

Act 484 (Formerly HB1014) APPROVED: 3/9/1999

Sponsored By: Representative Lendall

For An Act To Be Entitled "THE ALZHEIMER'S SPECIAL CARE STANDARDS ACT."

Subtitle "THE ALZHEIMER'S SPECIAL CARE STANDARDS ACT."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. *This act shall be known and may be cited as "The Alzheimer's Special Care Standards Act".*

SECTION 2. *The legislature finds and declares that:*

(a) Certain nursing homes and related facilities, adult congregate living facilities, adult day care centers, hospices, and adult foster homes claim to provide special care units and services for persons who have Alzheimer's disease;

(b) It is in the public interest to provide for the protection of consumers regarding the accuracy and authenticity of such claims; and

(c) The provisions of this act are intended to require such facilities to actually provide the care they claim to offer, require records of such claims to be kept, require the appropriate state licensing agency to examine the performance, and provide penalties as the agency deems appropriate.

SECTION 3. *For the purposes of this act, 'Alzheimer's Special Care Unit/Program means any nursing facility, residential care/assisted living facility, adult congregate living facility, home health agency, adult day care center, hospice, or adult foster home that secures, segregates or provides a special program or special unit for residents with a diagnosis of probable Alzheimer's disease or a related disorder; and that advertises, markets or otherwise promotes the facility as providing specialized Alzheimer'dementia care services.*

SECTION 4

(a) Any facility which offers to provide or provides care for person with Alzheimer's disease by means of an Alzheimer's Special Care Unit/Program shall be required to disclose the form of care or treatment provided that distinguish it as being especially applicable to, or suitable for, such persons. The disclosure shall be made to the Office of Long-Term Care and to any person, or the person's guardian or relative, seeking placement within an Alzheimer's Special CareUnit/Program. The Office of Long-Term Care shall examine all such disclosures in the agency's records as part of the facility's license renewal procedure, and verify their accuracy.

(b) The information disclosed shall explain the additional care provided in each of the following areas:

(1) Treatment Philosophy: The Alzheimer's Special CareUnit/Program's written statement of its overall treatment philosophy and mission which reflects the needs of residents afflicted with dementia;

(2) Screening, Admission and Discharge procedures, Assessment, Care Planning and Implementation and Staffing Patterns and Training ratios unique to the unit;

(3) Physical Environment and design features appropriate to support the functioning of cognitively impaired adult residents;

(4) Residents' Activities: the frequency and types of resident activities;

(5) Family Role in Care: the involvement of families and the availability of family support programs;

(6) Program Costs; the costs of care and any additional fees unique to the Alzheimer's Special CareUnit/Program.

(c) If the facility advertising, marketing or otherwise promoting the facility as providing specialized Alzheimer/dementia care services does not meet those specific standards established by the Office of Long-Term Care, the Office of Long-Term Care shall instruct the facility to cease such advertising, marketing, or promoting.

SECTION 5. *The Office of Long-Term Care shall establish and promulgate minimum standards for the care and treatment of persons with Alzheimer's disease and other dementia in such Alzheimer's Special Care units.*

SECTION 6. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.