

## **POLICY STATEMENT:**

It is the policy of Riverside Health System to allow a patient who is person with a disability who requires assistance because of such disability to be accompanied by a designated support person (DSP) who will provide support and assistance necessary due to the specifics of the person's disability at any time during which health care services are provided. Accompaniment by such designated support person is subject to the policies and procedures set forth below.

This policy applies at all times, including, during declared emergencies or disaster declarations. Except where otherwise specified, the same policies and procedures will apply regardless of the nature of the declaration of emergency or disaster declaration. This policy applies to patient care settings that are licensed as a hospital, outpatient surgical hospital/ambulatory surgical center, or hospice facility. This policy does not apply to any facility certified as a long-term acute care hospital or specialty rehabilitation hospital.

Nothing in this policy shall alter the obligation of Riverside Health System to provide patients with effective communication support or other required services, regardless of the presence of a designated support person or other reasonable accommodation, consistent with applicable federal or state law or regulations.

## **DEFINITIONS:**

**Activity(ies) of Daily Living (ADL):** For purposes of this policy, a personal care task such as bathing, dressing, toileting, transferring, and eating or feeding.

**Admission:** For the purposes of this policy, an admission is a) accepting a person for bed occupancy and care that is anticipated to span at least two midnights or observation or b) accepting a person for care in an outpatient surgical hospital/ambulatory surgical center, irrespective of anticipated length of care.

**Communicable disease:** For the purposes of this policy, a communicable disease is: a) Chickenpox (Varicella virus); b) Cholera (Vibrio cholerae O1 or O139); c) COVID-19; d) Diphtheria (Corynebacterium diphtheriae); e) Granuloma inguinale (Calymmatobacterium granulomatis); f) Haemophilus influenzae infection; g) Influenza; h) Leprosy (Hansen's disease) (Mycobacterium leprae); i) Measles (Rubeola); j) Meningococcal disease (Neisseria meningitidis); k) Mumps; l) Pertussis (Bordetella pertussis); m) Rubella; n) Smallpox (Variola virus); o) Streptococcal disease, Group A; p) Streptococcus pneumoniae infection; or q) Tuberculosis, infection or active disease (Mycobacterium tuberculosis complex).

**Designated support person (DSP):** A designated support person (DSP) is a person who is eighteen years of age or older; knowledgeable about the needs of a patient with a disability; and designated, orally or in writing, by the patient with a disability, or the patient's guardian or authorized representative or care provider, to provide to the patient with a disability support and assistance necessary due to the specifics of the patient's disability at any time during which health care services are provided to the patient with a disability. A DSP may be a family member of the patient, a person the patient chooses, or an employee or contractor of Riverside Health System.

Support by a DSP may include physical assistance, emotional support, assistance with communication, decision-making, or other support necessary to afford meaningful access to information and an equal opportunity to benefit from the treatment, at any time during which health care services are provided.

**Observation Status:** For the purposes of this policy, observation status means accepting a patient for care that is anticipated to span less than two midnights.

**Patient's Representative:** For purposes of this policy, the guardian, authorized representative, or care provider for the patient.

**Person with a disability:** A person who, prior to admission to Riverside Health System, had a physical, sensory, mental, or emotional impairment that substantially limits one or more activities or daily living, has a record of such impairment, or is regarded by the attending health care professional to have such impairment.

**Support and assistance necessary due to the specifics of the person's disability:** means support and assistance, including assistance with activities of daily living, communication, decision-making, and other supports, that is (i) necessary due to the absence, loss, diminution, or impairment of a physical, sensory, behavioral, cognitive, or emotional function of the person due to the specifics of his disability; (ii) provided by a DSP; (iii) ongoing; and (iv) necessary for the care of, and to afford meaningful access to health care for, the person with a disability.

## 1. Informing Patients of Designated Support Persons Policy

### 1.1. Notice of Patient Rights

Every patient will be informed, at the time of admission as part of their notice of patient rights, of the right of a person with a disability who requires support and assistance necessary due to the specifics of the person's disability to be accompanied by a DSP for the purpose of providing support and assistance necessary due to the specifics of the person's disability. However, Riverside Health System is not required to provide a DSP where not requested by the patient.

