Dementia-Specific Service Disclosure

This Act requires facilities which secure, segregate, or provide special programs or units for people with Alzheimer’s disease or related disorders to provide written disclosure of what the dementia-specific care includes.

Submitted as:
Minnesota
Chapter 325F.72
Status: Enacted into law in 2001 as part of an omnibus health and human services bill.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act shall be cited as “An Act to Require Organizations that Provide or Promote Special Services to People with Alzheimer’s or Related Diseases to Disclose Certain Information about Those Services to Certain State Agencies and Consumers.”

Section 2. [Required Disclosure for Organizations that Offer “Special Care” to People with Alzheimer’s or Related Disorders.]

(A) Housing with services establishments, as defined in [insert citation] that secure, segregate, or provide a special program or special unit for residents with a diagnosis of probable Alzheimer’s disease or a related disorder or that advertise, market, or otherwise promote the establishment as providing specialized care for Alzheimer’s disease or a related disorder are considered a “special care unit.”

(B) All special care units shall provide a written disclosure to the following:

1. the [commissioner of health], if requested;
2. the [office of Ombudsman for older state residents]; and
3. each person seeking placement within a residence, or the person’s authorized representative, before an agreement to provide the care is entered into.

(C) Written disclosure shall include, but is not limited to, the following:

1. a statement of the overall philosophy and how it reflects the special needs of residents with Alzheimer’s disease or other dementias;
2. the criteria for determining who may reside in the special care unit;
3. the process used for assessment and establishment of the service plan or agreement, including how the plan is responsive to changes in the resident’s condition;
4. staffing credentials, job descriptions, and staff duties and availability, including any training specific to dementia;
5. physical environment as well as design and security features that specifically address the needs of residents with Alzheimer’s disease or other dementias;
6. frequency and type of programs and activities for residents of the special care unit;
7. involvement of families in resident care and availability of family support programs;
8. fee schedules for additional services to the residents of the special care unit; and
9. a statement that residents will be given a written notice [30 days] prior to changes in the fee schedule.
(D) Substantial changes to disclosures must be reported to the parties listed in subdivision (B) of this section at the time the change is made.

(E) The [attorney general] may seek the remedies set forth in [insert citation] for repeated and intentional violations of this section. However, no private right of action may be maintained as provided under [insert citation].

Section 3. [Severability.] [Insert severability clause.]

Section 4. [Repealer.] [Insert repealer clause.]

Section 5. [Effective Date.] [Insert effective date.]