

1 ENGROSSED HOUSE
2 BILL NO. 1794

By: Miller and Munson of the
House

3 and

4 Pugh of the Senate
5

6
7 [long-term care - Alzheimer's Disease Special Care
8 Disclosure Act - creating the Alzheimer-Dementia
9 Disclosure Act Advisory Council - effective date]
10

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-879.2a, is
13 amended to read as follows:

14 Section 1-879.2a This act shall be known and may be cited as
15 the "Alzheimer's ~~Disease~~ Dementia and Other Forms of Dementia
16 Special Care Disclosure Act".

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-879.2b, is
18 amended to read as follows:

19 Section 1-879.2b As used in the Alzheimer's ~~Disease~~ Dementia
20 and Other Forms of Dementia Special Care Disclosure Act:

21 1. "~~Alzheimer's disease special~~ Special care" means care that
22 is provided to persons with a diagnosis of probable Alzheimer's
23 ~~disease dementia~~ or ~~related disorders~~ other forms of dementia by an
24 entity that provides such care ~~in a special unit or under a special~~

1 ~~program designed to prevent or limit access to areas outside the~~
2 ~~designated unit or program; and~~

3 2. "Department" means the State Department of Health; and

4 3. "Dementia" means neurocognitive disorders that result in the
5 loss of cognitive function that interferes with a person's daily
6 functioning.

7 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-879.2c, is
8 amended to read as follows:

9 Section 1-879.2c A. 1. Pursuant to rules promulgated under
10 the provisions of the Alzheimer's Disease Dementia and Other Forms
11 of Dementia Special Care Disclosure Act, any ~~facility including, but~~
12 ~~not limited to,~~ a nursing facility, residential care facility,
13 assisted living facility, ~~adult congregate living facility,~~ adult
14 day care center, or a continuum of care facility ~~retirement~~
15 ~~community~~ that advertises, markets, charges additional fees, or
16 otherwise promotes itself as providing care or treatment to persons
17 with Alzheimer's disease dementia or ~~related disorders in a special~~
18 ~~unit or under a special program~~ other forms of dementia shall
19 disclose the type of care, memory care or treatment provided that
20 distinguishes it as being especially applicable to or suitable for
21 such persons.

22 2. The disclosure shall be made using a form developed by the
23 State Department of Health and shall be made to:

24 a. the ~~state licensing agency~~ Department,

- 1 b. any ~~person seeking placement on behalf~~ representative
2 of a person with Alzheimer's ~~disease~~ dementia or
3 ~~related disorders~~ other forms of dementia who is
4 considering placement within an ~~Alzheimer's disease a~~
5 special care unit, program, or facility, and
6 c. the State Long-Term Care Ombudsman.

7 3. The facility shall submit the disclosure form to the
8 Department prior to entering into any agreement to provide care or
9 services.

10 4. The Department shall examine each disclosure for
11 completeness and accuracy at the time the disclosure is submitted to
12 the Department.

13 5. The State Department of Health shall examine all such
14 disclosures review the most recent disclosure in the Department's
15 records ~~as part of~~ during the facility's ~~license renewal process~~
16 regular inspection to verify accuracy. ~~The disclosure shall be made~~
17 ~~prior to the facility or entity entering into any agreement to~~
18 ~~provide care~~ that the disclosure is current and that the services
19 described in the disclosure are provided to residents as described
20 in the disclosure.

21 B. The information disclosed as required by this section shall
22 include the following areas:

23 1. A written description of the ~~Alzheimer's disease special~~
24 care ~~unit's~~ unit, program, or facility's overall philosophy and

1 mission as it relates to the needs of residents with Alzheimer's
2 ~~disease~~ dementia or ~~related disorders~~ other forms of dementia;

3 2. The process and criteria for placement in, or transfer or
4 discharge from, the unit, program, or facility;

5 3. The process used for assessment, establishment, and
6 implementation of a ~~patient~~ resident plan of care, as it relates to
7 Alzheimer's dementia and other forms of dementia, including the
8 method by which the plan evolves, the frequency of assessment, and
9 ~~is responsive to~~ how the facility will respond to changes in the
10 condition of the ~~patient~~ resident;

11 4. Staff-to-resident ratios, staff training and continuing
12 education that is in addition to all regularly prescribed training
13 and is commensurate with Alzheimer's disease residents' needs the
14 need for increased care and supervision for residents with
15 Alzheimer's dementia and other forms of dementia;

16 5. The physical environment and design features appropriate to
17 support the functioning of cognitively impaired ~~adult~~ residents;

18 6. The types and frequency of resident activities designed for
19 residents with Alzheimer's dementia or other forms of dementia and
20 describing those therapeutic activities designed to address
21 cognitive function and engage residents with varying stages of
22 dementia;

1 7. The involvement of families in care planning and other
2 aspects of care, and the availability of family support programs;
3 ~~and~~

4 8. The fees for care and any additional fees; and

5 9. Any accreditations or certifications issued to the facility
6 related to the care and services provided to residents with
7 Alzheimer's dementia or other forms of dementia.

8 C. The Department, with ~~equal opportunity for~~ input from
9 ~~consumer and provider representatives~~ the Alzheimer-Dementia
10 Disclosure Act Advisory Council, shall develop a standardized
11 disclosure form and ~~shall review the information submitted on the~~
12 ~~disclosure form by the facility or other entity to verify the~~
13 ~~accuracy of the information reported.~~ Any significant change in the
14 information initially submitted by the facility or other entity
15 shall be reported to the Department at the time the change is made.

16 D. The provisions of this section shall not be construed to
17 preclude a nursing facility without ~~an Alzheimer's disease~~ a special
18 care unit or program from admitting a person with Alzheimer's
19 ~~disease~~ dementia or ~~related disorders~~ other forms of dementia.

20 E. The Department, with ~~equal opportunity for~~ input from
21 ~~consumer and provider representatives~~ the Alzheimer-Dementia
22 Disclosure Act, shall promulgate rules to effectuate the provisions
23 of the Alzheimer's ~~Disease~~ Dementia and Other Forms of Dementia
24 Special Care Disclosure Act.

1 F. There is hereby created the Alzheimer-Dementia Disclosure
2 Act Advisory Council. The Council shall make recommendations to the
3 State Commissioner of Health regarding the disclosure form and rules
4 promulgated pursuant to the Alzheimer's Dementia and Other Forms of
5 Dementia Special Care Disclosure Act.

6 1. The Council shall consist of nine (9) members to be
7 appointed by the State Commissioner of Health for such terms as he
8 or she chooses. The members shall be individuals who have knowledge
9 and expertise in the field of memory care or individuals who are
10 consumer representatives directly impacted by memory-care services,
11 provided that neither the members with knowledge and expertise in
12 the field nor the members who are consumer representatives shall
13 comprise more than two-thirds (2/3) of the total membership. The
14 members who are consumer representatives shall be individuals with
15 immediate family members who have received or are currently
16 receiving memory-care services in Oklahoma and shall not be
17 employees or board members of any facilities or entities subject to
18 the Alzheimer's Dementia and Other Forms of Dementia Special Care
19 Disclosure Act.

20 2. The members of the Council shall serve without compensation.

21 3. The Council shall conduct an organizational meeting at a
22 date and location to be chosen by the Commissioner and as frequently
23 thereafter as necessary to perform the duties imposed upon it. A
24 majority of the members present shall constitute a quorum.

