

**DESIGNATED CAREGIVER ACT (EXCERPT)**  
**Act 85 of 2016**

**333.26285 Designation of lay caregiver.**

Sec. 5.

(1) As soon as practicable following a patient's admission to a hospital as an inpatient and before the patient's discharge from the hospital to the patient's residence, the hospital shall provide each patient or, if applicable, the patient's legal guardian or patient advocate with an opportunity to designate a lay caregiver.

(2) If the patient is unconscious or otherwise incapacitated upon entry into the hospital, the hospital shall provide the patient, the patient's legal guardian, or the patient advocate with an opportunity to designate a lay caregiver within a given time frame, at the discretion of the attending physician, following the patient's recovery of consciousness or capacity.

(3) If the patient, the patient's legal guardian, or the patient advocate declines to designate a caregiver under this act, the hospital shall document that decline in the patient's medical record. Upon the documentation in the patient's medical record described in this subsection, the hospital has complied with the requirements of this act.

(4) If the patient, the patient's legal guardian, or the patient advocate designates an individual as a caregiver under this act, the hospital shall record the patient's designation of caregiver, the relationship of the designated caregiver to the patient, and the name, telephone number, and other appropriate contact information of the patient's designated caregiver in the patient's medical record.

(5) A patient, the patient's legal guardian, or the patient advocate may elect to change the patient's designated caregiver at any time, and the hospital must record the change in the patient's medical record before the patient's discharge.

(6) This does not require a patient or a patient's legal guardian to designate an individual as a caregiver.

(7) A designation of a caregiver by a patient, a patient's legal guardian, or a patient advocate does not obligate the designated individual to perform any after-care assistance for the patient.

(8) If the patient is a minor child and the parents of the patient are divorced, the custodial parent has the authority to designate a caregiver. If the parents have joint custody of the patient, the parents shall jointly designate the caregiver.

**History:** 2016, Act 85, Eff. July 12, 2016