

## **What is the CARE ACT?**

The CARE Act stands for Caregiver Advise, Record, Enable (CARE) Act. This bill means that a patient over the age of 18 who has been admitted inpatient at an acute hospital can give permission for a hospital to provide medical information to certain caregivers. There are three main parts to the bill.

**1**

The hospital provides a patient with an opportunity to **designate a caregiver**;

**2**

The **caregiver is notified** if the patient is to be discharged to another facility or back home; and

**3**

The **caregiver is provided an explanation and demonstration** of the medical tasks that the caregiver will perform at home.

## **Why is the CARE ACT important?**

Caregivers are often overwhelmed by the care their family or friend may need from them. Being a caregiver can be both emotionally and financially stressful. The CARE act makes it easier for caregivers to get the information they need and be better prepared to help care for their family or friend

## **Frequently Asked Questions**

- 1. Does a patient have to choose a caregiver?** Patients are not required to pick a caregiver.
- 2. What happens if a patient changes their mind and wants to choose a caregiver, cancel a caregiver, or choose a different caregiver?** A patient has the right to change their caregiver at any time up until the point of discharge or transfer. Patients should notify any member of their care team in order to request a change.
- 3. What types of patient information can be provided to a caregiver?** A patient must consent to information being shared with a caregiver. Information can include discharge plans or general information about their health condition. The type of information shared will be based on what the patient has authorized the hospital to do. A patient is not required to consent to have information about a patient's health condition or discharge plan provided to a caregiver.
- 4. What aftercare information can a caregiver expect to receive?** Caregivers can expect to receive a copy of the patient's discharge plan (if approved by the patient) as well as the following;
  - General demonstration of known aftercare tasks;
  - Community resources and long-term care supports available, as appropriate; and
  - Who to contact at the hospital for questions after discharge.
- 5. What happens if a care team is unable to reach a caregiver?** A hospital should not delay in discharging or transferring a patient for clinical reasons or if they are not reasonably able to contact the caregiver, provide notice to the caregiver, or provide information to a caregiver.



Type of healthcare designation	What type of information can they access?	Can they also be my designated caregiver?
<p><b>Healthcare Proxy:</b> A legal document allowing a person to appoint another person as their “healthcare agent” to make medical decisions on their behalf if they are unable to speak for themselves. Your Agent cannot act for you until your doctor determines, in writing, that you lack the ability to make healthcare decisions.</p>	<p>With a Healthcare proxy, your Healthcare Agent has the legal right to get any information, including confidential medical information, <b>necessary to make informed decisions</b> for you.</p> <p>Your healthcare proxy does not have rights to your healthcare information not relative to your current medical condition or treatment.</p>	<p>Yes – you can choose the same person listed as your healthcare proxy as your caregiver</p> <p>Your healthcare proxy can also be the same person as your next of kin.</p>
<p><b>Next of Kin:</b> If there is not a healthcare proxy, typically the patient’s “next of kin” will be the decision maker if a person cannot make decisions for themselves. This will typically begin with the spouse, then adult child, parent, sibling, and other relatives. Hospitals may ask for a “next of kin” to contact on your behalf about your discharge or transfer from inpatient care.</p>	<p>The hospital can give your “next of kin” information directly relevant to their involvement with your medical care or the payment of your healthcare as long as you agree or do not object.</p> <p>If you are not present or unable to consent, the hospital can provide relevant information if based on their professional judgement, it would be in your best interest.</p>	<p>Yes – you can choose the same person who is your “next of kin” as your caregiver</p>
<p><b>Designated caregiver:</b> A caregiver is a person you can elect to be notified when you are to be discharged or transferred from the hospital and who will be given instructions and demonstrations as to your aftercare needs if you are discharged. This is optional; you are not required to choose a caregiver.</p>	<p>The caregiver you have chosen will only receive the health information you have given consent to be shared. If you are unable to make decisions for yourself, your healthcare proxy will decide what should be shared with your caregiver on your behalf. If you do not have a healthcare proxy, your next of kin may be asked to make that decision on your behalf.</p>	<p>You can choose the same person who is your healthcare proxy and/or your next of kin to also be your caregiver.</p> <p>You can also choose someone who <b>is neither of those</b> to be your caregiver.</p>