

AUDIT PROPOSAL

Evaluating Hospitals' Compliance with the Kansas Lay Caregiver Act

SOURCE

This audit proposal was requested by Representative Jason Probst.

BACKGROUND

In 2017, the Kansas Legislature passed the Lay Caregiver Act. It recognizes the importance of friends or family members acting as caregivers for people who were recently discharged from a hospital. A caregiver is someone who voluntarily provides needed aftercare services such as transportation, daily tasks (e.g., bathing and cooking), and medical tasks (e.g., cleaning wounds and managing medications).

The law requires hospitals to give each patient who is admitted for inpatient care the opportunity to designate a caregiver. A patient does not have to identify a caregiver. However, if they do identify a caregiver, the hospital is required to inform the caregiver of any discharge or transfer plans (like to another licensed facility). It also requires hospitals to provide caregivers with the instructions they need to provide aftercare services to the patient after they're released from the hospital.

Legislators have expressed concern that hospitals may not be consistently meeting the requirements of the act.

AUDIT OBJECTIVES AND TENTATIVE METHODOLOGY

The audit objectives listed below are the questions we would answer through our audit work. The steps listed for each objective convey the type of work we would do. These may change as we learn more about the audit issues.

Objective 1: Do hospitals comply with the Kansas Lay Caregiver Act's requirements for designating and communicating with caregivers? Our tentative methodology would include the following:

- Work with Kansas Department of Health and Environment (KDHE) and Kansas Hospital Association staff to understand high-level information about Kansas hospitals and the requirements of the Lay Caregiver Act. This would include information on the number of hospitals, documentation requirements, and any overlap between state and federal law.
- Select about 5 hospitals to review. Interview management and review relevant policies and forms to determine how those hospitals ensure and document that staff meet the major requirements in the Lay Caregiver Act.
- At each hospital, select a sample of patients who were discharged from hospitals after receiving inpatient services in the last year. Review those patients' hospital records to determine if hospital staff gave each patient the opportunity to designate a caregiver, notified each caregiver of the patient's transfer or discharge plans (as applicable), and gave each caregiver instructions for providing aftercare services.

- If possible, for a small selection of records that do not include evidence of one or more requirements being met, interview patients and caregivers to better understand the situation. This could include confirmation of the issue(s) and any effects it may have had on their situation.
- Analyze and aggregate the results from the review of a sample of patient records to determine how frequently the selected hospitals appeared to comply or not comply with state legal requirements.
- Interview hospital management about any notable trends or patterns in the results to identify potential reasons for any noncompliance.

ESTIMATED RESOURCES

We estimate this audit would require a team of **4 auditors** for a total of **4 months** (from the time the audit starts to our best estimate of when it would be ready for the committee).