



GOV. MSG. NO. 1170

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 16, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 16, 2016, the following bill was signed into law:

HB2252 HD1 SD2 CD1

RELATING TO DISCHARGE PLANNING
ACT 069 (16)

Sincerely,

DAVID Y. IGE

Governor, State of Hawai'i

1 spouse, partner, friend, or neighbor who has a significant
2 relationship with the patient.

3 "Contact information" means name, phone number, electronic
4 mail address, and address of residence, where available.

5 "Discharge" means a patient's exit or release from a
6 hospital to the patient's residence following any medical care
7 or treatment rendered to the patient following an inpatient
8 admission.

9 "Entry" means a patient's entrance into a hospital for the
10 purpose of receiving inpatient medical care.

11 "Hospital" means a facility licensed under section
12 321-14.5, excluding children's hospitals and specialty
13 hospitals.

14 "Patient" means an individual admitted to a hospital for
15 inpatient treatment.

16 "Residence" means a dwelling that the patient considers to
17 be the patient's home and shall not include any residential
18 facility, treatment facility, or home licensed or certified by
19 the department of health under chapter 321, or a private
20 residence used for commercial purposes to care for dependent
21 individuals.



1 § -2 Designation of a caregiver. (a) Each hospital
2 shall adopt and maintain a written discharge policy or policies
3 that include the following components:

4 (1) Each patient is provided an opportunity to designate a
5 caregiver, to be included in the patient's electronic
6 health record;

7 (2) Each patient and the patient's designated caregiver
8 are given the opportunity to participate in the
9 discharge planning;

10 (3) Each patient and the patient's designated caregiver
11 are given the opportunity to receive instruction,
12 prior to discharge, related to the patient's after-
13 care needs; and

14 (4) Each patient's caregiver is notified of the patient's
15 discharge or transfer. A hospital shall make
16 reasonable attempts to notify the patient's caregiver
17 of the patient's discharge to the patient's residence
18 as soon as practicable. In the event that the
19 hospital is unable to contact the designated
20 caregiver, the lack of contact shall not interfere
21 with, delay, or otherwise affect the medical care



1 provided to the patient or an appropriate discharge of
2 the patient.

3 (b) The discharge policy or policies shall specify the
4 requirements for documenting:

5 (1) The caregiver who is designated by the patient; and

6 (2) The caregiver's contact information.

7 (c) The discharge policy or policies shall also
8 incorporate one of the following:

9 (1) Standards for accreditation adopted by The Joint
10 Commission or other nationally recognized hospital
11 accreditation organizations; or

12 (2) The conditions of participation for hospitals adopted
13 by the Centers for Medicare and Medicaid Services.

14 (d) This section does not require hospitals to adopt
15 discharge policies that would:

16 (1) Delay a patient's discharge or transfer to another
17 facility; or

18 (2) Require the disclosure of protected health information
19 without obtaining the patient's consent as required by
20 state and federal laws governing health information
21 privacy and security.



1 § -3 Non-interference with existing health care
2 directives. Nothing in this chapter shall be construed to
3 interfere with the rights of an agent operating under a valid
4 health care directive under section 327E-3 or confer upon the
5 caregiver any authority to make health care decisions on behalf
6 of the patient unless the caregiver is designated as an agent in
7 a health care directive under section 327E-3.

8 § -4 Limitation of liability. (a) Nothing in this
9 chapter shall be construed to give rise to a private cause of
10 action against a hospital, hospital employee, or a consultant or
11 contractor that has a contractual relationship with a hospital.

12 (b) A hospital, hospital employee, or a consultant or
13 contractor that has a contractual relationship with a hospital
14 shall not be held liable for the services rendered or not
15 rendered by a caregiver to a patient at the patient's residence.

16 § -5 Preservation of coverage. Nothing in this chapter
17 shall be construed to remove the obligation of a third-party
18 payer to cover a health care item or service that the third-
19 party payer is obligated to provide to a patient under the terms



1 of a valid agreement, insurance policy, plan, or certification
2 of coverage or health maintenance organization contract."

3 SECTION 2. This Act shall take effect on July 1, 2017.

APPROVED this 16 day of JUN , 2016



GOVERNOR OF THE STATE OF HAWAII

