

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 58th Legislature (2021)

4   HOUSE BILL 1794

By: Miller and **Munson**

7                   AS INTRODUCED

8           An Act relating to long-term care; amending 63 O.S.  
9           2011, Section 1-879.2a, which relates to the  
10          Alzheimer's Disease Special Care Disclosure Act;  
11          modifying title; amending 63 O.S. 2011, Section 1-  
12          879.2b, which relates to definitions; modifying term;  
13          defining term; amending 63 O.S. 2011, Section 1-  
14          879.2c, which relates to disclosure; modifying  
15          reference; modifying applicable facilities; requiring  
16          development of certain form; modifying disclosure  
17          recipients; providing for timing of certain  
18          submission; requiring the State Department of Health  
19          to examine and review disclosures at certain times;  
20          modifying terms; requiring certain disclosures;  
21          creating the Alzheimer-Dementia Disclosure Act  
22          Advisory Council; providing for membership, service  
23          without compensation, organization, quorum and staff  
24          assistance; providing for penalties; requiring  
            certain information to be posted on a certain  
            website; and providing an effective date.

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

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

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

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

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

5 1. "~~Alzheimer's disease special~~ Special care" means care that  
6 is provided to persons with a diagnosis of probable Alzheimer's  
7 ~~disease dementia~~ or ~~related disorders~~ other forms of dementia by an  
8 entity that provides such care ~~in a special unit or under a special~~  
9 ~~program designed to prevent or limit access to areas outside the~~  
10 ~~designated unit or program; and~~

11 2. "Department" means the State Department of Health; and

12 3. "Dementia" means neurocognitive disorders that result in the  
13 loss of cognitive function that interferes with a person's daily  
14 functioning.

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

17 Section 1-879.2c A. 1. Pursuant to rules promulgated under  
18 the provisions of the Alzheimer's ~~Disease~~ Dementia and Other Forms  
19 of Dementia Special Care Disclosure Act, any ~~facility including, but~~  
20 ~~not limited to,~~ a nursing facility, residential care facility,  
21 assisted living facility, ~~adult congregate living facility,~~ adult  
22 day care center, or a continuum of care facility ~~retirement~~  
23 ~~community~~ that advertises, markets, charges additional fees, or  
24 otherwise promotes itself as providing care or treatment to persons

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

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

8 a. the ~~state licensing agency~~ Department,

9 b. any ~~person seeking placement on behalf~~ representative  
10 of a person with Alzheimer's ~~disease~~ dementia or  
11 ~~related disorders~~ other forms of dementia who is  
12 considering placement within an ~~Alzheimer's disease a~~  
13 special care unit, program, or facility, and

14 c. the State Long-Term Care Ombudsman.

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

18 4. The Department shall examine each disclosure for  
19 completeness and accuracy at the time the disclosure is submitted to  
20 the Department.

21 5. The State Department ~~of Health~~ shall ~~examine all such~~  
22 ~~disclosures~~ review the most recent disclosure in the Department's  
23 records ~~as part of~~ during the facility's ~~license renewal process~~  
24 regular inspection to verify ~~accuracy. The disclosure shall be made~~

1 ~~prior to the facility or entity entering into any agreement to~~  
2 ~~provide care~~ that the disclosure is current and that the services  
3 described in the disclosure are provided to residents as described  
4 in the disclosure.

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

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

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

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

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

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

3        6. The types and frequency of resident activities designed for  
4 residents with Alzheimer's dementia or other forms of dementia and  
5 describing those therapeutic activities designed to address  
6 cognitive function and engage residents with varying stages of  
7 dementia;

8        7. The involvement of families in care planning and other  
9 aspects of care, and the availability of family support programs;  
10 and

11        8. The fees for care and any additional fees; and

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

15        C. The Department, with ~~equal opportunity for~~ input from  
16 ~~consumer and provider representatives~~ the Alzheimer-Dementia  
17 Disclosure Act Advisory Council, shall develop a standardized  
18 disclosure form ~~and shall review the information submitted on the~~  
19 ~~disclosure form by the facility or other entity to verify the~~  
20 ~~accuracy of the information reported.~~ Any ~~significant~~ change in the  
21 information initially submitted by the facility or other entity  
22 shall be reported to the Department at the time the change is made.

23        D. The provisions of this section shall not be construed to  
24 preclude a nursing facility without ~~an Alzheimer's disease~~ a special

1 care unit or program from admitting a person with Alzheimer's  
2 ~~disease~~ dementia or ~~related disorders~~ other forms of dementia.

3 E. The Department, with ~~equal opportunity for~~ input from  
4 ~~consumer and provider representatives~~ the Alzheimer-Dementia  
5 Disclosure Act, shall promulgate rules to effectuate the provisions  
6 of the Alzheimer's ~~Disease~~ Dementia and Other Forms of Dementia  
7 Special Care Disclosure Act.

8 F. There is hereby created the Alzheimer-Dementia Disclosure  
9 Act Advisory Council. The council shall make recommendations to the  
10 State Commissioner of Health regarding the disclosure form and rules  
11 promulgated pursuant to the Alzheimer's Dementia and Other Forms of  
12 Dementia Special Care Disclosure Act.

13 1. The council shall consist of nine (9) members to be  
14 appointed by the State Commissioner of Health for such terms as he  
15 or she chooses. The members shall be individuals who have knowledge  
16 and expertise in the field of memory care or individuals who are  
17 consumer representatives directly impacted by memory-care services,  
18 provided that neither the members with knowledge and expertise in  
19 the field nor the members who are consumer representatives shall  
20 comprise more than two-thirds (2/3) of the total membership. The  
21 members who are consumer representatives shall be individuals with  
22 immediate family members who have received or are currently  
23 receiving memory-care services in Oklahoma and shall not be  
24 employees or board members of any facilities or entities subject to

1 the Alzheimer's Dementia and Other Forms of Dementia Special Care  
2 Disclosure Act.

3 2. The members of the council shall serve without compensation.

4 3. The council shall conduct an organizational meeting at a  
5 date and location to be chosen by the Commissioner and as frequently  
6 thereafter as necessary to perform the duties imposed upon it. A  
7 majority of the members present shall constitute a quorum.

8 4. Staff assistance for the council shall be provided by the  
9 staff of the State Department of Health.

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

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

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

21  
22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM  
23 CARE, dated 02/17/2021 - DO PASS, As Coauthored.