

## LEGACY HEALTH POLICY

### Disabled Patients Right to Designate Support Persons for Oregon Hospitals

#### POLICY:

##### Support Persons

Legacy hospitals located, in the state of Oregon, must allow a patient to *choose* at least three (3) support persons and to *allow* at least one (1) support person to be 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.

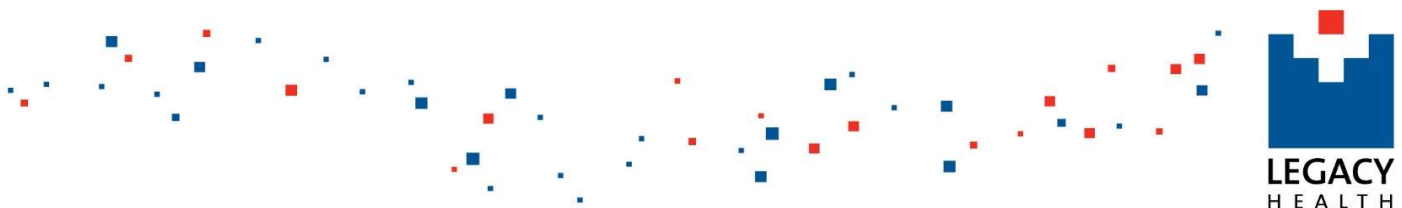
This includes but is not limited to when the patient:

1. Has a cognitive, intellectual or mental health disability that affects the patient's ability to make or communicate medical decisions or understand medical advice;
2. Needs assistance with activities of daily living, and the hospital staff are unable to provide the same level of care or are less effective at providing the assistance;
3. 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
4. Has behavioral health needs that the support person can address more effectively than the hospital staff.

Legacy 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 document allowing the withholding or withdrawing of life-sustaining procedures or artificially administered nutrition or hydration, unless the patient requests to have the discussion without the presence of the support person.

Legacy will provide all patients orally and in writing notice of the patient's right to support persons under this policy. Legacy will not condition the provision of treatment on a patient having a POLST, an advanced directive, or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration. Legacy will post this policy on its website and post a summary of the policy, with instructions on how to obtain the full policy, at entry points to the hospital. The posting at each entry shall be clearly visible to the public. The policy may be requested in an alternative format by contacting Corporate Compliance at [ComplianceOfficer@lhs.org](mailto:ComplianceOfficer@lhs.org) or 503-415-5555.

If a patient, or a patient's legal representative does not designate a support person(s) and Legacy determines that the patient has a communication barrier or other disability, Legacy shall take reasonable steps to further communicate the patient's right to support persons to the patient, patient's family or patient's legal representative.



Support persons will not provide translation services. Please refer to Legacy policy regarding Interpreter Services.

### **Behavioral Health Care**

To ensure privacy and safety of all patients, support persons and Legacy workforce in locked units with people receiving behavioral health care, access to support persons may be limited to hours and areas normally allowed to visitors. Access to support persons may be granted by virtual methods, including telephone or video platforms. A support care conference will be held to determine the parameters of accommodation provided by the support person for the patient.

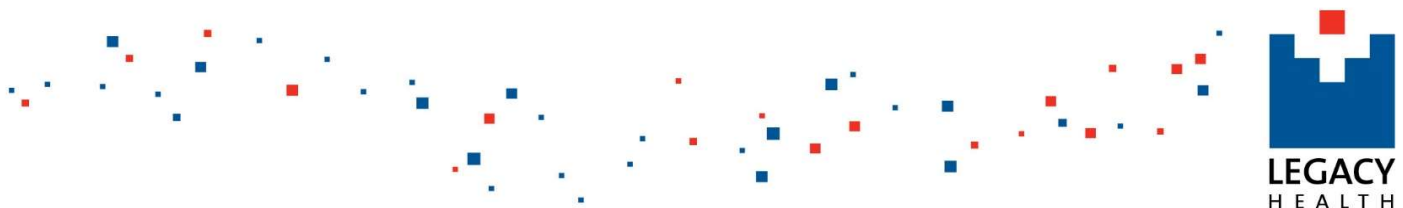
### **Conditions to Protect Safety**

Legacy may limit the number of support persons allowed to be present with the patient at the same time and may limit the total number of support persons allowed to be present in one day.

To ensure the safety of the patient, support person and Legacy workforce, support persons may not perform tasks otherwise done by a hospital employee and must comply with the following conditions:

1. Wear personal protective equipment provided by Legacy and follow hand washing and other protocols for preventing the potential spread of infection.
2. Be free of any symptoms of viruses or contagious diseases.
3. Submit to screenings for viruses or contagious diseases upon entering and exiting the hospital.
4. May not dispense medications of any kind without consultation with the patients' clinical care team.
5. May not make changes to medical devices or technology that supports patients care, including but not limited to oxygen.
6. May not accompany patients to locations where visitors would otherwise not be permitted, this includes but is not limited to operating rooms, seclusion rooms and locked units with people receiving behavioral health care where visitors are not otherwise permitted.
7. Additional conditions to protect the safety of the patient, supports and caregivers may be established to reflect unique safety aspects related to the patient population of a hospital unit and the treatment methods used in that unit. Safety conditions may also be established for specific patients to reflect individual safety and treatment needs.

Legacy may limit the number of support persons allowed to be present with the patient at a time and may limit the total number of support persons allowed to be present during the course of the day. Legacy will allow at least one (1) support person to be physically present with the patient at all times in the emergency department and during the patient's stay at the hospital. This includes, but is not limited to, an operating room, a procedure room, or other area where generally only patients and hospital staff are allowed. Consistent with other state and federal law, Legacy may impose conditions and/or deny support person(s) to be physically present at the hospital to ensure the safety of the patient, support person(s) and staff.



If Legacy denies a patient's request for a support person's physical presence with the patient, or a portion of the request, Legacy shall:

1. Immediately notify the patient and designated support person(s) verbally and in writing of their opportunity to request a support care conference to discuss the denial and any parameters for permitting the support person to be physically present.
2. Upon request, Legacy must conduct a support care conference as soon as possible but not later than 24 hours after admission or prior to a procedure.
3. Legacy shall document the outcome of the support care conference and any reasons for the limitation, restriction, additional precautions or prohibition in the patient's treatment plan.

Nothing in this section prevents a patient and his or her treating team from reviewing available medical options in the privacy of the therapeutic relationship. This includes situations where a patient with decision-making capacity informs his or her treating provider that less aggressive medical care is desired.

#### **DEFINITIONS:**

**Patient:** A patient admitted to a hospital or seeking medical evaluation and care in an emergency department who 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, including by not limited to:

- a. A physical, intellectual, behavioral or cognitive impairment;
- b. Deafness, being hard of hearing or other communication barrier;
- c. Blindness; footer
- d. Autism; or
- e. Dementia

**Support Care Conference:** A meeting in person, by telephone, or electronic media that includes a representative from the patient's hospital care team, the patient, the patient's legal representative (if applicable), and the patient's designated support person(s). This conference must include discussion of denial and any parameters for permitting a support person to be physically present with the patient including but not limited to any limitations, restrictions, or additional precautions that may be implemented for the safety of the patient, support person, and hospital staff.

**Support Person:** 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.

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