§ 2994-jj. Caregiver; opportunity to identify. 1. A hospital shall provide each patient or, if applicable, the patient's legal guardian with at least one opportunity to identify at least one caregiver under this article following the patient's entry into a hospital and prior to the patient's discharge or transfer to another facility. The hospital shall inform the patient that the purpose of providing the caregiver's identity is to include that caregiver in discharge planning and sharing of post-discharge care information or instruction.

(a) In the event that the patient is unconscious or otherwise incapacitated upon his or her entry into a hospital, the hospital shall provide such patient or his/her legal guardian with an opportunity to identify a caregiver following the patient's recovery of his or her consciousness or capacity.

(b) In the event that the patient or the patient's legal guardian declines to identify a caregiver under this article, the hospital shall promptly document this in the patient's medical record.

(c) The hospital shall record the patient's identification of a caregiver if given by the patient or legal guardian, the relationship of the identified caregiver to the patient, and the name, telephone number, and address of the patient's identified caregiver in the patient's medical record.

(d) A patient may elect to change his or her identified caregiver at any time, and the hospital must record this change in the patient's medical record.

(e) (i) The hospital shall promptly request the written consent of the patient or the patient's legal guardian to release medical information to the patient's designated caregiver following the hospital's established procedure for releasing personal health information and in compliance with all state and federal laws, including the federal Health Insurance Portability and Accountability Act of 1996 as amended, and related regulations.

(ii) If the patient or the patient's legal guardian declines to consent to release medical information to the patient's designated caregiver, the hospital shall not be required to provide notice to the caregiver under section twenty-nine hundred ninety-four-kk of this article or provide information contained in the patient's discharge plan under section twenty-nine hundred ninety-four-ll of this article.

2. An identification of a caregiver by a patient or a patient's legal guardian under this section does not obligate any individual to perform any after-care tasks for any patient.

3. This section shall not be construed to require a patient or a patient's legal guardian to identify any individual as a caregiver as defined by this article.