



Patient Access to Support Persons while in the Hospital -- FACT SHEET

Oregon Administrative Rules:

333-501-0055, 333-505-0030, 333-505-0033 and 333-505-0050

On July 30, 2020, the Oregon Health Authority, Public Health Division amended hospital licensing administrative rules in response to passage of SB 1606 during the 2020, 1st Special session. In response to the COVID-19 pandemic, many Oregon hospitals revised their entry policies in order to protect the health of patients, providers, and staff. The legislation has several requirements, including that hospitals allow certain patients to have a support person with them at the hospital and to inform those patients of that right.

Requirements for Licensed Hospitals:

- Adopt and implement policies regarding support persons for patients who need assistance to effectively communicate, make health care decisions, understand health care information, or engage in activities of daily living due to a disability
- Inform these patients, both orally and in writing, of their right to designate support persons
- Allow one designated support person to be present at all times with the patient in the emergency department and during the patient's hospital stay, if necessary to facilitate the patient's care
- A patient's designated support person must be present for any discussion when the patient is likely to be asked to elect hospice care, sign an advance directive or sign any other document that allows the withholding or withdrawing of life-sustaining procedures or artificially administered nutrition or hydration
- Document designated support persons and relevant contact information in the medical record
- Post the hospital's policy relating to patients' right to support persons at entry points to the hospital that are clearly visible to the public

What is the deadline for compliance?

A hospital shall have a process to allow patients with disabilities to designate support persons, a written policy and public postings in place by August 1, 2020.

Whom are hospitals required to inform of the right to a support person?

The notice requirements apply to patients admitted to a hospital or seeking medical evaluation and care in an emergency department who need assistance to effectively communicate with hospital staff, make health care decisions, understand health care information, or engage in activities of daily living due to a disability.

How will hospitals determine which patients must be informed of the right to designate support persons?

The hospital must make a reasonable assessment or inquiry (including reviewing the patient's medical history or information provided upon admission) to determine if a patient needs assistance to effectively communicate with hospital staff, make health care decisions, understand health care information, or engage in activities of daily living due to a disability and is therefore entitled to this notice.

When are hospitals required to allow the patient to designate support persons?

The hospital must allow a patient to designate at least three support persons and allow at least one support person to be present with the patient if necessary, to facilitate the patient's care, including but not limited to, when the patient:

- (a) Has a cognitive or mental health disability that affects the patient's ability to make medical decisions or understand medical advice;
- (b) Needs assistance with activities of daily living and the hospital staff are unable to provide or are less effective at providing the assistance;
- (c) Is deaf, hard of hearing or has other communication barriers and requires assistance to ensure effective communication with hospital staff; or
- (d) Has behavioral health needs that the support person can address more effectively than the hospital staff.

What, if any, limits are there are on support persons?

In addition to the statutory limits on the number of support persons, hospitals may impose conditions on support persons to ensure the safety of patients, support persons and staff. Conditions must be reasonably related to the safety interests. Generally applicable conditions may be established for different hospital inpatient and outpatient units to reflect unique safety aspects related to the patient population of the unit and the treatment modalities generally used in that unit. Conditions may also be set for specific patients to reflect individual safety and treatment needs.

How will hospitals provide notice?

The public posting, as well as the oral and written notice to patients with disabilities should be readily available in accessible versions such as large print, audio, braille, alternative languages, etc.

Oregon Health Authority – Contact Information:

Public Health Division, Health Care Regulation & Quality Improvement

Please contact the Oregon Health Authority, Public Health Division for information about hospital compliance requirements at mailbox.hclc@state.or.us or 971-673-0540