

The Twenty-Eighth Legislature
Regular Session of 2016

THE SENATE

Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

State Capitol, Conference Room 229

Tuesday, February 2, 2016; 8:30 a.m.

LATE

Joanne Kealoha ILWU

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2397
RELATING TO DISCHARGE PLANNING**

The ILWU Local 142 wishes to offer comments on S.B. 2397, which requires hospitals to adopt and maintain discharge policies, consistent with recent updates to federal regulations, to ensure that patients continue to receive necessary care after leaving the hospital.

The ILWU is a member of the coalition that supports the CARE Act, which has been considered by the Legislature the past two legislative sessions. Despite working group efforts, no agreement has yet been reached on language to satisfy all parties. This bill, however, comes very close— with the exception of the definition of “patient.”

We respectfully suggest that the definition of “patient” be amended to read: *“Patient” means an individual admitted to a hospital for inpatient treatment.* With this definition, any patient who has been admitted for inpatient treatment will have the opportunity to designate a caregiver, and that caregiver shall be notified of any plan to discharge the patient. If after-care instruction is needed, the caregiver may receive these instructions. A patient who does not wish to designate a caregiver has the right to decline the offer to designate one.

In our view, there are common-sense reasons for designating a caregiver. There are also legal concerns that hospitals have about providing instruction. But S.B. 2397 and other bills dubbed “the CARE Act” provide that hospitals will be shielded from liability for providing after-care instruction to designated caregivers.

The ILWU believes it is time to come to an agreement and move forward. We appreciate your consideration of our suggested language that would remove the appearance of hospitals exercising discretion that may deny patients the right to a designated caregiver’s support.

Thank you for the opportunity to share our views and concerns.