

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 977*

Short Title: Long-Term Care Facilities/Disclosure.

(Public)

Sponsors: Representatives Clary; and Mosley.

Referred to: Select Committee on Health Care Delivery.

April 12, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ADULT CARE HOMES, NURSING HOMES, AND ADULT DAY CARE PROGRAMS PROVIDING SPECIAL CARE FOR PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIAS DISCLOSE CERTAIN INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-181.50 reads as rewritten:

"§ 143B-181.50. Definition of special care unit.

As used in this Part, the term 'special care unit' means a wing or hallway within a nursing home or ~~rest home~~ adult care home, or a program provided by a nursing home or adult care home, that is ~~separated by closed doors from the rest of the nursing home or rest home and that is designed~~ designated especially for residents with Alzheimer's disease ~~and related dementia~~ or other dementias."

Section 2. G.S. 143B-181.51 reads as rewritten:

"§ 143B-181.51. Rules required – North Carolina Medical Care Commission.

The North Carolina Medical Care Commission shall develop rules containing State standards for special care units in nursing homes for patients with Alzheimer's disease ~~and related dementia~~ or other dementias. These standards shall include guidelines concerning the type of care provided in a special care unit, the type of resident who can be served on the unit, the ratio of residents to staff members, and the requirements for the

1 training of staff members. The rules shall also provide for compliance with the disclosure
2 requirements under G.S. 131E-112."

3 Section 3. G.S. 143B-181.52 reads as rewritten:

4 **"§ 143B-181.52. Rules required – Social Services Commission.**

5 The Social Services Commission shall develop rules containing State standards for
6 special care units in ~~rest-adult care~~ homes for patients with Alzheimer's disease ~~and related~~
7 ~~dementia~~ or other dementias. These standards shall include guidelines concerning the
8 type of care provided in a special care unit, the type of resident who can be served on the
9 unit, the ratio of residents to staff members, and the requirements for the training of staff
10 members. The rules shall also provide for compliance with the disclosure requirements
11 under G.S. 131D-6(b1) and G.S. 131D-7."

12 Section 4. Part A of Article 6 of Chapter 131E of the General Statutes is
13 amended by adding the following new section to read:

14 **"§ 131E-112. Special care units; disclosure of information required.**

15 (a) A nursing home or combination home licensed under this Part that provides
16 special care for persons with Alzheimer's disease or other dementias in a special care unit
17 shall make the following disclosures pertaining to the special care provided that
18 distinguishes the special care unit as being especially designed for residents with
19 Alzheimer's disease or other dementias. The disclosure shall be made annually, in
20 writing, to all of the following:

21 (1) The Department, as part of its licensing procedures.

22 (2) Each person seeking placement within a special care unit, or the
23 person's authorized representative, prior to entering into an agreement
24 with the person to provide special care.

25 (b) Information that must be disclosed in writing shall include, but is not limited
26 to, all of the following:

27 (1) A statement of the overall philosophy and mission of the licensed
28 facility and how it reflects the special needs of residents with dementia.

29 (2) The process and criteria for placement, transfer, or discharge to or from
30 the special care unit.

31 (3) The process used for assessment and establishment of the plan of care
32 and its implementation, as required under State and federal law.

33 (4) Typical staffing patterns and how the patterns reflect the resident's need
34 for increased care and supervision.

35 (5) Dementia-specific staff training.

36 (6) Physical environment features designed specifically for the special care
37 unit.

38 (7) Alzheimer's disease and other dementia-specific programming.

39 (8) Opportunities for family involvement.

40 (9) Additional costs or fees to the resident for special care.

41 (c) As part of its license renewal procedures and inspections, the Department shall
42 examine for accuracy the written disclosures made by each licensed facility subject to
43 this section.

1 (d) Nothing in this section shall be construed as prohibiting a nursing home or
2 combination home that does not offer a special care unit from admitting a person with
3 Alzheimer's disease or other dementias. The disclosures required by this section apply
4 only to a nursing home or combination home that advertises, markets, or otherwise
5 promotes itself as providing a special care unit for persons with Alzheimer's disease or
6 other dementias.

