

1 ENGROSSED HOUSE
2 BILL NO. 2830

By: Blancett, Miller, Hefner,
and Pittman of the House

3 and

4 Garvin of the Senate
5

6
7 [health - Alzheimer's Dementia and Other Forms of
8 Dementia Special Care Disclosure Act - type of care
9 - liability and penalties - effective date]
10
11

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

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

15 Section 1-879.2c A. 1. Pursuant to rules promulgated under
16 the provisions of the Alzheimer's Dementia and Other Forms of
17 Dementia Special Care Disclosure Act, any nursing facility,
18 residential care facility, assisted living facility, adult day care
19 center, continuum of care facility, or special care facility that
20 publicly advertises, intentionally markets, or otherwise engages in
21 promotional campaigns for the purpose of communicating that said
22 facility offers care, memory care, or treatment methods within the
23 facility that distinguish it as being especially applicable to or
24 especially suitable ~~to~~ for persons with Alzheimer's dementia or

1 other forms of dementia diagnoses shall disclose the type of care,
2 memory care, or treatment provided that distinguishes it as being
3 especially applicable to or suitable for such persons.

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

6 a. the Department,

7 b. any representative of a person with Alzheimer's
8 dementia or other form of dementia who is considering
9 placement within a special care unit, program, or
10 facility, and

11 c. the State Long-Term Care Ombudsman.

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

15 4. The Department shall examine each disclosure for
16 completeness and accuracy at the time the disclosure is submitted to
17 the Department.

18 5. The Department shall review the most recent disclosure in
19 the Department's records during the facility's regular inspection to
20 verify that the disclosure is current and that the services
21 described in the disclosure are provided to residents as described
22 in the disclosure.

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

- 1 1. A written description of the special care unit, program, or
2 facility's overall philosophy and mission as it relates to the needs
3 of residents with Alzheimer's dementia or other forms of dementia;
- 4 2. The process and criteria for placement in, or transfer or
5 discharge from, the unit, program, or facility;
- 6 3. The process used for assessment, establishment, and
7 implementation of a resident plan of care, as it relates to
8 Alzheimer's dementia and other forms of dementia, including the
9 method by which the plan evolves, the frequency of assessment, and
10 how the facility will respond to changes in the condition of the
11 resident;
- 12 4. Staff-to-resident ratios, staff training and continuing
13 education that are in addition to all regularly prescribed training
14 and are commensurate with the need for increased care and
15 supervision for residents with Alzheimer's dementia and other forms
16 of dementia;
- 17 5. The physical environment and design features appropriate to
18 support the functioning of cognitively impaired residents;
- 19 6. The types and frequency of resident activities designed for
20 residents with Alzheimer's dementia or other forms of dementia and
21 descriptions of those therapeutic activities designed to address
22 cognitive function and engage residents with varying stages of
23 dementia;

24

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

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

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

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

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

20 ~~D.~~ E. The provisions of this section shall not be construed to
21 preclude a facility without a special care unit or program from
22 admitting a person with Alzheimer's dementia or other forms of
23 dementia.

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

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

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

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

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

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

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

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

16 ~~I.~~ J. The Department shall establish a website with a list of
17 those facilities that have filed a disclosure form pursuant to ~~this~~
18 ~~act~~ the Alzheimer's Dementia and Other Forms of Dementia Special
19 Care Disclosure Act. The website shall contain a link to the
20 submitted disclosure form and a table containing items from the
21 disclosure form, including staffing ratios, staff training, special
22 programming and activities, and accreditations or certifications.

23 SECTION 2. This act shall become effective November 1, 2023.
24

1 Passed the House of Representatives the 23rd day of March, 2023.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2023.

6
7
8 _____
9 Presiding Officer of the Senate