

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2830

By: Blancett and **Miller** of the
House

and

Garvin of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

21 Section 1-879.2c A. 1. Pursuant to rules promulgated under
22 the provisions of the Alzheimer's Dementia and Other Forms of
23 Dementia Special Care Disclosure Act, any nursing facility,
24 residential care facility, assisted living facility, adult day care
 center, continuum of care facility, or special care facility that

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

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

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

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

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

23 5. The Department shall review the most recent disclosure in
24 the Department's records during the facility's regular inspection to

1 verify that the disclosure is current and that the services
2 described in the disclosure are provided to residents as described
3 in the disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 employees or board members of any facilities or entities subject to
2 the Alzheimer's Dementia and Other Forms of Dementia Special Care
3 Disclosure Act.

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

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

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

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

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

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

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

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

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5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM
6 CARE, dated 03/01/2023 - DO PASS, As Amended and Coauthored.

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