

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/1/01 H2/9/01

A Bill

HOUSE BILL 1407

5 By: Representatives Lendall, *Borhauer*
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For An Act To Be Entitled

9 AN ACT TO REVISE THE ALZHEIMER'S SPECIAL CARE
10 STANDARDS ACT; AND FOR OTHER PURPOSES.

Subtitle

13 AN ACT TO REVISE THE ALZHEIMER'S SPECIAL
14 CARE STANDARDS ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code 20-10-1502 is amended to read as follows:
20 20-10-1502. Legislative findings.

21 The General Assembly finds and declares that:

22 (a) ~~Certain nursing homes and related facilities, adult congregate~~
23 ~~living facilities, adult day care centers, hospices, and adult foster homes~~
24 long-term care facilities claim to provide special care units and services for
25 persons who have Alzheimer's disease or related dementia;

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

28 (c) The provisions of this subchapter are intended to require such
29 long-term care facilities to actually provide the care that they claim to
30 offer, to require records of such claims to be kept, and to require the
31 appropriate state licensing agency to examine their performance and provide
32 penalties as the agency deems appropriate.
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34 SECTION 2. Arkansas Code 20-10-1503 is amended to read as follows:
35 20-10-1503. Definition.

36 For the purposes of this subchapter, a long-term care facility has an

1 "Alzheimer's special care unit" ~~or program~~ means any nursing facility,
 2 residential care or assisted living facility, adult congregate living
 3 facility, home health agency, adult day care center, if the long-term care
 4 facility, hospice, or adult foster home that secures, segregates, or provides a
 5 special program or special unit advertises or otherwise holds itself out as
 6 having one (1) or more special units for residents with a diagnosis of
 7 probable Alzheimer's disease or a related dementia disorder, ~~and that~~
 8 ~~advertises, markets, or otherwise promotes the facility as providing~~
 9 ~~specialized Alzheimer's dementia care services.~~

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 11 SECTION 3. Arkansas Code 20-10-1504 is amended to read as follows:
 12 20-10-1504. Disclosure of treatment offered.

13 (a) ~~(1)~~ Any facility ~~which offers to provide or provides care for~~
 14 ~~persons with Alzheimer's disease by means of~~ having an Alzheimer's special
 15 care unit ~~or program~~ shall be required to disclose the form of care or
 16 treatment provided ~~that distinguishes it as being especially applicable to or~~
 17 ~~suitable for such persons~~ to or for persons with a diagnosis of probable
 18 Alzheimer's disease or related dementia.

19 ~~(2)~~ The disclosure shall be made to the Office of Long-Term Care
 20 and to any person or the person's guardian or relative seeking placement
 21 within an Alzheimer's special care unit ~~or program~~. ~~The office~~ Office of Long-
 22 Term Care shall examine all such disclosures ~~in the agency's records~~ as part
 23 of the facility's license renewal procedure and verify their accuracy.

24 (b) ~~The information disclosed~~ Each disclosure shall explain the
 25 additional care provided in each of the following areas:

26 (1) Treatment philosophy: The Alzheimer's special care unit or
 27 program's written statement of its overall treatment philosophy and mission
 28 which reflects the needs of residents afflicted with dementia;

29 (2) Screening, admission, and discharge procedures, assessment,
 30 care planning and implementation, staffing patterns, and training ratios
 31 unique to the unit;

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

34 (4) Residents' activities: The frequency and types of resident
 35 activities;

36 (5) Family role in care: The involvement of families and the

1 availability of family support programs; and

2 (6) Program costs: The costs of care and any additional fees
3 unique to the Alzheimer's special care unit or program.

4 (c)(1) ~~If the facility advertising, marketing, or otherwise promoting~~
5 ~~the facility as providing specialized Alzheimer's or dementia care services a~~
6 long-term care facility having an Alzheimer's special care unit does not meet
7 those specific standards established by the ~~office~~ Office of Long-Term Care,
8 the ~~office~~ Office shall instruct the long-term care facility to immediately
9 ~~cease such advertising, marketing, or promoting~~ advertising or holding itself
10 out as having one (1) or more special programs for residents with a diagnosis
11 of probable Alzheimer's disease or related dementia.

12 (2) If the long-term care facility fails or refuses to comply
13 with instructions from the Office of Long-Term Care, the Office may sue, in
14 the name of the state, the long-term care facility, and any owner, manager, or
15 director of the long-term care facility to enjoin the long-term care facility
16 from advertising or holding itself out as having one (1) or more special
17 programs for residents with a diagnosis of probable Alzheimer's disease or
18 related dementia.

19 /s/ Lendal I

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