

SUBJECT: PATIENT RIGHTS FOR SUPPORT PERSONS	POLICY #8417-20027
DEPARTMENT: ORGANIZATIONWIDE-PATIENT RIGHTS	PAGE: 1
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APPROVED BY: BMHD Board of Directors	EFFECTIVE: 07/07/2020
REGULATION/REFERENCE: OREGON SENATE BILL 1606	REVISED:
	KEY WORD: SUPPORT

PURPOSE:

- Allows patients to designate at least three support persons, and to allow at least one support person to be present with the patient at all times in the emergency department and during the patient’s stay in the hospital.
- To assure compliance with Oregon Senate Bill 1606, signed and passed into law by the Governor of Oregon on 07/07/2020.

DEFINITIONS:

- “Patient” means a patient admitted to a hospital or in an emergency department who needs assistance to effectively communicate with hospital staff, make health care decisions or engage in activities of daily living due to a disability, including but not limited to:
 - A physical, intellectual, behavioral or cognitive impairment
 - Deafness, being hard of hearing or other communication barrier
 - Blindness
 - Autism
 - Dementia
- “Support person” means a family member, guardian, personal care assistant or other paid or unpaid attendant selected by the patient to physically or emotionally assist the patient or ensure effective communication with the patient.

POLICY:

- A hospital licensed in this state must allow a patient to designate at least three support persons, and to allow at least one support person to be present with the patient at all times in the emergency department and during the patient’s stay at the hospital, if necessary to facilitate the patient’s care, including but not limited to when the patient:
 - Has a cognitive or mental health disability that affects the patient’s ability to make medical decisions or understand medical advice;
 - Needs assistance with activities of daily living and the hospital staff are unable to provide or less effective at providing the assistance;
 - Is deaf, is hard of hearing or has other communication barriers and requires the assistance of a support person to ensure effective communication with hospital staff; or
 - Has behavioral health needs that the support person can address more effectively than the hospital staff.
- A hospital may impose conditions regarding support persons to ensure the safety of the patient, support person and staff such as:

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- Requiring a support person to:
 - Wear personal protective equipment provided by the hospital and follow hand washing and other protocols for preventing the potential spread of infection;
 - Be free of any symptoms of viruses or contagious diseases; and
 - Submit to screenings for viruses or contagious diseases upon entering and exiting the hospital;
 - Limiting the number of support persons allowed to be present with the patient at a time; and
 - Limiting the total number of support persons allowed to be present during the course of a day.
- A hospital must ensure that a support person designated by a patient is present for any discussion in which the patient is asked to elect hospice care or to sign an advance directive or other instrument allowing the withholding or withdrawing of life-sustaining procedures or artificially administered nutrition or hydration, unless the patient requests to have the discussion outside of the presence of a support person.
- A hospital must inform a patient, at the time the hospital services are scheduled and upon admission, of the patient's right to support persons under this section and must post the hospital's policy and requirements for support persons at entry points to the hospital and on the hospital's website.
- This does not affect a hospital's obligation to:
 - Provide patients with effective communication supports or other reasonable accommodations in accordance with federal and state laws; or
 - Make exceptions to the hospital visitor policy, including exceptions to the number of support persons allowed access to the patient, as a reasonable accommodation under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

REFERENCES: Oregon Senate Bill 1606; Signed by Governor 07/07/2020