S T A T E O F N E W Y O R K

6708

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. MILLER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing certain requirements for hospital discharge plans

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2803-s to read as follows:

S 2803-S. GENERAL HOSPITAL DISCHARGE FORM. 1. IN ADDITION TO THE REQUIREMENTS FOR THE DISCHARGE OF A PATIENT SET FORTH IN SECTION TWENTY-EIGHT HUNDRED THREE-I OF THIS ARTICLE OR IN ANY OTHER LAW, THE REQUIREMENTS SET FORTH IN THIS SECTION SHALL APPLY TO ALL IN-PATIENT AND OUT-PATIENT DISCHARGES. THE PURPOSE OF THIS SECTION IS TO RECOGNIZE THAT RECOVERY MAY CONTINUE FOLLOWING DISCHARGE AND TO ADEQUATELY INFORM THE PATIENT AS TO WHAT TO EXPECT DURING SUCH TIME TO ENSURE THAT PROPER PRECAUTIONS ARE TAKEN IN ALL STAGES OF RECOVERY.

2. UPON DISCHARGE, A GENERAL HOSPITAL MUST PROVIDE THE PATIENT WITH A DISCHARGE FORM WHICH CLEARLY AND CONCISELY INDICATES TO THE PATIENT WHEN IT IS NECESSARY THAT HE OR SHE SEEK FURTHER MEDICAL ATTENTION. SUCH DISCHARGE FORM SHALL PROVIDE THE PATIENT WITH THE FOLLOWING INFORMATION, STRUCTURED ACCORDING TO THREE LEVELS OF SEVERITY NOTED BY COLOR, AS INDICATED:

(A) WHAT TO EXPECT DURING THE NORMAL COURSE OF RECOVERY (GREEN);

(B) WHAT SYMPTOMS OR COMBINATION OF SYMPTOMS NECESSITATE HE OR SHE TO CALL HIS OR HER PHYSICIAN (YELLOW);

(C) WHAT SYMPTOMS OR COMBINATION OF SYMPTOMS NECESSITATE HE OR SHE TO SEEK EMERGENCY CARE (RED).

3. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER IN CONSULTATION WITH THE COUNCIL SHALL ESTABLISH BY REGULATION, A STANDARD DISCHARGE FORM OR FORMS TO FULFILL THE REQUIREMENTS SET FORTH IN SUBDIVISION TWO OF THIS SECTION. SUCH STANDARD DISCHARGE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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FORM OR FORMS MAY BE USED BY ANY GENERAL HOSPITAL FOR THE DISCHARGE OF PATIENTS UNDERGOING SERIOUS IN-PATIENT AND OUT-PATIENT PROCEDURES.

4. IN ORDER TO ENSURE CONSISTENCY IN DISCHARGE PROCEDURES THROUGHOUT THE STATE, THE COMMISSIONER IN CONSULTATION WITH THE COUNCIL SHALL DEVELOP ADDITIONAL STANDARD DISCHARGE FORMS WHICH SHALL BE TAILORED FOR SPECIFIC MEDICAL PROCEDURES UNDERGONE BY PATIENTS. THE COUNCIL IS HEREBY DIRECTED TO DEVELOP OR ADOPT A COMPUTER PROGRAM TO FULFILL THE REQUIREMENTS OF THIS SUBDIVISION.

5. A DISCHARGE FORM PROVIDED TO A PATIENT PURSUANT TO THIS SECTION SHALL BE APPROVED AND SIGNED BY THE PHYSICIAN WHO TREATED SUCH PATIENT. ANY HOSPITAL STAFF MEMBER DIRECTED TO VISIT THE PATIENT FOLLOWING DISCHARGE, INCLUDING BUT NOT LIMITED TO A NURSE, CERTIFIED NURSE'S ASSISTANT, OR PHYSICAL THERAPIST, SHALL ALSO SIGN THE DISCHARGE FORM TO INDICATE HE OR SHE UNDERSTANDS THE MEDICAL INFORMATION THEREIN. THE PATIENT, OR IF HE OR SHE IS BEING DISCHARGED TO A FAMILY MEMBER THEN THE FAMILY MEMBER SHALL ALSO SIGN THE DISCHARGE FORM TO INDICATE HE OR SHE UNDERSTANDS THE DIRECTIONS THEREIN.

6. NO CAUSE OF ACTION SHALL RESULT FROM THE OMISSION OF INFORMATION ON A STANDARD DISCHARGE FORM PROVIDED TO A PATIENT PURSUANT TO THIS SECTION WHERE THE PHYSICIAN EXERCISED HIS OR HER REASONABLE PROFESSIONAL JUDGMENT IN OMITTING SUCH INFORMATION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law. The commissioner of health is authorized to immediately promulgate any rules and regulations necessary to implement the purposes of this act on or before such effective date.