

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2830 _____
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

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2830

By: Blancett

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to health; amending 63 O.S. 2021,
9 Section 1-879.2c, which relates to the Alzheimer's
10 Dementia and Other Forms of Dementia Special Care
11 Disclosure Act; adding type of care; requiring
12 disclosure pursuant to certain rules; and providing
13 an effective date.

14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

18 Section 1-879.2c A. 1. Pursuant to rules promulgated under
19 the provisions of the Alzheimer's Dementia and Other Forms of
20 Dementia Special Care Disclosure Act, any nursing facility,
21 residential care facility, assisted living facility, adult day care
22 center, continuum of care facility, or special care facility that
23 publicly advertises, intentionally markets, or otherwise engages in
24 promotional campaigns in any way for the purpose of communicating

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

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

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

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

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

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

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. The Department, with input from the Alzheimer-Dementia
11 Disclosure Act Advisory Council, shall develop a standardized
12 disclosure form. Any change in the information initially submitted
13 by the facility or other entity shall be reported to the Department
14 at the time the change is made.

15 D. The provisions of this section shall not be construed to
16 preclude a facility without a special care unit or program from
17 admitting a person with Alzheimer's dementia or other forms of
18 dementia.

19 E. The State Commissioner of Health, with input from the
20 Alzheimer-Dementia Disclosure Act Advisory Council, shall promulgate
21 rules to effectuate the provisions of the Alzheimer's Dementia and
22 Other Forms of Dementia Special Care Disclosure Act.

23 F. There is hereby created the Alzheimer-Dementia Disclosure
24 Act Advisory Council. The Council shall make recommendations to the

1 State Commissioner of Health regarding the disclosure form and rules
2 promulgated pursuant to the Alzheimer's Dementia and Other Forms of
3 Dementia Special Care Disclosure Act.

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

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

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

23 4. Staff assistance for the Council shall be provided by the
24 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 2. This act shall become effective November 1, 2023.

16
17
18
19
20
21
22
23
24

59-1-7183 CMA 01/27/23