

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Alzheimer's Disease and Related Dementias Services Act.

6 Section 5. Purpose. The General Assembly finds that
7 oversight of Alzheimer's disease and related dementias
8 services is in the best interests of individuals diagnosed with
9 Alzheimer's disease or a dementia-related disease and their
10 families and friends struggling to find appropriate services
11 and care. As such, it is the intent of the General Assembly
12 that all Alzheimer's disease and related dementias services
13 shall comply with rules adopted by the Department in compliance
14 with this Act.

15 Section 10. Definitions. In this Act:

16 "Department" means the Department of Public Health.

17 "Director" means the Director of Public Health.

18 "Alzheimer's disease and related dementias services" means
19 services offered to individuals diagnosed with Alzheimer's
20 disease or a dementia-related disease for the purpose of
21 managing the individual's disease.

1 Section 15. Applicability. Programs covered by this Act
2 include, but are not limited to, health care facilities
3 licensed or certified by the Assisted Living and Shared Housing
4 Act; Life Care Facilities Act; Nursing Home Care Act;
5 Specialized Mental Health Rehabilitation Act of 2013; Home
6 Health, Home Services, and Home Nursing Agency Licensing Act;
7 Hospice Program Licensing Act; and End Stage Renal Disease
8 Facility Act. This Act does not apply to physicians licensed to
9 practice medicine in all its branches.

10 Section 20. Alzheimer's disease and related dementias
11 services guidelines.

12 (a) The Department shall no later than September 1, 2017
13 publish proposed rules to implement this Act.

14 (b) The Department shall be granted authority to initiate
15 discussions with all affected provider groups, advocate
16 organizations, and other individuals and groups identified by
17 the Director to be critical to the development of applicable
18 rules upon this Act becoming law.

19 Section 25. Covered services, disclosures, prohibition,
20 preemption. Upon the adoption of rules implementing this Act:

21 (1) Any and all Alzheimer's disease or related
22 dementias services shall comply with the Alzheimer's
23 disease and related dementias services guidelines, except
24 as provided in subsection (d).

1 (2) Materials defining the philosophy of the services,
2 specific services offered, and behavior management tactics
3 and drug therapies employed shall be provided upon
4 admission or enrollment, or earlier upon request,
5 including a disclaimer that the services are not certified
6 under the Alzheimer's Disease and Related Dementias
7 Special Care Disclosure Act.

8 (3) Advertising or verbally offering to provide
9 Alzheimer's disease and related dementias services that
10 are not in compliance with the requirements set forth in
11 this Act is prohibited.

12 (4) If a conflict occurs between this Act and the
13 Assisted Living and Shared Housing Act, the Nursing Home
14 Care Act, or the Alzheimer's Disease and Related Dementias
15 Special Care Disclosure Act, then the Assisted Living and
16 Shared Housing Act, the Nursing Home Care Act, or the
17 Alzheimer's Disease and Related Dementias Special Care
18 Disclosure Act shall prevail.

19 Section 30. Staff training.

20 (a) Staff with direct access to clients with Alzheimer's
21 disease or a related dementia hired prior to the adoption of
22 rules implementing this Act shall receive a minimum of 6 hours
23 of initial training within 90 days after the effective date of
24 this Act using Alzheimer's disease and related dementias
25 services certified by the Department, except as provided in

1 subsection (c).

2 (b) Staff with direct access to clients with Alzheimer's
3 disease or a related dementia hired after the adoption of rules
4 implementing this Act shall complete a minimum of 6 hours of
5 initial training in the first 60 days of employment using an
6 Alzheimer's disease and related dementias services curriculum
7 certified by the Department, except as provided in subsection
8 (c).

9 (c) Subsections (a) and (b) shall not apply to the
10 following:

11 (1) staff who received at least 6 hours of comparable
12 training in compliance with licensure or certified
13 training requirements; and

14 (2) staff temporarily hired or temporarily detailed by
15 a facility licensed under the Nursing Home Care Act to
16 permit the facility to meet statutory staffing
17 requirements.

18 (d) An Alzheimer's disease and related dementias services
19 curriculum certified by the Department must include at a
20 minimum the following topics: understanding dementia,
21 effectively communicating with individuals with dementia,
22 assisting individuals with dementia in performing activities
23 of daily living, problem solving with individuals with dementia
24 who exhibit challenging behavior, fundamentals of dementia
25 care, safe environments, and managing the activities of
26 individuals with dementia.

1 (e) An individual who received training consistent with the
2 requirements of this Section while employed by another program
3 or through an educational institution or an individual with 3
4 or more years of experience working with Alzheimer's disease
5 and related dementias services may petition the Department for
6 a waiver of the initial training requirements set forth in this
7 Section. The Department shall evaluate each request on a case
8 by case basis.

9 (f) Upon the adoption of rules implementing this Act, staff
10 with direct access to clients with dementia shall receive 3
11 hours of advanced training on caring for individuals with
12 Alzheimer's disease and related dementias each year.

13 (g) Upon the adoption of rules implementing this Act,
14 Alzheimer's disease and related dementias services program
15 employers shall maintain training records and make them
16 available to the Department on request.

17 Section 35. Program director. Upon the adoption of rules
18 implementing this Act, in addition to the training required
19 under Section 30 of this Act, the director of an Alzheimer's
20 disease and related dementias services program shall complete
21 an Alzheimer's disease and related dementias services
22 curriculum from a list compiled by the Department or have 5
23 years of experience as a director of an Alzheimer's disease and
24 related dementias services program.

1 Section 40. Penalties.

2 (a) Any entity licensed, certified, or regulated by the
3 State that knowingly holds itself out as a provider of
4 Alzheimer's disease and related dementias services and fails to
5 comply with this Act is deemed to have violated the statute or
6 statutes governing the licensure, certification, or regulation
7 of the entity and any contract or agreement the entity has with
8 the State.

9 (b) Any entity not operated by the federal government or
10 any agency thereof or individual not covered by subsection (a)
11 that knowingly holds himself, herself, or itself out as a
12 provider of Alzheimer's disease and related dementias services
13 and fails to comply with this Act is guilty of a business
14 offense punishable by a fine of at least \$1,001.

15 Section 45. Assessment. Twenty-four months after the
16 adoption of rules implementing this Act, the Department shall
17 convene a work group made up of experts in Alzheimer's disease
18 and related dementias services programming, providers,
19 families and caregivers, and other interested parties to assess
20 the understanding of and compliance with the Act and rules. The
21 work group shall provide the Director and General Assembly with
22 recommendations related to this Act and rules. Once the
23 recommendations are submitted, the work group shall be
24 disbanded.

1 Section 90. Repealer.

2 (a) This Act is repealed as provided in subsection (b) of
3 this Section unless the General Assembly authorizes an
4 extension of the Act for an additional period of 36 months.

5 (b) Upon the adoption of rules implementing this Act, the
6 Department shall file with the Index Department of the Office
7 of the Secretary of State a declaration to that effect, and
8 shall notify the Clerk of the House of Representatives, the
9 Secretary of the Senate, and the Legislative Reference Bureau
10 of the filing of the declaration. This Act is repealed 36
11 months after the date specified in the declaration.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.