

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1733

S.P. 610

In Senate, March 9, 1999

**An Act to Amend the Laws Regarding the Provision of Services to
Persons with Alzheimer's Disease.**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Senators: DAGGETT of Kennebec, KONTOS of Cumberland, PARADIS of
Aroostook, Representatives: KANE of Saco, PIEH of Bremen, TESSIER of Fairfield.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 22 MRSA §3174-I, sub-§1, ¶B-2, as enacted by PL 1995, c. 687, §1, is amended to read:

B-2. The department shall establish additional assessment practices and related policies for persons with Alzheimer's disease and other dementias as follows.

(1) For persons who have been assessed using the department's primary assessment instrument and found to have cognitive or behavioral difficulties but who do not require nursing intervention with the frequency necessary to qualify for nursing facility level of care, the department shall administer a supplemental dementia assessment for those persons with cognitive and behavioral impairments. By May 1, 1996, the criteria reflected in this supplemental dementia assessment and the scoring mechanism must be incorporated into rules adopted by the department in consultation with consumers, providers and other interested parties. The assessment criteria proposed in the rulemaking must consider, but are not limited to, the following: orientation, memory, receptive communication, expressive communication, wandering, behavioral demands on others, danger to self or others and awareness of needs.

(2) The department shall reimburse a nursing facility for individuals who are eligible for care based on the supplemental dementia assessment only if the nursing facility demonstrates a program of training in the care of persons with Alzheimer's disease and other dementias for all staff responsible for the care of persons with these conditions. The department, in consultation with consumers, providers and interested parties, shall develop the requirements for training and adopt rules containing those requirements. By July 1, 1997, the department, in consultation with consumers, providers and interested parties, shall adopt rules establishing the standards for treatments, services and settings to meet the needs of individuals who have Alzheimer's disease and other dementias. These standards must apply to all levels of care available to such individuals.

(3) No later than January 15, 1997, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human service matters on the extent to which the use of the

2 supplemental dementia assessment has expanded medical
eligibility for nursing facility care to include
4 persons with Alzheimer's disease or other dementias.

6 (4) Rules adopted pursuant to this subsection are
major substantive rules as defined by Title 5, chapter
8 375, subchapter II-A.

10 (5) The department shall apply criteria for the
assessment of Alzheimer's disease that:

12 (a) Take into consideration that, during the
14 course of Alzheimer's disease in an individual,
16 the individual may experience periods when the
18 application of the assessment criteria set forth
20 in subparagraph (1) indicates greater medical and
social needs of the individual and periods when
the application of those criteria indicates fewer
medical and social needs of the individual; and

22 (b) Request and give appropriate weight in the
24 evaluation process to input from physicians
relevant to the consideration set forth in
division (a).

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28 **SUMMARY**

30 This bill requires the Department of Human Services to
32 consider the fluctuating nature of Alzheimer's disease so that
the medical and social needs of a person being evaluated for the
disease can be fully assessed and the appropriate level of
services provided.