

<Date Submitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB1794**

By: Miller of the House and Pugh of the Senate

Title: Long-term care; disclosures under the Alzheimer's Dementia Special Care Disclosure Act;  
Alzheimer-Dementia Disclosure Act Advisory Council; effective date

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**SENATE CONFEREES**

Pugh	_____
McCortney	_____
Simpson	_____
Standridge	_____
Hicks	_____
Dossett (J.A.)	_____

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  
23  
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  
24



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.

16  
17       58-1-8247       AB       05/11/21  
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