

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1794

By: Miller, Munson, Hill and
Pittman of the House

and

Pugh of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to long-term care; amending 63 O.S. 2011, Section 1-879.2a, which relates to the Alzheimer's Disease Special Care Disclosure Act; modifying act name; amending 63 O.S. 2011, Section 1-879.2b, which relates to definitions; modifying term; defining term; amending 63 O.S. 2011, Section 1-879.2c, which relates to disclosure; modifying reference; modifying applicable facilities; requiring development of certain form; modifying disclosure recipients; providing for timing of certain submission; requiring the State Department of Health to examine and review disclosures at certain times and to verify certain disclosures; modifying terms; requiring certain disclosures; requiring the State Commissioner of Health to promulgate rules; creating the Alzheimer-Dementia Disclosure Act Advisory Council; providing for membership, service without compensation, organization, quorum and staff assistance; requiring certain facilities to post certain form and information on the facilities' websites; providing for penalties; requiring certain information to be posted on the Department's website; and providing an effective date.

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

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

4 Section 1-879.2a This act shall be known and may be cited as
5 the "Alzheimer's ~~Disease~~ Dementia and Other Forms of Dementia
6 Special Care Disclosure Act".

7 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-879.2b, is
8 amended to read as follows:

9 Section 1-879.2b As used in the Alzheimer's ~~Disease~~ Dementia
10 and Other Forms of Dementia Special Care Disclosure Act:

11 1. "~~Alzheimer's disease special~~ Special care" means care that
12 is provided to persons with a diagnosis of probable Alzheimer's
13 ~~disease dementia or related disorders~~ other forms of dementia by an
14 entity that provides such care ~~in a special unit or under a special~~
15 ~~program designed to prevent or limit access to areas outside the~~
16 ~~designated unit or program; and~~

17 2. "Department" means the State Department of Health;

18 3. "Dementia" means the impaired ability to remember, think, or
19 make decisions that interferes with a person's everyday activities;
20 and

21 4. "Alzheimer-Dementia Disclosure Act Advisory Council" shall
22 mean the advisory council created in Section 3 of this act.

23 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-879.2c, is
24 amended to read as follows:

1 Section 1-879.2c A. 1. Pursuant to rules promulgated under
2 the provisions of the Alzheimer's ~~Disease~~ Dementia and Other Forms
3 of Dementia Special Care Disclosure Act, any ~~facility including, but~~
4 ~~not limited to, a~~ nursing facility, residential care facility,
5 assisted living facility, ~~adult congregate living facility,~~ adult
6 day care center, ~~or a~~ continuum of care facility, or special care
7 facility retirement community that publicly advertises,
8 intentionally markets, or otherwise ~~promotes itself as providing~~
9 engages in promotional campaigns for the purpose of communicating
10 that said facility offers care or treatment methods within the
11 facility that distinguish it as being especially applicable to or
12 suitable to persons with Alzheimer's ~~disease~~ dementia or related
13 ~~disorders in a special unit or under a special program~~ other forms
14 of dementia diagnoses, shall disclose the type of care, memory care
15 or treatment provided that distinguishes it as being especially
16 applicable to or suitable for such persons.

17 2. The disclosure shall be made using a form developed by the
18 State Department of Health and shall be made to:

- 19 a. the ~~state licensing agency~~ Department,
- 20 b. any ~~person seeking placement on behalf~~ representative
21 of a person with Alzheimer's ~~disease~~ dementia or
22 ~~related disorders~~ other form of dementia who is
23 considering placement within an ~~Alzheimer's disease a~~
24 special care unit, program, or facility, and

1 c. the State Long-Term Care Ombudsman.

2 3. The facility shall submit the disclosure form to the
3 Department prior to entering into any agreement to provide care or
4 services.

5 4. The Department shall examine each disclosure for
6 completeness and accuracy at the time the disclosure is submitted to
7 the Department.

8 5. ~~The State Department of Health shall examine all such~~
9 ~~disclosures~~ review the most recent disclosure in the Department's
10 records ~~as part of~~ during the facility's ~~license renewal process~~
11 regular inspection to verify accuracy. ~~The disclosure shall be made~~
12 ~~prior to the facility or entity entering into any agreement to~~
13 ~~provide care~~ that the disclosure is current and that the services
14 described in the disclosure are provided to residents as described
15 in the disclosure.

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

18 1. A written description of the ~~Alzheimer's disease~~ special
19 care ~~unit's~~ unit, program, or facility's overall philosophy and
20 mission as it relates to the needs of residents with Alzheimer's
21 ~~disease~~ dementia or ~~related disorders~~ other forms of dementia;

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

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

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

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

14 6. The types and frequency of resident activities designed for
15 residents with Alzheimer's dementia or other forms of dementia and
16 descriptions of those therapeutic activities designed to address
17 cognitive function and engage residents with varying stages of
18 dementia;

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

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

1 9. Any accreditations or certifications issued to the facility
2 related to the care and services provided to residents with
3 Alzheimer's dementia or other forms of dementia.

4 C. The Department, with ~~equal opportunity for~~ input from
5 ~~consumer and provider representatives~~ the Alzheimer-Dementia
6 Disclosure Act Advisory Council, 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~~ a special
14 care unit or program from admitting a person with Alzheimer's
15 ~~disease~~ dementia or ~~related disorders~~ other forms of dementia.

16 E. ~~The Department~~ State Commissioner of Health, with ~~equal~~
17 ~~opportunity for~~ input from ~~consumer and provider representatives~~ the
18 Alzheimer-Dementia Disclosure Act Advisory Council, shall promulgate
19 rules to effectuate the provisions of the Alzheimer's ~~Disease~~
20 Dementia and Other Forms of Dementia Special Care Disclosure Act.

21 F. There is hereby created the Alzheimer-Dementia Disclosure
22 Act Advisory Council. The Council shall make recommendations to the
23 State Commissioner of Health regarding the disclosure form and rules
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1 promulgated pursuant to the Alzheimer's Dementia and Other Forms of
2 Dementia Special Care Disclosure Act.

3 1. The Council shall consist of nine (9) members to be
4 appointed by the State Commissioner of Health for such terms as he
5 or she chooses. The members shall be individuals who have knowledge
6 and expertise in the field of memory care or individuals who are
7 consumer representatives directly impacted by memory-care services,
8 provided that neither the members with knowledge and expertise in
9 the field nor the members who are consumer representatives shall
10 comprise more than two-thirds (2/3) of the total membership. The
11 members who are consumer representatives shall be individuals with
12 immediate family members who have received or are currently
13 receiving memory-care services in Oklahoma and shall not be
14 employees or board members of any facilities or entities subject to
15 the Alzheimer's Dementia and Other Forms of Dementia Special Care
16 Disclosure Act.

17 2. The members of the Council shall serve without compensation.

18 3. The Council shall conduct an organizational meeting at a
19 date and location to be chosen by the Commissioner and as frequently
20 thereafter as necessary to perform the duties imposed upon it. A
21 majority of the members present shall constitute a quorum.

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

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

5 H. Any facility that offers specialized memory or dementia care
6 through a specific unit or program shall post the disclosure form,
7 including the information required to be included by this section,
8 on the facility's website.

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

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

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17 58-1-8247 AB 05/11/21
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