

	Issued By: Administration	Policy #: 300.13C
	Prepared By: Compliance	Effective Date: March 1, 2023
Dept: Administration - Compliance	Approved By:	Review Date: March 1, 2026
	Daniel Mitchell Chief Corporate Compliance Officer	Revision Date: March 1, 2023
Policy Title/Subject: Designated Support Person Policy and Procedure		Page 1 of 3

Purpose: To ensure a that a person with a disability may have a designated support person with them at all times in Chesapeake Regional Healthcare (CRH) medical care facilities.

Policy: Patients with disabilities who need assistance due to the specifics of their disability may have one designated support person with them. This could include specific needs due to altered mental status, intellectual or cognitive disability, communication barriers or behavioral concerns. If a patient with a disability requires an accommodation that involves the presence of a family member, personal care assistant or similar disability service provider, knowledgeable about the management of their care, to assist them physically or emotionally during their hospitalization, this will be allowed with proper precautions taken to contain the spread of infection. This policy applies to Chesapeake Hospital Authority doing business as Chesapeake Regional Healthcare (CRH) and doing business as Chesapeake Regional Medical Center (CRMC), and Chesapeake Home and Supportive Care (Hospice).

Procedure: CRH staff members shall allow patients with disabilities who need assistance due to the specifics of their disability to have one designated support person with them in accordance with the facilities precautions to contain the spread of infection and the following guidelines.

- (1) Every medical care facility shall allow 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 designated support person who will provide support and assistance necessary due to the specifics of the person's disability during an admission. In any case in which the duration of the admission lasts more than 24 hours, the person with a disability may designate more than one designated support person. However, no medical care facility shall be required to allow more than one designated support person to be present with a person with a disability at any time.
- (2) A designated support person is not a visitor and shall not be subject to any restrictions on visitation adopted by a medical care facility. However, such designated support person may be required to comply with all reasonable requirements of the medical care facility adopted to protect the health and safety of the person with a disability, the designated support person, the staff, and other patients of, or visitors to, the medical care facility, and the public. A CRH medical care facility may restrict a designated support person's access to

specified areas of and movement on the premises of the medical care facility when such restrictions are determined by the medical care facility to be reasonably necessary to protect the health and safety of the person with a disability, the designated support person, the staff and other patients of, or visitors to, the medical care facility, and the public. Designated support persons are not permitted in procedural areas, operating rooms, or other areas such as Magnetic Resonance Imaging (MRI).

- (3) A CRH medical care facility may request that a person with a disability provide documentation indicating that they are a person with a disability and, if the person fails, refuses, or is unable to provide such documentation, the medical care facility shall perform an objective assessment of the person to determine whether they are a person with a disability. However, if a CRH medical care facility fails to perform such an objective assessment, this failure shall not constitute grounds for prohibiting a designated support person from accompanying a person with a disability for the purpose of providing support and assistance necessary due to the specifics of the person's disability.
- (4) Nothing in this policy shall alter the obligation of a CRH medical care facility 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 of daily living" means a personal care task such as bathing, dressing, toileting, transferring, and eating or feeding.

"Admission" means (i) with regard to a medical care facility that is a hospital or hospice facility, accepting a person for (a) bed occupancy and care that is anticipated to span at least two midnights or (b) observation and (ii) with regard to a medical care facility that is an outpatient surgical hospital, accepting a person for care, irrespective of anticipated length of care.

"Care provider" means any person or entity responsible for the care of a person with a disability prior to admission of the person with a disability to a medical facility.

"Designated support person" means a person who is 18 years of age or older; knowledgeable about the needs of a person with a disability; and designated, orally or in writing, by the person with a disability or his guardian, authorized representative, or care provider to provide support and assistance necessary due to the specifics of the person's disability to the person with a disability at any time during which health care services are provided.

"Medical care facility" means a hospital licensed pursuant to this article that provides inpatient care, other than a hospital that is certified as a long-term acute care hospital or specialty rehabilitation hospital; an outpatient surgical hospital licensed or certified pursuant to this article; a hospice facility licensed pursuant to Article 7 (§ 32.1-162.1 et seq.); and any institution exempt from licensure pursuant to clause (vi) of § 32.1-124.

"Person with a disability" means a person who, prior to admission to a medical care facility, had a physical, sensory, mental, or emotional impairment that substantially limits one or more activities of daily living or has a record of 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 designated support person; (iii) ongoing; and (iv) necessary for the care of, and to afford meaningful access to health care for, the person with a disability.

Legal and Regulatory References:

The Americans with Disabilities Act (ADA), (42 U.S.C. 12101, et seq), and Section 504 of the Rehabilitation Act (28 Code of Federal Regulations (CFR) §35.104) requires health care providers provide individuals with disabilities full and equal access to their health care services and facilities. Title II of the ADA applies to public hospitals, clinics and health care services operated by state and local governments and Title III of the ADA applies to privately-owned and operated hospitals, clinics, and health care providers.

Section 1557 of the Affordable Care Act (42 U.S.C. 18116) and its implementing regulations at 45 CFR part 92 issued by the U.S. Department of Health and Human Services prohibits discrimination on the basis of race, color, national origin, sex, gender identity, age or disability in certain health programs and activities.

Code of Virginia §32.1-137.08 requires medical care facilities to have a policy for providing information to patients at the time of admission regarding the rights of a person with a disability and information about the right to a Designated Support Person on their public website.

Related Policies and Training:

CRH Reasonable Accommodation Policy #II-5.

CRH Communications Systems for Persons with Hearing Impairments/Persons Who Need Alternative Language Services Policy #300.65.

CRH Affordable Care Act, Section 1557, Coordinator and Grievance Policy #300.13B

CRH ICU Visitation Policy #402-09.

CRH Civil Rights (Section 1557) HLC Training.