If the patient or patient's representative requests that the patient be accompanied by a DSP, the intake/admission/scheduling personnel will request basic contact information for the DSP. See Section 3, Designated Support Persons.

#### 1.1.1. Scheduled Services

For elective or scheduled admissions or procedures, the intake/admission/scheduling personnel coordinating with the patient will ask the patient or patient's representative in advance whether the patient has a disability that requires accompaniment by a DSP. If so, the patient or patient's representative will be asked to identify the patient's DSP(s) during admission planning.

### 1.1.2. Emergency or Observation Services

In an emergency or observation status setting, the intake/admission/scheduling personnel coordinating with the patient will ask the patient or patient's representative whether the patient has a disability that requires accompaniment by a DSP.

## 1.2. Written Information

Upon request of a patient or patient's representative for more information regarding the right of a patient who is a person with a disability to be accompanied by a DSP, provide the Notice of Patient Rights Regarding Designated Support Persons (the "DSP Notice"). The DSP Notice will also be made available to the public on Riverside Health System's website at <https://www.riversideonline.com/patients-and-visitors/patient-rights>.

## 2. Person with a Disability

Any patient who is a person with a disability who requires assistance as a result of such disability has the right to be accompanied by a DSP. All existing protocols for communication support and other reasonable accommodations provided by facilities to persons with disabilities shall remain in place, regardless of the presence of a DSP.

### 2.1. Establishing a Disability

A patient or patient's representative requesting the patient to be accompanied by a DSP due to the need for assistance as the result of a disability may be required to provide acceptable documentation indicating that the patient is a person with a disability. If the patient or patient's representative fails, refuses, or is unable to provide such documentation within a reasonable period from the request (at least 24 hours), an objective assessment of the patient may be conducted by a health care provider to determine if the patient is a person with a disability. Until such assessment acceptable documentation has been provided or such objective assessment has been completed as necessary to determine whether the patient is or is not a person with a disability, the patient shall be allowed access to the DSP for the purpose of providing support and assistance.

## 3. Designated Support Persons (DSPs)

### 3.1. Documentation of Designated Support Persons

When the patient has requested to be accompanied by a DSP, the intake/admission/scheduling personnel coordinating with the patient will record the name and contact information for the DSP identified by the patient and any alternative DSPs will be documented in the patient's record.

### 3.2. Multiple Support Persons

If the duration of the admission is anticipated to last more than 24 hours, the patient with a disability may designate more than one DSP. However, it is not required that more than one DSP be

allowed to be present with the patient at any time. The number of DSPs present with the patient may be limited at any given time, provided that the patient has access to at least one DSP. If the patient wishes to change his or her DSP, then the patient, patient's guardian, or patient's representative must communicate such change as soon as the need for the change becomes known.

#### 4. Designated Support Person Access to Patient and Facility

4.1. A DSP is not regarded as a visitor under Riverside Health System's visitation policies and will not be subject to any restriction on visitation applicable to visitors at Riverside Health System. However, any DSP is required to comply with all reasonable requirements adopted by Riverside Health System from time to time to protect the health and safety of the patient, DSPs, staff and other patients and visitors of Riverside Health System. These reasonable requirements may change from time to time depending upon the operating environment and other factors, including under states of emergency or declared public health threat.

Such reasonable requirements include DSP compliance with all infection control practices, such as wearing required personal protection equipment ("PPE") in areas specified by the facility and following hand washing and sanitizing procedures. The presence of DSPs in facilities are conditioned upon compliance with such health, safety, and infection control requirements.

4.2. DSPs access to specified areas and movement on the premises may be restricted when determined to be reasonably necessary to protect the health and safety of the patient, the DSP, staff and other patients and visitors of Riverside Health System and the public.

4.3. All health, safety, and infectious disease practices and screenings relevant to the DSP shall be communicated to the patient, patient's guardian, or patient's representative in advance or as soon as practicable after access to a DSP is requested.

