

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3757

By: Miller and **Bush**

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9 COMMITTEE SUBSTITUTE

10 An Act relating to long-term care; amending 63 O.S.
11 2011, Section 1-879.2c, which relates to required
12 disclosures under the Alzheimer's Disease Special
13 Care Disclosure Act; providing for disclosure form to
14 be incorporated into resident contract; requiring
15 Department of Health to report violations on website;
16 and providing an effective date.

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

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

20 Section 1-879.2c A. 1. Pursuant to rules promulgated under
21 the provisions of the Alzheimer's Disease Special Care Disclosure
22 Act, any facility including, but not limited to, a nursing facility,
23 residential care facility, assisted living facility, adult
24 congregate living facility, adult day care center, or a continuum of
25 care facility retirement community that advertises, markets, or

1 otherwise promotes itself as providing care or treatment to persons
2 with Alzheimer's disease or ~~related disorders in a special unit or~~
3 ~~under a special program~~ other forms of dementia shall disclose the
4 type of care or treatment provided that distinguishes it as being
5 especially applicable to or suitable for such persons.

6 2. The disclosure shall be made using the Alzheimer's Disease
7 or Related Disorders Care Disclosure Form or any subsequent form
8 required by the State Department of Health and shall be made to:

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

14 3. The State Department of Health shall examine all such
15 disclosures in the Department's records as part of the facility's
16 license renewal process to verify accuracy. The disclosure shall be
17 made prior to the facility or entity entering into any agreement to
18 provide care.

19 4. The disclosure filed with the State Department of Health
20 shall be deemed incorporated into any contract between a nursing
21 facility, residential care facility, assisted living facility, adult
22 congregate living facility, adult day care center, continuum of care
23 facility or retirement community and a resident. Any violation of
24 the disclosure shall be reported on the State Department of Health

1 website for public inspection and shall include, but not be limited
2 to, the following information:

- 3 a. name of facility,
- 4 b. type of violation, and
- 5 c. date of violation.

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

8 1. A written description of the Alzheimer's disease or other
9 forms of dementia special care unit's overall philosophy and mission
10 as it relates to the needs of residents with Alzheimer's disease or
11 ~~related disorders~~ other forms of dementia;

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

14 3. The process used for assessment, establishment, and
15 implementation of a patient plan of care, including the method by
16 which the plan evolves and is responsive to changes in the condition
17 of the patient;

18 4. Staff-to-resident ratios, staff training and continuing
19 education commensurate with Alzheimer's disease or other forms of
20 dementia residents' needs for increased care and supervision;

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

23 6. The types and frequency of resident activities;

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.

5 C. The Department, with equal opportunity for input from
6 consumer and provider representatives, shall develop a standardized
7 disclosure form and shall review the information submitted on the
8 disclosure form by the facility or other entity to verify the
9 accuracy of the information reported. Any significant change in the
10 information initially submitted by the facility or other entity
11 shall be reported to the Department at the time the change is made.

12 D. The provisions of this section shall not be construed to
13 preclude a nursing facility without an Alzheimer's disease or other
14 forms of dementia special care unit from admitting a person with
15 Alzheimer's disease or related disorders.

16 E. The Department, with equal opportunity for input from
17 consumer and provider representatives, shall promulgate rules to
18 effectuate the provisions of the Alzheimer's Disease Special Care
19 Disclosure Act.

20 SECTION 2. This act shall become effective November 1, 2020.

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22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM
23 CARE, dated 02/12/2020 - DO PASS, As Amended and Coauthored.
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