

216B.231 Hospital must allow a patient or patient's legal guardian to designate a lay caregiver for post-discharge assistance in the patient's residence.

- (1) A hospital shall provide each patient or, if applicable, the patient's legal guardian with at least one (1) opportunity to designate one (1) lay caregiver following the patient's admission into a hospital and prior to the patient's discharge.
- (2) If the patient is unconscious or otherwise incapacitated upon admission into a hospital, the hospital shall provide the patient or the patient's legal guardian with an opportunity to designate a lay caregiver when the patient recovers his or her consciousness or capacity, so long as the designation or lack of a designation does not interfere with, delay, or otherwise affect the medical care provided to the patient.
- (3) If the patient or the patient's legal guardian declines to designate a lay caregiver, the hospital shall document this election in the patient's medical record, and the hospital shall be deemed to comply with KRS 216B.230 to 216B.239 .
- (4) If the patient or the patient's legal guardian designates an individual as a lay caregiver under this section, the hospital shall request the written consent of the patient or the patient's legal guardian to release medical information to the patient's designated lay caregiver following the hospital's established procedures for releasing personal health information and in compliance with all federal and state laws.
- (5) If the patient or the patient's legal guardian declines to consent to release medical information to the patient's designated lay caregiver, the hospital shall not be required to provide notice to the caregiver under KRS 216B.233 or provide information contained in the patient's discharge plan under KRS 216B.235.
- (6) The hospital shall record the patient's designation of lay caregiver, the relationship of the designated caregiver to the patient, and the name, telephone number, and address of the patient's designated lay caregiver in the patient's medical record.
- (7) A patient may elect to change his or her designated lay caregiver at any time, and the hospital shall record this change in the patient's medical record as soon as practicable.
- (8) A designation of a lay caregiver by a patient or a patient's legal guardian under this section shall not obligate any individual to perform any after-care tasks for any patient.
- (9) This section shall not be construed to require a patient or a patient's legal guardian to designate any individual as a lay caregiver.

Effective: June 29, 2017

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