

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2471

By: Seikel

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; creating the Alzheimer's Special Care Disclosure Act; providing for legislative findings and declarations; defining terms; requiring that nursing facilities that provide a special care program or special unit for persons with Alzheimer's disease shall disclose certain information; providing to whom disclosure is made; requiring examinations; providing for contents; providing certain procedures; providing for development of form; providing for construction of act; providing for promulgation of rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-879.2a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Alzheimer's Special Care Disclosure Act".

B. The Legislature finds and declares that:

1. Certain nursing homes and related facilities, residential care/assisted living facilities, adult congregate living facilities, home health agencies, adult day care centers, hospices, and continuing care retirement communities are presently known to offer to provide or provide a special program or special unit for persons who have Alzheimer's or a related disorder;

2. It is in the public interest to provide for the protection of consumers regarding the accuracy and authenticity of such claims; and

3. It is the public policy of this state to require such facilities to disclose the reasons for those claims and to require records of such disclosures to be kept.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-879.2b of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Alzheimer's Special Care Disclosure Act:

1. "Alzheimer's special care" means any nursing facility, residential care/assisted living facility, adult congregate living facility, home health agency, adult day care center, hospice, or continuing care retirement community that segregates or provides a special program or special unit for residents with a diagnosis of probable Alzheimer's disease or a related disorder so as to prevent or limit access by a resident to areas outside the designated or separated area; and that advertises, markets, or otherwise promotes the facility as providing specialized Alzheimer/dementia care services; and

2. "Department" means the Oklahoma State Department of Health.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-879.2c of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. Pursuant to rules promulgated under the provisions of the Alzheimer's Special Care Disclosure Act, any facility or other entity which offers to provide or provides a special program for persons with Alzheimer's disease or a related disorder by means of an Alzheimer's special care unit shall disclose the form of care or treatment provided that distinguishes it as being especially applicable to or suitable for such persons. The disclosure shall be made to:

- a. the state licensing agency,
- b. any person seeking placement on behalf of a person with Alzheimer's disease or a related disorder within an Alzheimer's special care unit, and
- c. the state Long-Term Care Ombudsman.

2. The Department shall examine all such disclosures in the Department's records as part of the facility's licensing renewal procedure to verify accuracy. The disclosure shall be made prior to the facility or entity entering into any agreement to provide care.

B. The information disclosed as required by this section shall explain the additional care provided in each of the following areas:

1. A written statement detailing the Alzheimer's special care unit's overall philosophy and mission which reflects the needs of residents experiencing dementia;

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

3. The process used for assessment and establishment of the plan of care and its implementation, including the method by which the plan of care evolves and is responsive to changes in condition;

4. Staffing ratios that reflect residents' needs for increased care and supervision, staff training, and continuing education practices;

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

6. The frequency and types of resident activities;

7. The involvement of families in care planning and other aspects of care and the availability of family support programs; and

8. The fees for care and any additional fees.

C. The State Department of Health, with input from consumer and provider representatives, shall develop a standardized disclosure form and shall review the information submitted on the disclosure form by the facility or other entity to verify the accuracy of the information reported. Any significant change in the information initially submitted by the facility or other entity shall be reported to the Department at the time the change is made.

D. The provisions of this section shall not be construed to preclude a nursing facility without an Alzheimer's special care unit from admitting a person with Alzheimer's disease or a related disorder.

E. The Department, with input from consumer and provider representatives, shall promulgate rules to effectuate the provisions of the Alzheimer's Special Care Disclosure Act.

SECTION 4. This act shall become effective November 1, 1998.

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