

An Act

ENROLLED HOUSE
BILL NO. 2262

By: Miller, Fugate, Blancett,
Hill, Culver, and Pittman
of the House

and

Stanley of the Senate

An Act relating to the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act; amending 63 O.S. 2021, Section 1-879.2c, which relates to disclosure of care; imposing certain duty on referral agencies; broadening applicability of certain penalties; requiring certain facilities to post specified information; updating statutory language; updating statutory references; and providing an effective date.

SUBJECT: Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-879.2c, is amended to read as follows:

Section 1-879.2c. A. 1. Pursuant to rules promulgated under the provisions of the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act, any nursing facility, residential care facility, assisted living facility, adult day care center, continuum of care facility, or special care facility that publicly advertises, intentionally markets, or otherwise engages in promotional campaigns for the purpose of communicating that said such facility offers care, memory care, or treatment methods within the facility that distinguish it as being especially applicable to or suitable to persons with Alzheimer's dementia or other forms of dementia diagnoses shall disclose the type of care, memory care, or treatment provided that distinguishes it as being especially applicable to or suitable for such persons.

2. The disclosure shall be made using a form developed by the State Department of Health and shall be made to:

- a. the Department,
- b. any representative of a person with Alzheimer's dementia or other form of dementia who is considering placement within a special care unit, program, or facility, and
- c. the State Long-Term Care Ombudsman.

3. A referral agency, when disclosing documents pursuant to Section 1-866.2 of this title, shall provide any representative of a person who has notified the referral agency of a diagnosis of Alzheimer's dementia or other form of dementia and who is considering placement within a unit, program, memory care, or facility, electronic or physical access to the form for each facility. The Department of Health shall maintain a public searchable database of forms. If no such form is available from the Department of Health, this section shall not apply. Neither a facility nor a referral agency shall be liable for the actions or inactions of the other pursuant to this section.

4. The facility shall submit the disclosure form to the Department prior to entering into any agreement to provide care or services.

4. 5. The Department shall examine each disclosure for completeness and accuracy at the time the disclosure is submitted to the Department.

5. 6. The Department shall review the most recent disclosure in the Department's records during the facility's regular inspection to verify that the disclosure is current and that the services described in the disclosure are provided to residents as described in the disclosure.

B. The information disclosed as required by this section shall include the following areas:

1. A written description of the special care unit, program, or facility's overall philosophy and mission as it relates to the needs of residents with Alzheimer's dementia or other forms of dementia;

2. The process and criteria for placement in, or transfer or discharge from, the unit, program, or facility;

3. The process used for assessment, establishment, and implementation of a resident plan of care, as it relates to Alzheimer's dementia and other forms of dementia, including the method by which the plan evolves, the frequency of assessment, and how the facility will respond to changes in the condition of the resident;

4. Staff-to-resident ratios, staff training and continuing education that are in addition to all regularly prescribed training and are commensurate with the need for increased care and supervision for residents with Alzheimer's dementia and or other forms of dementia;

5. The physical environment and design features appropriate to support the functioning of cognitively impaired residents;

6. The types and frequency of resident activities designed for residents with Alzheimer's dementia or other forms of dementia and descriptions of those therapeutic activities designed to address cognitive function and engage residents with varying stages of dementia;

7. The involvement of families in care planning and other aspects of care, and the availability of family support programs;

8. The fees for care and any additional fees; and

9. Any accreditations or certifications issued to the facility related to the care and services provided to residents with Alzheimer's dementia or other forms of dementia.

C. The Department, with input from the Alzheimer-Dementia Disclosure Act Advisory Council, shall develop a standardized disclosure form. Any change in the information initially submitted by the facility or other entity shall be reported to the Department at the time the change is made.

D. The provisions of this section shall not be construed to preclude a facility without a special care unit or program from admitting a person with Alzheimer's dementia or other forms of dementia.

E. The State Commissioner of Health, with input from the Alzheimer-Dementia Disclosure Act Advisory Council, shall promulgate rules to effectuate the provisions of the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act.

F. There is hereby created the Alzheimer-Dementia Disclosure Act Advisory Council. The Council shall make recommendations to the State Commissioner of Health regarding the disclosure form and rules promulgated pursuant to the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act.

1. The Council shall consist of nine (9) members to be appointed by the State Commissioner of Health for such terms as he or she chooses. The members shall be individuals who have knowledge and expertise in the field of memory care or individuals who are consumer representatives directly impacted by memory-care services, provided that neither the members with knowledge and expertise in the field nor the members who are consumer representatives shall comprise more than two-thirds (2/3) of the total membership. The members who are consumer representatives shall be individuals with immediate family members who have received or are currently receiving memory-care services in Oklahoma and shall not be employees or board members of any facilities or entities subject to the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act.

2. The members of the Council shall serve without compensation.

3. The Council shall conduct an organizational meeting at a date and location to be chosen by the Commissioner and as frequently thereafter as necessary to perform the duties imposed upon it. A majority of the members present shall constitute a quorum.

4. Staff assistance for the Council shall be provided by the staff of the State Department of Health.

G. ~~Violation of If a facility described in paragraph 1 of subsection A of this section, or any individual employed or contracted by such facility, violates any of the provisions of this act the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act or the rules issued pursuant to this act promulgated pursuant thereto, the facility shall be subject the offending facility to the notice and enforcement provisions established for the facility's license by the Department.~~

H. Any facility that offers specialized memory or dementia care through a specific unit or program shall post the:

1. The disclosure form, including the information required to be included by this section, on the facility's website; and

2. A poster, in a conspicuous location in the special care unit, program, or facility where care is provided for persons with Alzheimer's dementia or other forms of dementia, stating that if such persons or their representatives were not given a copy of the disclosure form, they may file a complaint with the Consumer Protection Unit of the Office of the Attorney General.

I. The Department shall establish a website with a list of those facilities that have filed a disclosure form pursuant to this act the Alzheimer's Dementia and Other Forms of Dementia Special Care Disclosure Act. The website shall contain a link to the submitted disclosure form and a table containing items from the disclosure form, including staffing ratios, staff training, special programming and activities, and accreditations or certifications.

SECTION 2. This act shall become effective November 1, 2025.

Passed the House of Representatives the 22nd day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 28th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____. M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____. M.
By: _____