



Maryland CARE Act

The CARE Act: What You Need To Know

Background

The [Designation of Lay Caregivers Act](#), more commonly known as the Caregiver Advise, Record, Enable (CARE) Act, was signed into law by Governor Larry Hogan on May 10, 2016, and goes into effect October 1, 2016. Maryland was the 25th state to pass a version of this legislation. The CARE Act, which only applies to inpatients, requires hospitals to:

- Provide a patient or the patient's legal guardian with the opportunity to designate a lay caregiver who can provide aftercare in the patient's home
- As soon as practicable before discharge, notify the designated lay caregiver of the discharge or transfer of the patient to another hospital or facility
- Attempt to consult with the designated lay caregiver to prepare him or her for providing aftercare to the patient and provide a discharge plan describing the patient's needs

Fast Facts

- Aftercare refers to any assistance provided to the patient by the lay caregiver in the patient's residence, including tasks that are limited to the patient's condition at the time of discharge and that do not require a license to perform.
- Designation of a caregiver does not *obligate* him/her to perform any aftercare for the patient.
- The hospital must note in the medical record the name, telephone number, address and relationship to the patient. If a patient declines to designate a caregiver, this too must be noted.
- The patient must give written consent before any medical information can be released to the lay caregiver.
- If a lay caregiver is designated, as soon as practicable, hospitals must notify him or her regarding the discharge or transfer of the patient.
- Before discharge, hospitals must consult with the lay caregiver to prepare him or her for aftercare, including providing a discharge plan that describes the aftercare needs of the patient. The inability of a hospital to consult with the lay caregiver, many not however, interfere with, delay or in any way affect the medical care provided to the patient or the patient's discharge.

Next steps

The Maryland Hospital Association will be working with AARP to encourage the designation of lay caregivers who can help patients follow their post-acute care plans. Caregivers are valuable partners in improved patient outcomes and a smoother transition between care settings, and help hospitals embrace the role of family and friends as trusted partners in caring for patients.

Questions?

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