

1 ENGROSSED SENATE AMENDMENTS  
2 TO  
3 ENGROSSED HOUSE  
4 BILL NO. 1794  
5 By: Miller and Munson of the  
6 House  
7  
8 and  
9  
10 Pugh of the Senate  
11  
12  
13 [ long-term care - Alzheimer's Disease Special Care  
14 Disclosure Act - creating the Alzheimer-Dementia  
15 Disclosure Act Advisory Council - effective date ]  
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13 AUTHOR: Add the following House Coauthors: Hill and Pittman

14 AMENDMENT NO. 1. Page 2, line 15, delete, after the second comma  
15 and before the word "or", all language

16 AMENDMENT NO. 2. Page 5, line 20, strike the word "Department" and  
17 insert the words "State Commissioner of Health"

18 AMENDMENT NO. 3. Page 5, line 22, insert, after the word "Act" and  
19 before the comma, the words "Advisory Council"  
20  
21 and when the title is restored, amend the title to  
22 conform  
23  
24

1 Passed the Senate the 20th day of April, 2021.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 1794

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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

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

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

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

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

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 designed for  
residents with Alzheimer's dementia or other forms of dementia and  
describing those therapeutic activities designed to address  
cognitive function and engage residents with varying stages of  
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.



4. Staff assistance for the Council shall be provided by the  
staff of the State Department of Health.

G. Violation of any of the provisions of this act or the rules issued pursuant to this act shall subject the offending facility to the notice and enforcement provisions established for the facility's license by the Department.

H. The Department shall establish a website with a list of those facilities that have filed a disclosure form pursuant to this act. The website shall contain a link to the submitted disclosure form and a table containing items from the disclosure form, including staffing ratios, staff training, special programming and activities, and accreditations or certifications.

SECTION 4. This act shall become effective November 1, 2021.

Passed the House of Representatives the 2nd day of March, 2021.

Presiding Officer of the House  
of Representatives

Passed the Senate the       day of       , 2021.

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Presiding Officer of the Senate