

SENATE BILL 746

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2002 Regular Session
2lr2642
CF 2lr2870

By: ~~Senator Collins~~ Senators Collins and Hollinger
Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 19, 2002

CHAPTER _____

1 AN ACT concerning

2 **Health Care Facilities - Alzheimer's Special Care Unit or Program -**
3 **Disclosure of Services**

4 FOR the purpose of requiring certain facilities to disclose certain information about
5 the services of certain Alzheimer's Special Care Units or Programs; requiring
6 certain disclosures be made to certain persons and ~~a certain office in the~~
7 Department of Health and Mental Hygiene; ~~requiring that all disclosures made~~
8 ~~to a certain office be in writing; requiring that certain disclosures made to~~
9 ~~certain persons be in writing, if requested~~ requiring a certain description be
10 made in writing at a certain time; requiring disclosure of the written description
11 to certain persons; requiring the Unit or Program making certain disclosures to
12 include certain information; ~~requiring the Office of Health Care Quality to~~
13 ~~examine and verify the accuracy of certain records as part of certain facility's~~
14 ~~license renewal procedure; requiring the Office of Health Care Quality to take~~
15 ~~certain actions if the Office makes certain findings~~ authorizing the Department
16 of Health and Mental Hygiene to adopt regulations as necessary; defining a
17 certain term; and generally relating to the disclosure of services by Alzheimer's
18 Special Care Units or Programs.

19 BY adding to
20 Article - Health - General
21 Section 20-109
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 20-109.

3 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
4 ~~INDICATED.~~5 ~~(2) "ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM" MEANS A~~
6 ~~SECURED OR SEGREGATED SPECIAL UNIT OR PROGRAM SPECIFICALLY DESIGNED~~
7 ~~FOR INDIVIDUALS WITH A PROBABLE OR CONFIRMED DIAGNOSIS OF ALZHEIMER'S~~
8 ~~DISEASE OR A RELATED DISORDER.~~9 ~~(3) "FACILITY" MEANS ANY NURSING HOME FACILITY, RESIDENTIAL~~
10 ~~CARE FACILITY, ASSISTED LIVING FACILITY, OR ADULT DAY CARE CENTER THAT~~
11 ~~PROVIDES OR THAT ADVERTISES, MARKETS, OR OTHERWISE PROMOTES THE~~
12 ~~FACILITY AS PROVIDING AN ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM.~~13 ~~(B) ANY FACILITY WHICH AN ASSISTED LIVING PROGRAM THAT PROVIDES~~
14 ~~CARE FOR OR OFFERS TO PROVIDE CARE FOR PERSONS WITH ALZHEIMER'S DISEASE~~
15 ~~OR A RELATED DISORDER BY MEANS OF AN ALZHEIMER'S SPECIAL CARE UNIT OR~~
16 ~~PROGRAM, SHALL DISCLOSE HOW THE FORM OF CARE AND TREATMENT PROVIDED~~
17 ~~BY THE ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM IS SPECIFICALLY DESIGNED~~
18 ~~FOR THE SPECIALIZED CARE OF INDIVIDUALS DIAGNOSED WITH ALZHEIMER'S~~
19 ~~DISEASE OR A RELATED DISORDER.~~20 ~~(C) (1) THE DISCLOSURE SHALL BE MADE TO THE OFFICE OF HEALTH CARE~~
21 ~~QUALITY IN THE DEPARTMENT AND TO ANY PERSON REQUESTING THE~~
22 ~~INFORMATION ABOUT THE UNIT OR PROGRAM.~~23 ~~(2) (1) ALL DISCLOSURES MADE TO THE OFFICE OF HEALTH CARE~~
24 ~~QUALITY SHALL BE IN WRITING.~~25 ~~(H) A DISCLOSURE MADE TO AN INQUIRING PERSON SHALL BE IN~~
26 ~~WRITING, IF REQUESTED.~~27 ~~(D) THE FACILITY DISCLOSING THE PATIENT CARE INFORMATION SHALL~~
28 ~~EXPLAIN HOW THE ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM IS DESIGNED TO~~
29 ~~SATISFY THE SPECIFIC NEEDS OF INDIVIDUALS WITH A DIAGNOSIS OF ALZHEIMER'S~~
30 ~~DISEASE OR A RELATED DISORDER BY INCLUDING THE FOLLOWING INFORMATION:~~31 ~~(1) A WRITTEN STATEMENT OF THE FACILITY'S OVERALL TREATMENT~~
32 ~~PHILOSOPHY AND ITS MISSION STATEMENT REGARDING THE ALZHEIMER'S SPECIAL~~
33 ~~CARE UNIT OR PROGRAM;~~34 ~~(2) A DESCRIPTION OF THE FACILITY'S PERSONNEL TRAINING, THE~~
35 ~~CONTENT OF THE TRAINING, AND THE JOB TITLES OF THE STAFF WHO RECEIVE~~
36 ~~TRAINING FOR THE ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM;~~37 ~~(3) SCREENING, ADMISSION, AND DISCHARGE PROCEDURES AND~~
38 ~~CRITERIA;~~

