

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 783

Short Title: Long-Term Care Facilities/Disclosure.

(Public)

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Sponsors: Senators Cochrane; Ballantine, Carpenter, Carrington, East, Forrester, Foxx, Garwood, Hartsell, Horton, Martin of Pitt, Martin of Guilford, and Webster.

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Referred to: Health Care.

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April 7, 1999

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT ADULT CARE HOMES, NURSING HOMES, AND  
2 ADULT DAY CARE PROGRAMS PROVIDING SPECIAL CARE FOR PERSONS  
3 WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIAS DISCLOSE CERTAIN  
4 INFORMATION.  
5

6 The General Assembly of North Carolina enacts:

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

8 **"§ 143B-181.50. Definition of special care unit.**

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

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

15 **"§ 143B-181.51. Rules required – North Carolina Medical Care Commission.**

16 The North Carolina Medical Care Commission shall develop rules containing State  
17 standards for special care units in nursing homes for patients with Alzheimer's disease  
18 ~~and related dementia, or other dementias.~~ These standards shall include guidelines  
19 concerning the type of care provided in a special care unit, the type of resident who can

1 be served on the unit, the ratio of residents to staff members, and the requirements for the  
2 training of staff members. The rules shall also provide for compliance with the disclosure  
3 requirements under G.S. 131E-112."

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

5 **"§ 143B-181.52. Rules required – Social Services Commission.**

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

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

15 **"§ 131E-112. Special care units; disclosure of information required.**

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

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

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

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

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

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

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

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

36 (5) Dementia-specific staff training.

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

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

40 (8) Opportunities for family involvement.

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

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

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

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

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

14 **"§ 131D-7. Adult care home special care units; disclosure of information required.**

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

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

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

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

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

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

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

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 adult care home subject to  
43 this section.

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

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

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

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

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

17               (2) The process and criteria for providing or discontinuing special care  
18 services.

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

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

25               (5) Dementia-specific training.

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

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

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

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

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

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

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