

# An Act

ENROLLED HOUSE  
BILL NO. 1794

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

and

Pugh of the Senate

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.

SUBJECT: Long-term care

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

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

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

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

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

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

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

3. "Dementia" means the impaired ability to remember, think, or make decisions that interferes with a person's everyday activities; and

4. "Alzheimer-Dementia Disclosure Act Advisory Council" shall mean the advisory council created in Section 3 of this act.

SECTION 3. AMENDATORY 63 O.S. 2011, 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 ~~Disease~~ Dementia and Other Forms of Dementia Special Care Disclosure Act, any ~~facility including, but not limited to,~~ a nursing facility, residential care facility, assisted living facility, ~~adult congregate living facility,~~ adult day care center, ~~or a~~ continuum of care facility ~~retirement community,~~ or special care facility that publicly advertises, intentionally markets, or otherwise promotes itself as providing engages in promotional campaigns for the purpose of communicating that said facility offers care or treatment methods within the facility that distinguish it as being especially applicable to or suitable to persons with Alzheimer's disease dementia or related disorders in a special unit or under a special program other forms

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

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

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

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

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

5. The State Department of Health shall examine all such disclosures review the most recent disclosure in the Department's records as part of during the facility's license renewal process regular inspection to verify accuracy. The disclosure shall be made prior to the facility or entity entering into any agreement to provide care that the disclosure is current and that the services described in the disclosure are provided to residents as described in the disclosure.

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

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

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

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

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

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

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

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

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

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

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

D. The provisions of this section shall not be construed to preclude a ~~nursing~~ facility without an ~~Alzheimer's disease~~ a special care unit or program from admitting a person with Alzheimer's disease dementia or ~~related disorders~~ other forms of dementia.

E. The ~~Department~~ State Commissioner of Health, with equal opportunity for input from consumer and provider representatives the Alzheimer-Dementia Disclosure Act Advisory Council, shall promulgate rules to effectuate the provisions of the Alzheimer's Disease Dementia and Other Forms of Dementia Special Care Disclosure Act.

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

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

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

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

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

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

H. Any facility that offers specialized memory or dementia care through a specific unit or program shall post the disclosure form,

including the information required to be included by this section, on the facility's website.

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

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

Passed the House of Representatives the 19th day of May, 2021.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of May, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_