

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Bill No. 887, Page 1, Section A, Line 2, by inserting after all of said section and  
2 line the following:

3  
4 "191.1150. 1. This section shall be known as the "Caregiver, Advise, Record, and Enable  
5 (CARE) Act".

6 2. As used in this section, the following terms shall mean:

7 (1) "After-care", assistance that is provided by a caregiver to a patient after the patient's  
8 discharge from a hospital that is related to the condition of the patient at the time of discharge,  
9 including assisting with activities of daily living, as defined in section 198.006; instrumental  
10 activities of daily living, as defined in section 198.006; or carrying out medical or nursing tasks as  
11 permitted by law;

12 (2) "Admission", a patient's admission into a hospital as an in-patient;

13 (3) "Caregiver", an individual who is eighteen years of age or older, is duly designated as a  
14 caregiver by a patient pursuant to this section, and who provides after-care assistance to such patient  
15 in the patient's residence;

16 (4) "Discharge", a patient's release from a hospital to the patient's residence following an  
17 admission;

18 (5) "Hospital", as defined in section 197.020;

19 (6) "Residence", a dwelling that the patient considers to be his or her home. "Residence"  
20 shall not include:

21 (a) A facility, as defined in section 198.006;

22 (b) A hospital, as defined in section 197.020;

23 (c) A prison, jail, or other detention or correctional facility operated by the state or a  
24 political subdivision;

25 (d) A residential facility, as defined in section 630.005;

26 (e) A group home or developmental disability facility, as defined in section 633.005; or

27 (f) Any other place of habitation provided by a public or private entity which bears legal or  
28 contractual responsibility for the care, control, or custody of the patient and which is compensated  
29 for doing so.

30 3. A hospital shall provide each patient or, if applicable, the patient's legal guardian with an  
31 opportunity to designate a caregiver following the patient's admission into a hospital and prior to the  
32 patient's discharge. Such designation shall include a written consent of the patient or the patient's  
33 legal guardian to release otherwise confidential medical information to the designated caregiver if  
34 such medical record would be needed to enable the completion of after-care tasks. The written  
35 consent shall be in compliance with federal and state laws concerning the release of personal health  
36 information. Prior to discharge, a patient may elect to change his or her caregiver in the event that

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1 the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient.  
2 Designation of a caregiver by a patient or a patient's legal guardian does not obligate any person to  
3 arrange or perform any after-care tasks for the patient.

4 4. The hospital shall document the patient's or the patient's legal guardian's designation of  
5 caregiver, the relationship of the caregiver to the patient, and the caregiver's available contact  
6 information.

7 5. If the patient or the patient's legal guardian declines to designate a caregiver, the hospital  
8 shall document such information.

9 6. The hospital shall notify a patient's caregiver of the patient's discharge or transfer to  
10 another facility as soon as practicable, which may be after the patient's physician issues a discharge  
11 order. In the event that the hospital is unable to contact the designated caregiver, the lack of contact  
12 shall not interfere with, delay, or otherwise affect the medical care provided to the patient or an  
13 appropriate discharge of the patient. The hospital shall document the attempt to contact the  
14 caregiver.

15 7. Prior to being discharged, if the hospital is able to contact the caregiver and the caregiver  
16 is willing to assist, the hospital shall provide the caregiver with the patient's discharge plan, if such  
17 plan exists, or instructions for the after-care needs of the patient and give the caregiver the  
18 opportunity to ask questions about the after-care needs of the patient.

19 8. A hospital is not required nor obligated to determine the ability of a caregiver to  
20 understand or perform any of the after-care tasks outlined in this section.

21 9. Nothing in this section shall authorize or require compensation of a caregiver by a state  
22 agency or a health carrier, as defined in section 376.1350.

23 10. Nothing in this section shall require a hospital to take actions that are inconsistent with  
24 the standards of the federal Medicare program under Title XVIII of the Social Security Act and its  
25 conditions of participation in the Code of Federal Regulations or the standards of a national  
26 accrediting organization with deeming authority under Section 1865(a)(1) of the Social Security  
27 Act.

28 11. Nothing in this section shall create a private right of action against a hospital, a hospital  
29 employee, or an individual with whom a hospital has a contractual relationship.

30 12. A hospital, hospital employee, or an individual with whom a hospital has a contractual  
31 relationship shall not be liable in any way for an act or omission of the caregiver.

32 13. No act or omission under this section by a hospital, hospital employee, or an individual  
33 with whom a hospital has a contractual relationship shall give rise to a citation, sanction, or any  
34 other adverse action by any licensing authority to whom such individual or entity is subject.

35 14. Nothing in this section shall be construed to interfere with the rights of an attorney in  
36 fact under a durable power of health care pursuant to sections 404.800 to 404.872."; and  
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38 Further amend said bill by amending the title, enacting clause, and intersectional references  
39 accordingly.