

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1536

By: Crain, Shortey and Allen of
the Senate

6 and

7 Wright of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to designated caregivers; providing
12 definitions; permitting hospital patients to
13 designate certain caregivers; requiring patient
14 consent; requiring certain notation in medical
15 records; permitting modifications to caregiver
16 designations; prohibiting certain construction;
17 requiring certain notices to caregivers; requiring
18 hospital to consult with caregiver to prepare for
19 aftercare and to issue discharge plan; prohibiting
20 certain construction; providing for codification; and
21 providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 3112 of Title 63, unless there
is created a duplication in numbering, reads as follows:

For the purposes of Sections 2 through 5 of this act:

1 1. "Aftercare" means any assistance provided by a designated
2 caregiver to an individual under this act after the patient's
3 discharge from a hospital. Such assistance may include, but shall
4 not be limited to, assistance with basic activities of daily living,
5 instrumental activities of daily living, carrying out
6 medical/nursing tasks, such as managing wound care, assisting in
7 administering medications, and operation of medical equipment;

8 2. "Caregiver" means any individual eighteen (18) years of age
9 or older, including next of kin, duly designated as a caregiver
10 pursuant to the provisions of this act who provides aftercare
11 assistance to a patient residing in the patient's own home;

12 3. "Discharge" means a patient's exit or release from a
13 hospital to the patient's residence following any medical care,
14 treatment, or observation;

15 4. "Hospital" means a facility licensed pursuant to the
16 provisions of Section 1-701 et seq. of Title 63 of the Oklahoma
17 Statutes; and

18 5. "Residence" means a dwelling considered by a patient to be
19 his or her home, not including any hospital as defined by Section 1-
20 701 et seq. of Title 63 of the Oklahoma Statutes, nursing home or
21 group home as defined by the Long-Term Care Reform and
22 Accountability Act of 2001, or assisted living facility as defined
23 by the Continuum of Care and Assisted Living Act.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3113 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Hospitals shall provide each patient or the patient's legal
5 guardian with an opportunity to designate a caregiver following the
6 patient's admission into a hospital and prior to the patient's
7 discharge or transfer to another facility.

8 1. In the event the patient is unconscious or otherwise
9 incapacitated upon entry to the hospital, the hospital shall provide
10 the patient or the patient's legal guardian with an opportunity to
11 designate a caregiver following the patient's recovery of
12 consciousness or capacity.

13 2. In the event the patient or the patient's legal guardian
14 declines to designate a caregiver under this act, the hospital shall
15 promptly document such in the patient's medical record.

16 3. In the event that the patient or the patient's legal
17 guardian designates an individual as a caregiver under this act, the
18 hospital shall promptly request the written consent of the patient
19 or the patient's legal guardian to release medical information to
20 the patient's designated caregiver pursuant to the hospital's
21 established procedures for releasing personal health information and
22 in compliance with applicable state and federal law.

23 4. If the patient or the patient's legal guardian declines to
24 consent to the release of medical information to the patient's

1 designated caregiver, the hospital is not required to provide notice
2 to the caregiver pursuant to the provisions of Section 3 of this
3 act.

4 5. The hospital shall record the patient's designation of a
5 caregiver, the relationship of the caregiver to the patient, and the
6 name, telephone number, and physical address of the patient's
7 designated caregiver in the patient's medical record.

8 B. A patient may elect to change his or her designated
9 caregiver at any time. Any requested change shall be recorded in
10 the patient's medical record by the hospital.

11 C. Designation of a caregiver by a patient or a patient's legal
12 guardian pursuant to the provisions of this act does not obligate
13 any individual to perform any aftercare tasks for the patient.

14 D. This section shall not be construed so as to require a
15 patient or a patient's legal guardian to designate any individual as
16 a caregiver as defined by this act.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3114 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 If a patient has designated a caregiver, a hospital shall notify
21 the patient's designated caregiver of the patient's discharge or
22 transfer to another licensed facility as soon as practicable.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3115 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 As soon as practicable, the hospital shall attempt to consult
5 with the designated caregiver to prepare him or her for aftercare
6 and issue a discharge plan describing a patient's aftercare needs.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3116 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Nothing in this act shall be construed to interfere with the
11 rights of a person legally authorized to make health care decisions
12 as defined in paragraph 4 of Section 3090.2 of Title 63 of the
13 Oklahoma Statutes.

14 B. Nothing in this act shall be construed to create a private
15 right of action against a hospital or hospital employee or otherwise
16 supersede or replace existing rights or remedies under any other
17 general or special law.

18 SECTION 6. This act shall become effective November 1, 2014.

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