SHORT TITLE: Public health and safety; creating the Alzheimer's Disease Special Care Disclosure Act. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1057 By: Maddox

AS INTRODUCED

An Act relating to public health and safety; creating the Alzheimer's Disease Special Care Disclosure Act; providing short title; defining terms; requiring entities that provide certain services for persons with Alzheimer's disease or related disorders to disclose certain information; providing to whom disclosure is made; requiring examinations of disclosures; providing for contents of disclosure information; 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:

Sections 1 through 3 of this act shall be known and may be cited as the "Alzheimer's Disease Special Care Disclosure Act".

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 Disease Special Care Disclosure Act:

1. "Alzheimer's disease special care" means care that is provided to persons with a diagnosis of probable Alzheimer's disease or related disorders by an entity that provides such care in a special unit or under a special program designed to prevent or limit access by such persons to areas outside the designated unit or program;

2. "Board" means the State Board of Health; and

3. "Department" means the 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 Disease Special Care Disclosure Act, any facility including, but not limited to, a nursing facility, residential care facility, assisted living facility, adult congregate living facility, home health agency, adult day care center, hospice, or a continuing care retirement community, that advertises, markets, or otherwise promotes itself as providing care or treatment to persons with Alzheimer's disease or related disorders in a special unit or under a special program, shall disclose the type of care or treatment provided that distinguishes it as being especially applicable to or suitable for such persons.

2. 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 related disorders within an Alzheimer's disease special care unit, and

c. the State Long-Term Care Ombudsman.

3. The State Department of Health shall examine and verify the accuracy of all such disclosures in the Department's records as part of the facility's license renewal process. 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 include a written description of the following areas:

1. The overall philosophy and mission of the special care unit or program as it relates to the needs of residents with Alzheimer's disease or related disorders;

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

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

4. Staff-to-resident ratios, staff training and continuing education that is consistent with the need for increased care and supervision of residents with Alzheimer's disease;

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

6. The types and frequency 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. 1. The Department shall develop a standardized disclosure form pursuant to subsection B of this section, and shall provide for equal opportunity for input into the development of such form from consumer and provider representatives;

2. The Department shall review information submitted on the form by the facility or entity to verify the accuracy of the information reported;

3. 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 disease special care unit or program from admitting a person with Alzheimer's disease or related disorders.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-879.2d of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Board of Health shall promulgate rules to effectuate the provisions of the Alzheimer's Disease Special Care Disclosure Act. In promulgating such rules, the Board shall provide equal opportunity for input from consumer and provider representatives.

SECTION 5. This act shall become effective November 1, 1998.

46-2-1967 CJ