

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1010 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_ Amendment submitted by: Meloyde Blancett \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

FLOOR SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1010

By: Kidd of the Senate

and

Blancett of the House

FLOOR SUBSTITUTE

An Act relating to health; amending 63 O.S. 2021, Section 1-879.2c, which relates to the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act; adding type of care; providing that certain individuals may be held liable for penalties and charged with a financial fine; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-879.2c, is amended to read as follows:

Section 1-879.2c A. 1. Pursuant to rules promulgated under the provisions of the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act, any nursing facility, residential care facility, assisted living facility, adult day care center, continuum of care facility, or special care facility that publicly advertises, intentionally markets, or otherwise engages in

1 promotional campaigns for the purpose of communicating that said  
2 facility offers care, memory care, or treatment methods within the  
3 facility that distinguish it as being especially applicable to or  
4 especially suitable ~~to~~ for persons with Alzheimer's dementia or  
5 other forms of dementia diagnoses shall disclose the type of care,  
6 memory care, or treatment provided that distinguishes it as being  
7 especially applicable to or suitable for such persons.

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

- 10 a. the Department,
- 11 b. any representative of a person with Alzheimer's  
12 dementia or other form of dementia who is considering  
13 placement within a special care unit, program, or  
14 facility, and
- 15 c. the State Long-Term Care Ombudsman.

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

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

22 5. The Department shall review the most recent disclosure in  
23 the Department's records during the facility's regular inspection to  
24 verify that the disclosure is current and that the services

1 described in the disclosure are provided to residents as described  
2 in the disclosure.

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

5 1. A written description of the special care unit, program, or  
6 facility's overall philosophy and mission as it relates to the needs  
7 of residents with Alzheimer's dementia or other forms of dementia;

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

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

16 4. Staff-to-resident ratios, staff training and continuing  
17 education that are in addition to all regularly prescribed training  
18 and are commensurate with the need for increased care and  
19 supervision for residents with Alzheimer's dementia and other forms  
20 of dementia;

21 5. The physical environment and design features appropriate to  
22 support the functioning of cognitively impaired residents;

23 6. The types and frequency of resident activities designed for  
24 residents with Alzheimer's dementia or other forms of dementia and

1 descriptions of those therapeutic activities designed to address  
2 cognitive function and engage residents with varying stages of  
3 dementia;

4 7. The involvement of families in care planning and other  
5 aspects of care, and the availability of family support programs;

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

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

10 C. Any individual employed or contracted by a registered long-  
11 term care facility who publicly advertises, intentionally markets,  
12 or otherwise engages in promotional campaigns for the purpose of  
13 communicating that said facility offers memory care, Alzheimer's  
14 care, or dementia care if said facility does not meet the criteria  
15 of a memory care, Alzheimer's care, or dementia care facility may be  
16 liable for civil penalties, as determined by the State Commissioner  
17 of Health, to include a financial fine.

18 D. The Department, with input from the Alzheimer-Dementia  
19 Disclosure Act Advisory Council, shall develop a standardized  
20 disclosure form. Any change in the information initially submitted  
21 by the facility or other entity shall be reported to the Department  
22 at the time the change is made.

23 ~~D.~~ E. The provisions of this section shall not be construed to  
24 preclude a facility without a special care unit or program from

1 admitting a person with Alzheimer's dementia or other forms of  
2 dementia.

3 ~~F.~~ F. The State Commissioner of Health, with input from the  
4 Alzheimer-Dementia Disclosure Act Advisory Council, shall promulgate  
5 rules to effectuate the provisions of the Alzheimer's Dementia and  
6 Other Forms of Dementia Special Care Disclosure Act.

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

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

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.~~ H. Violation of any of the provisions of ~~this act~~ the  
11 Alzheimer's Dementia and Other Forms of Dementia Special Care  
12 Disclosure Act or the rules issued pursuant to this act shall  
13 subject the offending facility to the notice and enforcement  
14 provisions established for the facility's license by the Department.

15 ~~H.~~ I. Any facility that offers specialized memory or dementia  
16 care through a specific unit or program shall post the disclosure  
17 form, including the information required to be included by this  
18 section, on the facility's website.

19 ~~I.~~ J. The Department shall establish a website with a list of  
20 those facilities that have filed a disclosure form pursuant to ~~this~~  
21 ~~act~~ the Alzheimer's Dementia and Other Forms of Dementia Special  
22 Care Disclosure Act. The website shall contain a link to the  
23 submitted disclosure form and a table containing items from the  
24

disclosure form, including staffing ratios, staff training, special programming and activities, and accreditations or certifications.

SECTION 2. This act shall become effective November 1, 2023.

59-1-8309 TJ 04/25/23