7 (e) As used in this section, the term 'special care unit' has the same meaning as
8 applied under G.S. 143B-181.50."

9 Section 5. Article 1 of Chapter 131D of the General Statutes is amended by
10 adding the following new section to read:

11 **"§ 131D-7. Adult care home special care units; disclosure of information required.**

12 (a) An adult care home licensed under this Part that provides special care for
13 persons with Alzheimer's disease or other dementias in a special care unit shall make the
14 following disclosures pertaining to the special care provided that distinguishes the special
15 care unit as being especially designed for residents with Alzheimer's disease or other
16 dementias. The disclosure shall be made annually, in writing, to all of the following:

17 (1) The Department, as part of its licensing procedures.

18 (2) Each person seeking placement within a special care unit, or the
19 person's authorized representative, prior to entering into an agreement
20 with the person to provide special care.

21 (b) Information that must be disclosed in writing shall include, but is not limited
22 to, all of the following:

23 (1) A statement of the overall philosophy and mission of the licensed
24 facility and how it reflects the special needs of residents with dementia.

25 (2) The process and criteria for placement, transfer, or discharge to or from
26 the special care unit.

27 (3) The process used for assessment and establishment of the plan of care
28 and its implementation, including methods by which the plan of care
29 evolves and is responsive to changes in the resident's condition.

30 (4) Typical staffing patterns and how the patterns reflect the resident's need
31 for increased care and supervision.

32 (5) Dementia-specific staff training.

33 (6) Physical environment features designed specifically for the special care
34 unit.

35 (7) Alzheimer's disease and other dementia-specific programming.

36 (8) Opportunities for family involvement.

37 (9) Additional costs or fees to the resident for special care.

38 (c) As part of its license renewal procedures and inspections, the Department shall
39 examine for accuracy the written disclosures made by each adult care home subject to
40 this section.

41 (d) Nothing in this section shall be construed as prohibiting an adult care home
42 that does not offer a special care unit from admitting a person with Alzheimer's disease or
43 other dementias. The disclosures required by this section apply only to an adult care

1 home that advertises, markets, or otherwise promotes itself as providing a special care
2 unit for persons with Alzheimer's disease or other dementias.

3 (e) As used in this section, the term 'special care unit' has the same meaning as
4 applied under G.S. 143B-181.50."

5 Section 6. G.S. 131D-6 is amended by adding the following new subsections to
6 read:

7 "(b1) An adult day care program that provides or that advertises, markets, or
8 otherwise promotes itself as providing special care services to persons with Alzheimer's
9 disease or other dementias shall provide the following written disclosures to the
10 Department and to persons seeking adult day care program special care services:

11 (1) A statement of the overall philosophy and mission of the adult day care
12 program and how it reflects the special needs of residents with
13 dementia.

14 (2) The process and criteria for providing or discontinuing special care
15 services.

16 (3) The process used for assessment and establishment of the plan of special
17 care and its implementation, including methods by which the plan of
18 special care evolves and is responsive to changes in the participant's
19 condition.

20 (4) Typical staffing patterns and how the patterns meet the participant's
21 need for increased special care and supervision.

22 (5) Dementia-specific training.

23 (6) Physical environment features designed specifically for participants
24 with Alzheimer's disease or other dementias.

25 (7) Frequency and type of participant activities provided to recipients of
26 special care services.

27 (8) Opportunities for involvement of families in special care and
28 availability of family support programs.

29 (9) Additional costs or fees to the participant for special care.

30 (c) As part of its certification renewal procedures and inspections, the Department
31 shall examine for accuracy the written disclosure of each adult day care program subject
32 to this section.

33 (d) Nothing in this section shall be construed as prohibiting an adult day care
34 program that does not advertise, market, or otherwise promote itself as providing special
35 care services for persons with Alzheimer's disease or other dementias from providing
36 adult day care services to persons with Alzheimer's disease or other dementias."

37 Section 7. This act becomes effective January 1, 2000.