

HOUSE BILL NO. HB0076

Designated caregiver.

Sponsored by: Representative(s) Harvey, Dayton, Halverson,
McKim, Pelkey and Wilson and Senator(s)
Landen

A BILL

for

1 AN ACT relating to public health and safety; providing for
2 the appointment of a designated caregiver; providing
3 definitions; requiring patient consent; requiring record
4 keeping; requiring notices to caregivers as specified;
5 requiring coordination between hospitals and caregivers as
6 specified; limiting applicability of the act; prohibiting
7 the use of specified funds; prohibiting impacts on state or
8 federal funds; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 35-30-101 through 35-30-106 are
13 created to read:

14

15

CHAPTER 30

1 WYOMING CAREGIVER ACT

2

3 **35-30-101. Definitions.**

4

5 (a) As used in this act:

6

7 (i) "Aftercare" means any assistance provided by
8 a designated caregiver to a patient pursuant to this act
9 after the patient's discharge from a hospital. Assistance
10 under this act may include the performance of tasks
11 necessary for the treatment of the patient's condition at
12 the time of discharge and which do not require a licensed
13 professional;

14

15 (ii) "Caregiver" means any person eighteen (18)
16 years of age or older, including next of kin, duly
17 designated as a caregiver pursuant to the provisions of
18 this act who provides aftercare to a patient in the
19 patient's residence;

20

21 (iii) "Discharge" means a patient's exit or
22 release from a hospital to the patient's residence
23 following any inpatient stay;

1

2 (iv) "Guardian" means any person who:

3

4 (A) Is a legal guardian;

5

6 (B) Holds a medical or legal power of
7 attorney; or

8

9 (C) Is a representative named in an
10 advanced care directive in Wyoming or other similar law in
11 another state.

12

13 (v) "Hospital" means as defined by W.S.
14 35-2-901(a)(xiii);

15

16 (vi) "Residence" means a dwelling considered by
17 a patient to be his home, but does not include:

18

19 (A) A hospital;

20

21 (B) A nursing care facility as defined by
22 W.S. 35-2-901(a)(xvi); or

23

1 (C) An assisted living facility as defined
2 by W.S. 35-2-901(a)(xxii).

3
4 (vii) "This act" means W.S. 35-30-101 through
5 35-30-106.

6
7 **35-30-102. Designation of caregivers by hospital**
8 **patients.**

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10 (a) Hospitals shall provide each patient or the
11 patient's guardian with an opportunity to designate one (1)
12 caregiver following the inpatient admission at the hospital
13 and prior to the patient's discharge to the patient's
14 residence:

15
16 (i) In the event the patient is unconscious or
17 otherwise incapacitated upon admission to the hospital, the
18 hospital shall provide the patient's guardian with an
19 opportunity to designate a caregiver to care for the
20 patient so long as the designation or lack of a designation
21 does not interfere with, delay or otherwise affect the
22 medical care provided to the patient;

23

1 (ii) In the event the patient or the patient's
2 guardian declines to designate a caregiver under this act,
3 the hospital shall document that determination in the
4 patient's medical record and the hospital shall be deemed
5 to be in compliance with the provisions of this act;

6
7 (iii) In the event that the patient or the
8 patient's guardian designates an individual as a caregiver
9 under this act, the hospital shall promptly request the
10 written consent of the patient or the patient's guardian to
11 release personal health information pertinent to the
12 patient's designated caregiver pursuant to the hospital's
13 established procedures for releasing personal health
14 information and in compliance with applicable state and
15 federal law;

16
17 (iv) If the patient or the patient's guardian
18 declines to consent to the release of personal health
19 information to the patient's designated caregiver, the
20 hospital is not required to provide notice to the caregiver
21 as provided in W.S. 35-30-103 and shall not release
22 personal health information;

23

1 (v) The hospital shall record the patient's
2 designation of a caregiver, the relationship of the
3 caregiver to the patient and the name, telephone number and
4 physical address of the patient's designated caregiver, if
5 available, in the patient's medical record.

6

7 (b) A patient or guardian may elect to change the
8 designated caregiver.

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10 (c) Designation of a caregiver by a patient or a
11 patient's guardian pursuant to the provisions of this act
12 shall not obligate any individual to perform any aftercare
13 tasks for the patient.

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15 (d) This section shall not be deemed to require a
16 patient or a patient's guardian to designate any individual
17 as a caregiver under this act.

18

19 **35-30-103. Notification by hospital to caregiver.**

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21 If a patient has designated a caregiver, a hospital shall
22 notify the caregiver of the patient's discharge to the
23 patient's residence or other place, including another

1 hospital or medical facility, as soon as practicable
2 following the admission. In the event the hospital is
3 unable to contact the designated caregiver, the lack of
4 contact shall not interfere with, delay or otherwise affect
5 the medical care provided to the patient or the discharge
6 of the patient.

7

8 **35-30-104. Consultation with caregiver by hospital;**
9 **discharge plan.**

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11 As soon as practicable after designation of a caregiver,
12 the hospital shall attempt to consult with the designated
13 caregiver to prepare for the patient's aftercare and shall
14 issue a discharge plan describing a patient's aftercare
15 needs. In the event the hospital is unable to contact the
16 designated caregiver, the lack of contact shall not
17 interfere with, delay or otherwise affect the discharge of
18 the patient.

19

20 **35-30-105. Construction of act.**

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1 (a) Nothing in this act shall interfere with the
2 rights of a person legally authorized to make health care
3 decisions for a patient.

(b) Nothing in this act shall create a private right of action against a hospital, hospital employee or a duly authorized agent of a hospital, or otherwise supersede or replace rights or remedies available under any other law.

10 35-30-106. Impact on state or federal program
11 funding.

13 No monies of the state or federal government shall be used
14 for the payment of any caregiver pursuant to this act. No
15 state or federal program funding shall be impacted by this
16 act.

18 **Section 2.** This act is effective July 1, 2016.

20 (END)