the event that a patient is unconscious or otherwise
4 incapacitated, the hospital shall provide the patient or the
5 patient's legal representative with an opportunity to
6 designate a caregiver within a timeframe deemed appropriate by
7 the attending physician or other licensed health care provider.

8 (c) If a patient or legal representative declines to
9 designate a caregiver pursuant to this Act, the hospital shall
10 document this declination in the patient's medical record and
11 has no further responsibilities under this Act.

12 (d) If a patient or the patient's legal representative
13 designates an individual as a caregiver under this Act, the
14 hospital shall record the patient's designation of caregiver,
15 the relationship of the designated caregiver to the patient,
16 and the name, telephone number, and address of the patient's
17 designated caregiver in the patient's medical record.

18 (e) A patient may elect to change his or her designated
19 caregiver at any time, and the hospital must record this change
20 in the patient's medical record and thereafter treat the newly
21 named person as the designated caregiver.

22 (f) A designation of a caregiver by a patient or the
23 patient's legal representative does not obligate any
24 individual to provide any after care for the patient.

25 (g) This Section shall not be construed to require a
26 patient or a patient's legal representative to designate an

1 individual as a caregiver under this Act.

2 Section 15. Notice to designated caregiver. A hospital
3 shall notify a patient's designated caregiver of the patient's
4 discharge or transfer to another hospital or facility licensed
5 by the Department of Public Health as soon as possible prior to
6 the patient's actual discharge or transfer and, in any event,
7 upon issuance of a discharge order by the patient's attending
8 physician, unless the patient indicates he or she does not wish
9 the designated caregiver to be so notified. In the event the
10 hospital is unable to contact the designated caregiver, the
11 lack of contact shall not interfere with, delay, or otherwise
12 affect the medical care provided to the patient or an
13 appropriate discharge or transfer of the patient.

14 Section 20. Instruction to designated caregiver.

15 (a) As soon as possible prior to a patient's discharge from
16 a hospital to the patient's residence, the hospital shall
17 consult with the designated caregiver and issue a discharge
18 plan that describes a patient's after care needs, if any, at
19 the patient's residence. The consultation and issuance of a
20 discharge plan shall occur on a schedule that takes into
21 consideration the severity of the patient's condition and the
22 urgency of the need for caregiver services. In the event the
23 hospital is unable to contact the designated caregiver, the
24 lack of contact shall not interfere with, delay, or otherwise

1 affect the medical care provided to the patient or an
2 appropriate discharge of the patient. At a minimum, the
3 discharge plan shall include:

4 (1) A description of the after care deemed appropriate
5 by the discharging physician or other health care
6 professional.

7 (2) Contact information for any health care, clinical
8 community resources, and long-term services and supports
9 that may be helpful in carrying out the patient's discharge
10 plan, and contact information for an individual designated
11 by the hospital who can respond to questions about the
12 discharge plan.

13 (b) The hospital issuing the discharge plan must make an
14 effort to provide or arrange for the designated caregiver to
15 receive instructions in after care described in the discharge
16 plan. Training and instructions for caregivers may be conducted
17 in person or through video technology. Any training or
18 instructions to a caregiver shall be provided in non-technical
19 language, to the extent possible. At a minimum, this
20 instruction shall include:

21 (1) A live or recorded demonstration of the tasks
22 performed by an individual designated by the hospital who
23 is authorized to perform the after care and is able to
24 perform the demonstration in a culturally-competent
25 manner, in accordance with the hospital's requirements to
26 provide language access services under State and federal

1 law and in accordance with the hospital's procedures for
2 providing education to patients and family caregivers.

3 (2) An opportunity for the caregiver to ask questions
4 about the after care.

5 (3) Answers provided in a culturally competent manner
6 and in accordance with State and federal law.

7 (c) In the event the designated caregiver cannot be
8 reached, is not available, or is not willing to receive the
9 instruction, the lack of contact or instruction shall not
10 interfere with, delay, or otherwise affect an appropriate
11 discharge of the patient.

12 Section 25. Non-interference with health care directives.
13 Nothing in this Act shall be construed to interfere with the
14 rights of an agent operating under a valid health care
15 directive or valid power of attorney.

16 Section 30. No private right of action. Nothing in this Act
17 shall be construed to create a private right of action against
18 a hospital, a hospital affiliate, a hospital employee, or a
19 consultant or contractor with whom a hospital has a contractual
20 relationship solely for providing instruction to a designated
21 caregiver, as described in Section 20 of this Act.

22 A hospital, a hospital affiliate, a hospital employee, or a
23 consultant or contractor with whom a hospital has a contractual
24 relationship shall not be held liable, except for willful or

1 wanton misconduct, for services rendered or not rendered by the
2 caregiver to the patient.

3 Nothing in this Act shall delay the discharge of a patient
4 or the transfer of a patient from a hospital to another
5 facility.

6 Section 99. Effective date. This Act takes effect 180 days
7 after becoming law.".