1 (4) ASSESSMENT, PLANNING, IMPLEMENTATION, MONITORING, AND
2 ~~EVALUATION OF CARE PLANS;~~

3 (5) STAFFING PATTERNS UNIQUE TO THE FACILITY'S ALZHEIMER'S
4 ~~SPECIAL CARE UNIT OR PROGRAM;~~

5 (6) A DESCRIPTION OF THE PHYSICAL ENVIRONMENT AND ANY DESIGN
6 ~~FEATURES APPROPRIATE TO SUPPORT THE FUNCTIONING OF COGNITIVELY~~
7 ~~IMPAIRED ADULTS;~~

8 (7) RESIDENTS' OR PROGRAM PARTICIPANTS' ACTIVITIES INCLUDING,
9 ~~THE FREQUENCY AND TYPE OF ACTIVITIES; AND~~

10 (8) PROGRAM COSTS INCLUDING, THE COSTS OF CARE AND ANY
11 ~~ADDITIONAL FEES UNIQUE TO THE FACILITY'S ALZHEIMER'S SPECIAL CARE UNIT OR~~
12 ~~PROGRAM.~~

13 (E) ~~THE OFFICE OF HEALTH CARE QUALITY SHALL EXAMINE THE RECORDS~~
14 ~~OF AND VERIFY THE ACCURACY OF A FACILITY'S PATIENT CARE DISCLOSURES AS~~
15 ~~PART OF THE FACILITY'S LICENSE RENEWAL PROCEDURE.~~

16 (F) ~~IF THE OFFICE OF HEALTH CARE QUALITY DETERMINES THAT THE~~
17 ~~FACILITY ADVERTISING, MARKETING, OR OTHERWISE PROMOTING THE ALZHEIMER'S~~
18 ~~SPECIAL CARE UNIT OR PROGRAM IS NOT PROVIDING THE ADVERTISED SERVICES OR~~
19 ~~CARE, THE OFFICE OF HEALTH CARE QUALITY SHALL INSTRUCT THE FACILITY TO~~
20 ~~DEVELOP AND IMPLEMENT A PLAN TO PROVIDE THE SERVICES OR CARE AS~~
21 ~~ADVERTISED, OR TO CEASE THE ADVERTISING, MARKETING, OR PROMOTING OF THE~~
22 ~~ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM.~~

23 (C) AT THE TIME OF LICENSURE OR LICENSE RENEWAL, AN ASSISTED LIVING
24 PROGRAM WITH AN ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM SHALL SEND TO
25 THE DEPARTMENT A WRITTEN DESCRIPTION OF THE SPECIAL CARE UNIT OR
26 PROGRAM.

27 (D) AN ASSISTED LIVING PROGRAM WITH AN ALZHEIMER'S SPECIAL CARE
28 UNIT OR PROGRAM SHALL DISCLOSE THE WRITTEN DESCRIPTION OF THE SPECIAL
29 CARE UNIT TO:

30 (1) ANY PERSON ON REQUEST; AND

31 (2) THE FAMILY OR PARTY RESPONSIBLE FOR ANY RESIDENT PRIOR TO
32 ADMISSION OF THE RESIDENT TO THE ALZHEIMER'S SPECIAL CARE UNIT OR
33 PROGRAM.

34 (E) THE DESCRIPTION OF THE ALZHEIMER'S SPECIAL CARE UNIT OR
35 PROGRAM SHALL INCLUDE:

36 (1) A STATEMENT OF PHILOSOPHY OR MISSION;

37 (2) STAFF TRAINING AND STAFF JOB TITLES;

- 1 (3) ADMISSION PROCEDURES INCLUDING SCREENING CRITERIA;
- 2 (4) ASSESSMENT AND CARE PLANNING PROTOCOL;
- 3 (5) STAFFING PATTERNS;
- 4 (6) A DESCRIPTION OF THE PHYSICAL ENVIRONMENT AND ANY UNIQUE
5 DESIGN FEATURES APPROPRIATE TO SUPPORT THE FUNCTIONING OF COGNITIVELY
6 IMPAIRED INDIVIDUALS;
- 7 (7) A DESCRIPTION OF ACTIVITIES INCLUDING FREQUENCY AND TYPE;
- 8 (8) CHARGES TO RESIDENTS FOR SERVICES PROVIDED BY THE
9 ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM;
- 10 (9) DISCHARGE PROCEDURES;
- 11 (10) ANY SERVICES, TRAINING, OR OTHER PROCEDURES THAT ARE OVER
12 AND ABOVE THOSE THAT ARE PROVIDED IN THE EXISTING ASSISTED LIVING
13 PROGRAM; AND
- 14 (11) ANY OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.
- 15 (F) THE DEPARTMENT, IN CONSULTATION WITH THE ALZHEIMER'S
16 ASSOCIATION, THE HEALTH FACILITIES ASSOCIATION OF MARYLAND, AND
17 LIFESPAN, MAY ADOPT REGULATIONS THAT GOVERN THE SUBMISSION OF
18 DISCLOSURE MATERIALS TO THE DEPARTMENT AND TO CONSUMERS.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2002.