

3883

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

Introduced by M. of A. ENGLEBRIGHT -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new article
2 20-B to read as follows:

3 ARTICLE 20-B

4 ALZHEIMER'S AND DEMENTIA SPECIAL CARE DISCLOSURE

5 SECTION 2010. DEFINITIONS.

6 2011. ALZHEIMER'S AND DEMENTIA SPECIAL CARE DISCLOSURE.

7 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.

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

13 S 2011. ALZHEIMER'S AND DEMENTIA SPECIAL CARE DISCLOSURE. 1. ANY
14 FACILITY THAT ADVERTISES OR MARKETS ITSELF AS PROVIDING ALZHEIMER'S AND
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-
18 DERS OR DEMENTIA.

19 2. THE DISCLOSURE SHALL BE MADE TO:

20 (A) THE DEPARTMENT;

21 (B) ANY PERSON SEEKING PLACEMENT IN A FACILITY ON BEHALF OF A PERSON
22 DIAGNOSED WITH ALZHEIMER'S DISEASE, A RELATED DISORDER OR DEMENTIA; AND

23 (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.

LBD01309-01-1

1 (A) A STATEMENT OF THE FACILITY'S OVERALL PHILOSOPHY AND MISSION AS IT
2 RELATES TO THE NEEDS OF PERSONS DIAGNOSED WITH ALZHEIMER'S DISEASE,
3 RELATED DISORDERS OR DEMENTIA;

4 (B) THE PROCESS AND CRITERIA USED TO DETERMINE PLACEMENT IN AND TRANS-
5 FER OR DISCHARGE FROM ALZHEIMER'S AND DEMENTIA SPECIAL CARE;

6 (C) THE PROCESS USED FOR ASSESSMENT, ESTABLISHMENT AND IMPLEMENTATION
7 OF A PLAN OF CARE, INCLUDING THE METHODS BY WHICH THE PLAN OF CARE
8 EVOLVES AND REMAINS RESPONSIVE TO CHANGES IN CONDITION;

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

11 (E) THE PHYSICAL ENVIRONMENT AND DESIGN 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;

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

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

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

23 S 2012. ENFORCEMENT; CIVIL PENALTIES. 1. AN AGENCY SHALL CONSIDER THE
24 EXTENT OF A FACILITY'S COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE IN
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
30 THE AGENCY ASSESSES OTHER PENALTIES AGAINST LICENSED, CERTIFIED OR
31 APPROVED FACILITIES.

32 S 2. This act shall take effect on the first of January next succeed-
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
35 actions as are necessary to implement this act, including the promulga-
36 tion of rules in accordance with the state administrative procedure act,
37 on or before its effective date.