WEST VIRGINIA CODE CHAPTER 16b ARTICLE 11

WV Legislature

§16B-11-1. Name of act.

This act shall be known and may be cited as the "Alzheimer's Special Care Standards Act."

WV Legislature

§16B-11-2. Findings and declarations.

The Legislature finds and declares that:

(a) Certain nursing homes and related facilities, adult congregate living facilities, adult day care centers, hospices and adult foster homes claim to provide special care units and services for persons who have Alzheimer’s disease;

(b) It is in the public interest to provide for the protection of consumers by ensuring the accuracy and authenticity of such claims; and

(c) The provisions of this article are intended to require the facilities to actually provide the care they claim to offer, require written disclosure of special services provided, require the appropriate state licensing agency to examine the performance of such facilities in providing special services for persons who have Alzheimer's disease, and provide penalties for failure to provide the services claimed as the agency considers appropriate.

WV Legislature

§16B-11-3. Definition of Alzheimer’s special care unit/program.

For the purposes of this article, the following definitions apply:

"Alzheimer's disease" means a diagnosis of presenile dementia or senile dementia-Alzheimer type (SDAT), characterized by confusion, memory failure, disorientation, restlessness, agnosia, speech disturbances, inability to carry out purposeful movements and hallucinosis.

"Alzheimer's Special Care Unit or Program," means any facility that secures, segregates or provides a special program or special unit for residents with a diagnosis of probable Alzheimer’s disease or a related disorder and that advertises, markets or otherwise promotes the facility as providing specialized Alzheimer’s or dementia care services.

"Director" means the director of the Office of Health Facility Licensure and Certification, or his or her designee.

"Facility" means any nursing home or facility, residential board and care home, personal care home, assisted living facility, adult congregate living facility, home health agency, adult day care center, hospice or adult foster home situate or operating in this state.

"Inspector General" means the Inspector General of the Office of Inspector General as described in §16B-2-1 of this code, or his or her designee.

"Office of Health Facility Licensure and Certification" means the West Virginia Office of the Health Facility Licensure and Certification within the Office of the Inspector General.

"Resident" means an individual living in a facility that offers an Alzheimer's special care unit or program.

WV Legislature

§16B-11-4. Alzheimer's special care disclosure required.

(a) Any facility which offers to provide or provides care for a person with Alzheimer's disease through an Alzheimer's special care unit or special care program shall disclose in writing the form of care or treatment that distinguishes the unit or program as being especially applicable to or suitable for such persons. The disclosure shall be provided to the Office of Health Facility Licensure and Certification, to any person seeking placement within an Alzheimer's special care unit or program, and to any legal guardian or relative acting on behalf of a resident or person seeking placement.

(b) The Office of Health Facility Licensure and Certification shall examine all disclosures provided to it as part of the facility's license renewal procedure and verify the accuracy of the disclosures.

(c) The disclosure required by this section shall include the following information:

(1) A statement of the overall treatment philosophy and mission of the special care unit or program which reflects the needs of residents afflicted with Alzheimer's disease or dementia;

(2) A description of the facility's screening, admission and discharge procedures, assessment, care planning and implementation, staffing patterns and training ratios unique to the program or unit;

(3) A description of the physical environment and design features and an explanation of how they are appropriate to support the functioning of cognitively impaired adult residents;

(4) A description of activities available to residents, the frequency and types of resident activities, and how they are specialized for residents who suffer from Alzheimer's disease;

(5) A statement that describes the involvement of families in the care of residents and the availability of family support programs;

(6) The costs of care and any additional fees unique to the Alzheimer's special care unit or program.

WV Legislature

§16B-11-5. Standards for care; rules.

(a) The Inspector General shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code, setting minimum standards for the care and treatment of persons with Alzheimer's disease and other dementia in facilities offering Alzheimer's special care units or programs.

(b) The standards established pursuant to this section shall apply to all facilities offering Alzheimer's special care units or program and shall be in addition to any other statutory requirements, rules or standards that are applicable to the facility.

(c) The Inspector General shall enforce the rules and standards for Alzheimer's special care units or programs and shall exercise all powers necessary for such enforcement, including investigation and reporting of violation of the rules, issuance of notices or warnings to facilities found in violation of the standards, assessment of civil penalties in accordance with the applicable licensing provisions of the facility, and suspension or revocation of licenses.

(d) The Inspector General designates the Director of the Office of Health Facility Licensure and Certification to enforce the provisions of this article, except where otherwise indicated.

(e) If a facility advertising, marketing or otherwise promoting the facility as providing specialized Alzheimer or dementia care services does not meet the standards established by the director, the Office of Health Facility Licensure and Certification shall instruct the facility to cease such advertising, marketing, or promoting.

WV Legislature

§16B-11-6. Alzheimer's and dementia care training; rules.

(a) For the purposes of this section, "resident" means an individual receiving care or services in an adult day care facility, nursing home, assisted living facility or residential care community.

(b) The Inspector General shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code, setting minimum standards for Alzheimer's and dementia care training of all staff, employees and contractors that come in regular and direct contact with residents.

(c) The standards established in this section shall apply to adult day care facilities, nursing homes, assisted living facilities and residential care communities who provide services under the supervision of a licensed operator.

WV Legislature

§16B-11-7. Establishment of a central registry.

(a) To the extent funds are available, the Governing Board of the West Virginia University shall establish an Alzheimer's Disease Registry to collect information concerning Alzheimer's disease and related disorders. The purpose of the registry shall be to provide a central database of information to assist in the development of public policy and planning. The information collected by the registry shall be analyzed to prepare reports and perform studies as necessary when such data identifies information useful in developing policy.

(b) All reporting sources, including hospitals, physicians, facilities, clinics, or other similar units diagnosing or providing treatment or care for Alzheimer's disease and related disorders, shall provide a report of each case to the Alzheimer's Disease Registry in the format specified.

(c) All information reported pursuant to this section is confidential and shall be used only for the purposes set forth herein. A report provided to the Alzheimer's Disease Registry that discloses the identity of the individual being treated shall only be released in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996. No liability of any kind or character for damages or other relief shall arise or be enforced against any reporting source by reason of having provided the information or material to the Alzheimer's Disease Registry.

(d) The governing board shall propose rules pursuant to the provisions of §29A-3-1 *et seq*. of this code to implement this section. The rules shall include, but not be limited to: (1) The content and design of all forms and reports required by this section; (2) the type of information to be collected and maintained; (3) the procedures for disclosure of nonidentifying data to other appropriate research entities; (4)the manner in which reporting entities or individuals, including families, may be contacted by the registry for additional relevant information; and (5) any other matter necessary to the administration of this section.

WV Legislature