



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 2301

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

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

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

1 Section 10. Definitions. In this Act:

2 "Department" means the Department of Public Health.

3 "Director" means the Director of Public Health.

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

8 Section 15. Applicability. Programs covered by this Act
9 include, but are not limited to, health care facilities
10 licensed or certified by the Assisted Living and Shared Housing
11 Act; Life Care Facilities Act; Nursing Home Care Act;
12 Specialized Mental Health Rehabilitation Act of 2013; Home
13 Health, Home Services, and Home Nursing Agency Licensing Act;
14 Hospice Program Licensing Act; and End Stage Renal Disease
15 Facility Act. This Act does not apply to physicians licensed to
16 practice medicine in all its branches.

17 Section 20. Alzheimer's disease and related dementias
18 services guidelines.

19 (a) The Department shall no later than September 1, 2017
20 publish proposed rules to implement this Act.

21 (b) The Department shall be granted authority to initiate
22 discussions with all affected provider groups, advocate
23 organizations, and other individuals and groups identified by
24 the Director to be critical to the development of applicable

1 rules upon this Act becoming law.

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

4 (1) Any and all Alzheimer's disease or related
5 dementias services shall comply with the Alzheimer's
6 disease and related dementias services guidelines, except
7 as provided in subsection (d).

8 (2) Materials defining the philosophy of the services,
9 specific services offered, and behavior management tactics
10 and drug therapies employed shall be provided upon
11 admission or enrollment, or earlier upon request,
12 including a disclaimer that the services are not certified
13 under the Alzheimer's Disease and Related Dementias
14 Special Care Disclosure Act.

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

19 (4) If a conflict occurs between this Act and the
20 Assisted Living and Shared Housing Act, the Nursing Home
21 Care Act, or the Alzheimer's Disease and Related Dementias
22 Special Care Disclosure Act, then the Assisted Living and
23 Shared Housing Act, the Nursing Home Care Act, or the
24 Alzheimer's Disease and Related Dementias Special Care
25 Disclosure Act shall prevail.

1 Section 30. Staff training.

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

9 (b) Staff with direct access to clients with Alzheimer's
10 disease or a related dementia hired after the adoption of rules
11 implementing this Act shall complete a minimum of 6 hours of
12 initial training in the first 60 days of employment using an
13 Alzheimer's disease and related dementias services curriculum
14 certified by the Department, except as provided in subsection
15 (c).

16 (c) Subsections (a) and (b) shall not apply to the
17 following:

18 (1) staff who received at least 6 hours of comparable
19 training in compliance with licensure or certified
20 training requirements; and

21 (2) staff temporarily hired or temporarily detailed by
22 a facility licensed under the Nursing Home Care Act to
23 permit the facility to meet statutory staffing
24 requirements.

25 (d) An Alzheimer's disease and related dementias services

1 curriculum certified by the Department must include at a
2 minimum the following topics: understanding dementia,
3 effectively communicating with individuals with dementia,
4 assisting individuals with dementia in performing activities
5 of daily living, problem solving with individuals with dementia
6 who exhibit challenging behavior, fundamentals of dementia
7 care, safe environments, and managing the activities of
8 individuals with dementia.

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

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

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

25 Section 35. Program director. Upon the adoption of rules

1 implementing this Act, in addition to the training required
2 under Section 30 of this Act, the director of an Alzheimer's
3 disease and related dementias services program shall complete
4 an Alzheimer's disease and related dementias services
5 curriculum from a list compiled by the Department or have 5
6 years of experience as a director of an Alzheimer's disease and
7 related dementias services program.

8 Section 40. Penalties.

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

16 (b) Any entity not operated by the federal government or
17 any agency thereof or individual not covered by subsection (a)
18 that knowingly holds himself, herself, or itself out as a
19 provider of Alzheimer's disease and related dementias services
20 and fails to comply with this Act is guilty of a business
21 offense punishable by a fine of at least \$1,001.

22 Section 45. Assessment. Twenty-four months after the
23 adoption of rules implementing this Act, the Department shall
24 convene a work group made up of experts in Alzheimer's disease

1 and related dementias services programming, providers,
2 families and caregivers, and other interested parties to assess
3 the understanding of and compliance with the Act and rules. The
4 work group shall provide the Director and General Assembly with
5 recommendations related to this Act and rules. Once the
6 recommendations are submitted, the work group shall be
7 disbanded.

8 Section 90. Repealer.

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".