

## HOUSE BILL No. 2370

By Committee on Health and Human Services

Requested by Representative Buehler on behalf of the Alzheimer's Association

2-7

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AN ACT concerning health and healthcare; relating to assisted living facilities; requiring additional certification for assisted living facilities with dementia care.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) This section shall apply only to assisted living facilities that offer dementia care services. If assisted living facilities choose to apply for the special dementia care certification, then such facilities shall follow the requirements in this section. A facility that chooses to opt out of following such requirements, shall not publicize that it offers specialized dementia care, memory care, use the special dementia care designation or the assisted living facility with dementia care certification.

(b) There is hereby created the assisted living facility with dementia care certification. An applicant seeking certification as an assisted living facility with dementia care shall have the ability to provide services in a manner consistent with the requirements in this section. In determining whether or not to award this certification to an applicant, the secretary of the department for aging and disability services shall consider the following criteria, including, but not limited to:

(1) The applicant's assisted living director, managerial official and clinical nurse supervisor's experience with managing residents with dementia or previous long-term care experience; and

(2) completion of a state-approved dementia care certification program by the applicant's leadership.

(c) Facilities seeking such certification shall maintain staffing levels sufficient to meet the care needs of residents, that shall be demonstrated through periodic quality-of-care assessments.

(d) Prior to providing memory care services, all employees or contract staff working with residents receiving memory care services shall complete a department-approved, standardized dementia care training program that is available online.

(1) Assisted living facilities that offer dementia care may use existing training programs that meet state standards, which shall be established by the department in rules and regulations. Training programs shall include the following:

1 (A) Communicating and interacting with individuals with Alzheimer's  
2 disease or other forms of dementia;

3 (B) the psychological, social and physical needs of individuals with  
4 Alzheimer's disease or other forms of dementia;

5 (C) the benefits of non-pharmacological approaches to treatment; and

6 (D) safety measures necessary for individuals with Alzheimer's  
7 disease or other forms of dementia.

8 (e) Employees or contract staff working with residents receiving  
9 memory care services shall receive annual, evidence-based memory care  
10 services training as determined by the department for aging and disability  
11 services biennially.

12 (f) (1) The facility shall provide an activity services program to  
13 residents who receive memory care services. The activity services program  
14 shall:

15 (A) Involve the resident in an ongoing program of activities that are  
16 designed to appeal to individual resident needs; and

17 (B) include a combination of large and small group, one-to-one and  
18 self-directed activities.

19 (2) Facilities shall provide access to activities tailored to the needs of  
20 residents with dementia, that can be provided by trained care staff rather  
21 than dedicated activity staff.

22 (3) Group activities may substitute for one-on-one activities when  
23 appropriate.

24 (g) The department of aging and disability services may impose  
25 additional requirements for any long-term care facility if there are  
26 unsatisfactory outcomes for a resident in such facility. The department  
27 shall impose such requirements only after identifying significant  
28 deficiencies in meeting resident care needs as documented in annual  
29 inspections or complaint investigations.

30 (h) Evidence of a failure to meet the individual needs of residents  
31 shall be grounds for enforcement action under this section.

32 (i) The department for aging and disability shall adopt rules and  
33 regulations to implement and administer the provisions of sections 1 and 2,  
34 and amendments thereto.

35 (j) The label "assisted living facility with dementia care" shall be  
36 identified on the facility's license. Such facility providing dementia care  
37 services may indicate this specialization in their license description if the  
38 facility has the certification created by this section.

39 (k) Facilities that choose to apply for a dementia care certification  
40 shall comply with the provisions of this section within 12 months of its  
41 enactment.

42 (l) This section shall be a part of and supplemental to article 9 of  
43 chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

1       Sec. 2. (a) (1) Except as provided in paragraph (2), an assisted living  
2 facility with a dementia care certification shall notify the secretary of the  
3 department for aging and disability services in writing at least 60 calendar  
4 days prior to the voluntary relinquishment.

5       (2) If less than 10 residents would be affected by such  
6 relinquishment, a facility with a dementia care certification shall notify the  
7 secretary at least 30 days prior to the relinquishment of such certification.

8       (b) For voluntary relinquishment, the facility shall:

9       (1) Give all residents and their designated and legal representatives  
10 60 calendar days notice of voluntary relinquishment. The notice shall  
11 include:

12       (A) The proposed effective date of voluntary relinquishment;

13       (B) changes in staffing;

14       (C) changes in services, including the elimination or addition of  
15 services; and

16       (D) staff training that shall occur when the voluntary relinquishment  
17 becomes effective;

18       (2) submit a transitional plan to the secretary of the department for  
19 aging and disability services demonstrating how current residents will be  
20 evaluated and assessed to reside in other housing settings that are not an  
21 assisted living facility with memory care that are physically unsecured or  
22 would require move-out or transfer to other settings;

23       (A) Assisted living facilities voluntarily relinquishing such facilities  
24 dementia care certification may submit a general transition framework  
25 rather than an individualized plan for each resident;

26       (3) change service or care plans as appropriate to address any needs  
27 the residents may have with such transition;

28       (4) notify the secretary of the department for aging and disability  
29 services when the voluntary relinquishment process has been completed;  
30 and

31       (5) revise advertising materials and disclosure information to remove  
32 any reference indicating that such facility is an assisted living facility with  
33 dementia care certification.

34       (c) This section shall be a part of and supplemental to article 9 of  
35 chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

36       Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the Kansas register.