4.4. A DSP may be refused entry or removed for failure to comply with applicable health, safety, and infection control practices.

4.4.1. In such an instance, Riverside Health System will (i) allow for an alternative DSP to be assigned by the patient, patient's guardian, or patient's representative, or (ii) assign appropriate staff who can provide the support and assistance necessary because of the person's disability.

4.4.2. Alternatively, Riverside Health System may propose other reasonable accommodations to allow a DSP to comply with health, safety, and infection control practices that will not adversely impact the health of the patient with a disability, DSP, staff, and other patients and persons on the premises.

4.4.3. As a mechanism of enforcing health, safety, and infection control practices, a DSP may be screened for communicable diseases. A DSP's refusal to be tested for a communicable disease is not grounds to refuse entry onto the premises.

## 5. Designated Support Persons Policy Limitations

Nothing in this Policy should be interpreted to prevent or excuse Riverside Health System from complying with any federal or state law or regulation.

Nothing in this Policy should be interpreted to deem a DSP to be acting under the direction or control of Riverside Health System or as an agent of Riverside Health System.

Nothing in this Policy should be interpreted to require or permit Riverside Health System to allow a DSP to perform any action or provide any support or assistance necessary due to the specifics of the person's disability when the medical care facility reasonably determines that the performance of such action or provision of such support or assistance necessary due to the specifics of the person's disability would be medically or therapeutically contraindicated or would pose a threat to the health and safety of the person with a disability; the DSP; or the staff or other patients of, or visitors to, Riverside Health System .

## 6. Designated Support Person Access to Protected Health Information

Access to patient information for a DSP shall be subject to Riverside's Notice of Privacy Practices] and in accordance with the Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information (Privacy Standards), 45 CFR Parts 160 and 164, the Health Information Technology for Economic and Clinical Health Act (HITECH) component of the American Recovery and Reinvestment Act (ARRA) of 2009, and any and all other Federal regulations and interpretive guidelines promulgated thereunder.

## 7. Specific Provisions Applicable to COVID-19

March 12, 2020, Governor Northam issued Executive Order 51 declaring that a state of emergency exists in the Commonwealth of Virginia from the significant public health threat created by COVID-19. For the duration of the emergency declaration, the following provisions will apply under this policy.

- 7.1. If the patient with a disability is COVID-19 positive or is presumptively positive for COVID-19, reasonable alternatives to providing support and assistance should be encouraged. If the nature of the patient's disability requires physical assistance, alternative arrangements may be made to provide for the necessary support and assistance in accordance with infection prevention policies and procedures. Such alternative options shall be discussed with the patient, the patient's guardian, or patient's representative during the admissions planning or intake process, whichever is sooner. Whatever assistance is provided by facilities to the patient with a disability shall be communicated promptly with the patient, the patient's guardian, or the patient's representative.
- 7.2. If the patient with a disability is COVID-19 positive or is presumptively positive for COVID-19 and nature of the patient's disability does not require physical assistance, facilities shall endeavor to facilitate virtual support and assistance of the DSP or provide limited access for the DSP in person. If in-person access is necessary, facilities shall provide training to the DSP or an

alternative DSP appointed by the patient, the patient's guardian, or patient's representative in donning and doffing of PPE and infection control practices.

- 7.3. DSPs will be required to adhere to screening for COVID-19 upon entry and re-screened when leaving and re-entering. The DSP must be asymptomatic or, if previously confirmed positive, the DSP may be required to demonstrate compliance with applicable U.S. Centers for Disease Control and Prevention (CDC) and Medical Facility guidelines for return to work/re-entry.
- 7.4. Any DSP reasonably suspected or confirmed to have been exposed to, or testing positive for, any COVID-19 may be denied entry to or continued presence on the premises. If it is determined that a DSP fails the communicable disease screening, refuses to participate in the screening, or that the contagion risk posed by a DSP cannot be reasonably mitigated, a DSP may be denied entry to or continued presence on the premises. In such an instance, such exclusion from the premises shall be communicated to the patient, patient's guardian, or patient's representative, and the patient shall be afforded the opportunity to select a new DSP.