

NEW Pennsylvania Hospital Discharge Requirements

By Karen S. Timko, CELA
September 2017

The next time you or a loved one is about to be discharged from the hospital you may be surprised about changes in hospital discharge procedures. In the past, before discharging a patient to go home, hospitals had routinely provided the patient with a discharge plan that details instructions for dealing with health issues and necessary care once the patient returns home. However, under a new law, as part of the discharge plan, the hospital must now additionally ask each patient to designate a lay caregiver to receive the hospital discharge information and discharge plan. This new law is the Caregiver Advise, Record and Enable Act (the “CARE Act”), which was passed by the Pennsylvania legislature last year and became effective on April 20, 2017. This law requires that all hospitals request that each patient name a lay caregiver, who is the person who will provide assistance to the patient at home after discharge. This assistance can be help with basic activities of daily living, medication administration or any other tasks that the discharging physician deems appropriate.

A patient is not required to designate a lay caregiver, but if the patient does name a lay caregiver, the hospital has a duty to notify the lay caregiver of all discharge orders for the patient and to educate the lay caregiver about assistance the patient will need at home. This information is set forth in the patient’s discharge plan and must include a description of the assistance that will be required in order for the patient to remain at home. The discharge plan must also provide contact information for health care resources that provide services necessary for the patient to remain at home. The discharge plan must additionally include the name of a contact person at the hospital should the patient or the lay caregiver have questions after the patient returns home.

Before the hospital discharges the patient, the hospital must provide the lay caregiver with instructions in all care tasks that are described in the discharge plan including training and instructions that are conducted in person or through video technology. The hospital is required to provide these instructions in plain language that the lay caregiver can understand. The hospital must also provide the opportunity for the lay caregiver and patient to ask questions about the at-home assistance as well as provide answers to questions the lay caregiver and patient have.

This new statute permits a patient to designate a lay caregiver while the patient is hospitalized, or to name a lay caregiver at an earlier date, through designation in the patient’s health care power of attorney. Designating the lay caregiver in the patient’s power of attorney allows the hospital to communicate with the lay caregiver in the event the patient is unable to appoint a lay

caregiver during the patient's hospitalization. For this reason, we recommend including the designation of a lay caregiver in the health care powers of attorney we prepare for clients.

The main goal of this new law is to help patients recover at home after a hospitalization. Hopefully, giving specific at-home care instructions to the lay caregiver and providing resources to the lay caregiver to address questions about the patient's recovery will reduce hospital readmissions and improve the patient's quality of life during recovery. And remember, frequently, medical events are a sign that planning needs are changing and it is a good idea to review the situation with your Elder Law Attorney.