

Introduced by

Senators Poolman, Dever, Hogan

Representatives Beadle, Dobervich, Meier

1 A BILL for an Act to create and enact chapter 23-49 of the North Dakota Century Code, relating  
2 to hospital discharge policies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 23-49 of the North Dakota Century Code is created and enacted as  
5 follows:

6 **23-49-01. Definitions.**

7 As used in this chapter:

- 8 1. "Aftercare assistance" means assistance provided by a lay caregiver to a patient  
9 following discharge of the patient which is a task directly related to the patient's  
10 condition at the time of discharge, does not require a licensed professional, and is  
11 determined to be appropriate by the patient's discharging physician or other licensed  
12 health care professional.
- 13 2. "Discharge" means the exit or release of a patient from inpatient care in a hospital to  
14 the residence of the patient.
- 15 3. "Informal caregiver" means an individual at least eighteen years of age who a patient,  
16 or the patient's legal representative, designates at admission as a lay caregiver, and  
17 who following the discharge of the patient is willing and able to perform posthospital  
18 care for the patient at the patient's residence.
- 19 4. "Posthospital care" means care directly related to a patient's condition at the time of  
20 discharge and which is provided by an informal caregiver to the patient in the patient's  
21 residence.
- 22 5. "Residence" means the dwelling a patient considers to be the patient's home. The  
23 term does not include a hospital or rehabilitation facility.

1        **23-49-02. Patient and caregiver discharge planning, involvement, and documentation.**

2        1. A hospital shall adopt and maintain a written discharge planning process, including  
3        policies and procedures, which applies to all patients.

4        2. At an early stage of hospitalization, a hospital shall identify patients who are likely to  
5        suffer adverse health consequences if discharged without adequate discharge  
6        planning. A hospital shall involve a patient throughout the discharge planning process.  
7        As appropriate, a hospital shall involve the patient's informal caregiver or legal  
8        representative in the discharge planning process. A hospital shall:

9        a. Document the patient's discharge plan in the patient's medical record.

10       b. Communicate the plan to the patient, the patient's informal caregiver, or the  
11       patient's representative.

12       c. Document the arrangements made for initial implementation of the patient's  
13       discharge plan in the patient's medical record, including any training or materials  
14       provided to the patient, the patient's informal caregiver, or the patient's  
15       representative.

16       **23-49-03. Posthospital care training.**

17       1. A hospital shall educate or train a patient, the patient's informal caregiver, or the  
18       patient's representative to prepare the patient for posthospital care.

19       2. The education or training provided by hospital staff to a patient, the patient's informal  
20       caregiver, or the patient's representative must be tailored to the patient's identified  
21       needs, including medications, treatment modalities, physical and occupational  
22       therapies, psychosocial needs, appointments, or other posthospital care.

23       3. Education and training provided by a hospital may include repeated review of the  
24       training and materials with a patient, the patient's informal caregiver, or the patient's  
25       representative.