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AS AMENDED

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

Pugh of the Senate

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1 ~~disease dementia or related disorders~~ other forms of dementia by an
2 entity that provides such care ~~in a special unit or under a special~~
3 ~~program designed to prevent or limit access to areas outside the~~
4 ~~designated unit or program; and~~

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

6 3. "Dementia" means neurocognitive disorders that result in the
7 loss of cognitive function that interferes with a person's daily
8 functioning.

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

11 Section 1-879.2c. A. 1. Pursuant to rules promulgated under
12 the provisions of the Alzheimer's ~~Disease~~ Dementia and Other Forms
13 of Dementia Special Care Disclosure Act, any ~~facility including, but~~
14 ~~not limited to, a~~ nursing facility, residential care facility,
15 assisted living facility, ~~adult congregate living facility,~~ adult
16 day care center, or a continuum of care facility ~~retirement~~
17 ~~community~~ that advertises, markets, or otherwise promotes itself as
18 providing care or treatment to persons with Alzheimer's ~~disease~~
19 dementia or related disorders in a special unit or under a special
20 program other forms of dementia shall disclose the type of care,
21 memory care or treatment provided that distinguishes it as being
22 especially applicable to or suitable for such persons.

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

- 1 a. the ~~state licensing agency~~ Department,
- 2 b. any ~~person seeking placement on behalf~~ representative
- 3 of a person with Alzheimer's ~~disease~~ dementia or
- 4 ~~related disorders~~ other forms of dementia who is
- 5 considering placement within an Alzheimer's ~~disease~~ a
- 6 special care unit, program, or facility, and
- 7 c. the State Long-Term Care Ombudsman.

8 3. The facility shall submit the disclosure form to the

9 Department prior to entering into any agreement to provide care or

10 services.

11 4. The Department shall examine each disclosure for

12 completeness and accuracy at the time the disclosure is submitted to

13 the Department.

14 5. The State Department of Health shall examine all such

15 disclosures review the most recent disclosure in the Department's

16 records ~~as part of~~ during the facility's ~~license renewal process~~

17 regular inspection to verify accuracy. ~~The disclosure shall be made~~

18 ~~prior to the facility or entity entering into any agreement to~~

19 ~~provide care~~ that the disclosure is current and that the services

20 described in the disclosure are provided to residents as described

21 in the disclosure.

22 B. The information disclosed as required by this section shall

23 include the following areas:

24

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

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

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

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

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 designed for
21 residents with Alzheimer's dementia or other forms of dementia and
22 describing those therapeutic activities designed to address
23 cognitive function and engage residents with varying stages of
24 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~~ **State Commissioner of Health**, with ~~equal~~
21 ~~opportunity for~~ input from ~~consumer and provider representatives~~ the
22 Alzheimer-Dementia Disclosure Act **Advisory Council**, shall promulgate
23 rules to effectuate the provisions of the Alzheimer's ~~Disease~~
24 Dementia and Other Forms of Dementia 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.

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

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
15 April 5, 2021 - DO PASS AS AMENDED
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