

144F.2 Discharge policies — opportunity to designate lay caregiver.

1. *a.* A hospital shall adopt and maintain evidence-based discharge policies and procedures. At a minimum, the policies and procedures shall provide for an assessment of the patient's ability for self-care after discharge and, as part of the assessment, shall provide a patient, or if applicable the patient's legal representative, with an opportunity to designate one lay caregiver prior to discharge of the patient.

b. A legal representative who is an agent under a durable power of attorney for health care pursuant to [chapter 144B](#) shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver only if, consistent with [chapter 144B](#), in the judgment of the attending physician, the patient is unable to make the health care decision. A legal representative who is a guardian shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver to the extent consistent with the powers and duties granted the guardian pursuant to [sections 232D.401](#) and [232D.402](#) or [section 633.635](#).

2. If a patient or the patient's legal representative declines to designate a lay caregiver, the hospital shall document the declination in the patient's medical record and the hospital shall be deemed to be in compliance with [this section](#).

3. If a patient or the patient's legal representative designates a lay caregiver, the hospital shall do all of the following:

a. Record in the patient's medical record the designation of the lay caregiver, in accordance with the hospital's policies and procedures, which may include information such as the relationship of the lay caregiver to the patient, and the name, telephone number, and address of the lay caregiver.

b. (1) Request written consent from the patient or the patient's legal representative to release medical information to the lay caregiver in accordance with the hospital's established procedures for releasing a patient's personal health information and in compliance with all applicable state and federal laws.

(2) If a patient or the patient's legal representative declines to consent to the release of medical information to the lay caregiver, the hospital is not required to provide notice to the lay caregiver under [section 144F.3](#) or to consult with or provide information contained in the patient's discharge plan to the lay caregiver under [section 144F.4](#).

4. A patient or the patient's legal representative may change the designation of a lay caregiver if the lay caregiver becomes incapacitated.

5. The designation of an individual as a lay caregiver under [this section](#) does not obligate the individual to perform any aftercare assistance for the patient.

6. [This section](#) shall not be construed to require a patient or the patient's legal representative to designate a lay caregiver.

[2019 Acts, ch 18, §2](#); [2021 Acts, ch 80, §77](#)

Referred to in [§144E.3](#), [144F.4](#)

Subsection 1, paragraph b amended