

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3757

By: Miller

AS INTRODUCED

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

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

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

Section 1-879.2c 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, adult day care center, or a continuum of care facility retirement community that advertises, markets, or otherwise promotes itself as providing care or treatment to persons with Alzheimer's disease or ~~related disorders~~ other forms of dementia in a special unit or under a special program shall disclose

1 the type of care or treatment provided that distinguishes it as
2 being especially applicable to or suitable for such persons.

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

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

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

16 4. The disclosure filed with the State Department of Health
17 shall be deemed incorporated in any contract between a nursing
18 facility, residential care facility, assisted living facility, adult
19 congregate living facility, adult day care center, continuum-of-care
20 facility or retirement community and a resident. Any violation of
21 the disclosure shall be reported on the State Department of Health
22 website for public inspection and shall include, but not be limited
23 to, the following information:

- 24 a. name of facility,

1 b. type of violation, and

2 c. date of violation.

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

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

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

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

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

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

20 6. The types and frequency of resident activities;

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

24 8. The fees for care and any additional fees.

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

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

12 E. The Department, with equal opportunity for input from
13 consumer and provider representatives, shall promulgate rules to
14 effectuate the provisions of the Alzheimer's Disease Special Care
15 Disclosure Act.

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

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