2592

2009-2010 Regular Sessions

IN ASSEMBLY

January 21, 2009

Introduced by M. of A. ENGLEBRIGHT, SCHROEDER -- Multi-Sponsored by --M. of A. GUNTHER -- read once and referred to the Committee on Aging

AN ACT to amend the public health law, in relation to disclosure of special care offered to persons with Alzheimer's disease or dementia

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 20-B to read as follows:

ARTICLE 20-B

ALZHEIMER'S AND DEMENTIA SPECIAL CARE DISCLOSURE

SECTION 2010. DEFINITIONS.

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2011. ALZHEIMER'S AND DEMENTIA SPECIAL CARE DISCLOSURE.

2012. ENFORCEMENT; CIVIL PENALTIES.

8 S 2010. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "ALZHEIMER'S AND 9 DEMENTIA SPECIAL CARE" MEANS CARE OR TREATMENT PROVIDED TO A PERSON 10 DIAGNOSED WITH ALZHEIMER'S DISEASE, A RELATED DISORDER OR DEMENTIA.

12 2. "FACILITY" SHALL MEAN A RESIDENTIAL HEALTH CARE FACILITY, AN ADULT 12 DAY HEALTH CARE PROGRAM OR A CONTINUING CARE RETIREMENT COMMUNITY.

S 2011. ALZHEIMER'S AND DEMENTIA SPECIAL CARE 13 DISCLOSURE. 1. ANY FACILITY THAT ADVERTISES OR MARKETS ITSELF AS PROVIDING ALZHEIMER'S AND 14 15 DEMENTIA SPECIAL CARE SHALL DISCLOSE THE FORM OF CARE OR TREATMENT 16 PROVIDED THAT DISTINGUISHES IT AS BEING ESPECIALLY APPLICABLE TO OR 17 SUITABLE FOR PERSONS DIAGNOSED WITH ALZHEIMER'S DISEASE, RELATED DISOR-DERS OR DEMENTIA. 18

19 2. THE DISCLOSURE SHALL BE MADE TO:

20 (A) THE DEPARTMENT;

(B) ANY PERSON SEEKING PLACEMENT IN A FACILITY ON BEHALF OF A PERSON
 DIAGNOSED WITH ALZHEIMER'S DISEASE, A RELATED DISORDER OR DEMENTIA; AND
 (C) THE STATE LONG TERM CARE OMBUDSMAN.

24 3. THE DISCLOSURE REQUIRED IN SUBDIVISION ONE OF THIS SECTION SHALL BE 25 IN WRITING AND SHALL INCLUDE AT A MINIMUM:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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7 OF A PLAN OF CARE, INCLUDING THE METHODS BY WHICH THE PLAN OF CARE EVOLVES AND REMAINS RESPONSIVE TO CHANGES IN CONDITION; 8

9 (D) STAFF-TO-RESIDENT RATIOS, STAFF TRAINING AND CONTINUING EDUCATION 10 PRACTICES;

(E) THE PHYSICAL ENVIRONMENT AND DESIGN 11 FEATURES APPROPRIATE TO 12 SUPPORT THE FUNCTIONING OF COGNITIVELY IMPAIRED ADULTS; 13

(F) THE TYPES AND FREQUENCIES OF ACTIVITIES PROVIDED BY THE FACILITY;

14 (G) A DESCRIPTION OF FAMILY INVOLVEMENT PROGRAMS AND THE AVAILABILITY 15 OF FAMILY SUPPORT PROGRAMS;

(H) THE COSTS OF CARE AND ANY ADDITIONAL FEES WHICH MAY BE CHARGED; 16 17 AND

18 (I) A DESCRIPTION OF SAFETY AND SECURITY MEASURES PROVIDED BY THE 19 FACILITY.

4. THE COMMISSIONER, WITH EQUAL OPPORTUNITY FOR INPUT FROM CONSUMER 20 21 AND PROVIDER REPRESENTATIVES, SHALL PROMULGATE RULES IMPLEMENTING THE 22 PROVISIONS OF THIS SECTION.

S 2012. ENFORCEMENT; CIVIL PENALTIES. 1. AN AGENCY SHALL CONSIDER THE 23 EXTENT OF A FACILITY'S COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE IN 24 25 CONSIDERING AN APPLICATION FOR RENEWAL OF A LICENSE, CERTIFICATE OR 26 APPROVAL.

27 2. ANY FACILITY WHICH VIOLATES THE PROVISIONS OF THIS ARTICLE SHALL BE 28 SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS. SUCH 29 PENALTY MAY BE ASSESSED AFTER A HEARING CONDUCTED IN THE MANNER IN WHICH AGENCY ASSESSES OTHER PENALTIES AGAINST LICENSED, CERTIFIED OR 30 THE APPROVED FACILITIES. 31

S 2. This act shall take effect on the first of January next succeed-32 33 ing the date on which it shall have become a law, provided that the 34 department of health is immediately authorized and directed to take such actions as are necessary to implement this act, including the promulga-35 tion of rules in accordance with the state administrative procedure act, 36 37 on or before its effective date.