



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 2301

2 AMENDMENT NO. _____. Amend Senate Bill 2301 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Alzheimer's Disease and Related Dementias Services Act.

6 Section 5. Purpose. The General Assembly finds that
7 oversight of Alzheimer's disease and related dementias
8 services is in the best interests of individuals diagnosed with
9 Alzheimer's disease or a dementia-related disease and their
10 families and friends struggling to find appropriate services
11 and care. As such, it is the intent of the General Assembly
12 that all Alzheimer's disease and related dementias services
13 shall comply with rules adopted by the Department in compliance
14 with this Act.

15 Section 10. Definitions. In this Act:

1 "Department" means the Department of Public Health.

2 "Director" means the Director of Public Health.

3 "Alzheimer's disease and related dementias services" means
4 services offered to individuals diagnosed with Alzheimer's
5 disease or a dementia-related disease for the purpose of
6 managing the individual's disease.

7 Section 15. Applicability. Programs covered by this Act
8 include, but are not limited to, health care facilities and
9 hospitals licensed or certified by the Assisted Living and
10 Shared Housing Act; Community Living Facilities Licensing Act;
11 Life Care Facilities Act; Nursing Home Care Act; MC/DD Act;
12 ID/DD Community Care Act; Specialized Mental Health
13 Rehabilitation Act of 2013; Home Health, Home Services, and
14 Home Nursing Agency Licensing Act; Hospice Program Licensing
15 Act; End Stage Renal Disease Facility Act; Hospital Licensing
16 Act; Community-Integrated Living Arrangements Licensure and
17 Certification Act; Community Residential Alternatives
18 Licensing Act; and the University of Illinois Hospital Act.
19 Regardless of State licensure or certification, programs
20 covered by this Act also include any individual or entity in
21 the State that holds himself, herself, or itself out as a
22 provider of Alzheimer's disease and related dementias
23 services.

24 Section 20. Alzheimer's disease and related dementias

1 services guidelines.

2 (a) The Department shall no later than January 1, 2017
3 publish proposed rules to implement this Act.

4 (b) The Department shall be granted authority to initiate
5 discussions with all affected provider groups, advocate
6 organizations, and other individuals and groups identified by
7 the Director to be critical to the development of applicable
8 rules upon this Act becoming law.

9 Section 25. Covered services, disclosures, prohibition,
10 preemption. Upon the adoption of rules implementing this Act:

11 (1) Any and all Alzheimer's disease or related
12 dementias services shall comply with the Alzheimer's
13 disease and related dementias services guidelines, except
14 as provided in subsection (d).

15 (2) Materials defining the philosophy of the services,
16 specific services offered, and behavior management tactics
17 and drug therapies employed shall be provided upon
18 admission or enrollment, or earlier upon request,
19 including a disclaimer that the services are not certified
20 under the Alzheimer's Disease and Related Dementias
21 Special Care Disclosure Act.

22 (3) Advertising or verbally offering to provide
23 Alzheimer's disease and related dementias services that
24 are not in compliance with the requirements set forth in
25 this Act is prohibited.

1 (4) If a conflict occurs between this Act and the
2 Assisted Living and Shared Housing Act, the Nursing Home
3 Care Act, or the Alzheimer's Disease and Related Dementias
4 Special Care Disclosure Act, then the Assisted Living and
5 Shared Housing Act, the Nursing Home Care Act, or the
6 Alzheimer's Disease and Related Dementias Special Care
7 Disclosure Act shall prevail.

8 Section 30. Staff training.

9 (a) Staff with direct access to clients with Alzheimer's
10 disease or a related dementia hired prior to the adoption of
11 rules implementing this Act shall receive a minimum of 6 hours
12 of initial training within 90 days after the effective date of
13 this Act using Alzheimer's disease and related dementias
14 services certified by the Department, except as provided in
15 subsection (c).

16 (b) Staff with direct access to clients with Alzheimer's
17 disease or a related dementia hired after the adoption of rules
18 implementing this Act shall complete a minimum of 6 hours of
19 initial training in the first 60 days of employment using an
20 Alzheimer's disease and related dementias services curriculum
21 certified by the Department, except as provided in subsection
22 (c).

23 (c) Subsections (a) and (b) shall not apply to the
24 following:

25 (1) staff who received at least 6 hours of comparable

1 training in compliance with licensure or certified
2 training requirements; and

3 (2) staff temporarily hired by a facility licensed
4 under the Nursing Home Care Act to permit the facility to
5 meet statutory staffing requirements.

6 (d) An Alzheimer's disease and related dementias services
7 curriculum certified by the Department must include at a
8 minimum the following topics: understanding dementia,
9 effectively communicating with individuals with dementia,
10 assisting individuals with dementia in performing activities
11 of daily living, problem solving with individuals with dementia
12 who exhibit challenging behavior, fundamentals of dementia
13 care, safe environments, and managing the activities of
14 individuals with dementia.

15 (e) An individual who received training consistent with the
16 requirements of this Section while employed by another program
17 or through an educational institution or an individual with 3
18 or more years of experience working with Alzheimer's disease
19 and related dementias services may petition the Department for
20 a waiver of the initial training requirements set forth in this
21 Section. The Department shall evaluate each request on a case
22 by case basis.

23 (f) Upon the adoption of rules implementing this Act, staff
24 with direct access to clients with dementia shall receive 3
25 hours of advanced training on caring for individuals with
26 Alzheimer's disease and related dementias each year.

1 (g) Upon the adoption of rules implementing this Act,
2 Alzheimer's disease and related dementias services program
3 employers shall maintain training records and make them
4 available to the Department on request.

5 Section 35. Program director. Upon the adoption of rules
6 implementing this Act, in addition to the training required
7 under Section 30 of this Act, the director of an Alzheimer's
8 disease and related dementias services program shall complete a
9 nationally recognized certification program from a list
10 compiled by the Department or have 5 years of experience as a
11 director of an Alzheimer's disease and related dementias
12 services program.

13 Section 40. Penalties.

14 (a) Any entity licensed, certified, or regulated by the
15 State that knowingly holds itself out as a provider of
16 Alzheimer's disease and related dementias services and fails to
17 comply with this Act is deemed to have violated the statute or
18 statutes governing the licensure, certification, or regulation
19 of the entity and any contract or agreement the entity has with
20 the State.

21 (b) Any entity not operated by the federal government or
22 any agency thereof or individual not covered by subsection (a)
23 that knowingly holds himself, herself, or itself out as a
24 provider of Alzheimer's disease and related dementias services

1 and fails to comply with this Act is guilty of a business
2 offense punishable by a fine of at least \$1,001.

3 Section 45. Evaluation. Twenty-four months after the
4 adoption of compliance rules implementing this Act, the
5 Department shall convene a work group made up of advocates for
6 program participants, experts in Alzheimer's disease and
7 related dementias services programming, and providers of
8 programs covered by this Act to evaluate the effectiveness of
9 this Act. The work group shall notify the Director and General
10 Assembly of whether it recommends the reauthorization of the
11 Act and any recommended changes.

12 Section 90. Repealer.

13 (a) This Act is repealed as provided in subsection (b) of
14 this Section unless the General Assembly authorizes an
15 extension of the Act for an additional period of 36 months.

16 (b) Upon the adoption of rules implementing this Act, the
17 Department shall file with the Index Department of the Office
18 of the Secretary of State a declaration to that effect, and
19 shall notify the Clerk of the House of Representatives, the
20 Secretary of the Senate, and the Legislative Reference Bureau
21 of the filing of the declaration. This Act is repealed 36
22 months after the date specified in the declaration.

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".