

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1072

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H.P. 795

House of Representatives, March 5, 2019

### **An Act To Promote Workforce Education on Alzheimer's Disease and Dementia**

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Reference to the Committee on Health Coverage, Insurance and Financial Services  
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CRAVEN of Lewiston.  
Cosponsored by Senator GRATWICK of Penobscot and  
Representatives: CLOUTIER of Lewiston, DOORE of Augusta, HICKMAN of Winthrop,  
MADIGAN of Waterville, MEYER of Eliot, PERRY of Calais, SHEATS of Auburn, STOVER  
of Boothbay.

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

2 **Sec. 1. 22 MRSA §1711-C, sub-§6, ¶T**, as amended by PL 2017, c. 203, §3, is  
3 further amended to read:

4 T. To a lay caregiver designated by an individual pursuant to section 1711-G; ~~and~~

5 **Sec. 2. 22 MRSA §1711-C, sub-§6, ¶U**, as enacted by PL 2017, c. 203, §4, is  
6 amended to read:

7 U. To a panel coordinator of the maternal, fetal and infant mortality review panel  
8 pursuant to section 261, subsection 4, paragraph B-1 for the purposes of reviewing  
9 health care information of a deceased person and a mother of a child who died within  
10 one year of birth, including fetal deaths after 28 weeks of gestation. For purposes of  
11 this paragraph, "panel coordinator" has the same meaning as in section 261,  
12 subsection 1, paragraph E and "deceased person" has the same meaning as in section  
13 261, subsection 1, paragraph B-; and

14 **Sec. 3. 22 MRSA §1711-C, sub-§6, ¶V** is enacted to read:

15 V. To an authorized representative or family or household member of an individual  
16 unless expressly prohibited by the individual when the health care practitioner is  
17 providing a diagnosis of Alzheimer's disease or dementia.

18 **Sec. 4. 22 MRSA §§1725-A and 1725-B** are enacted to read:

19 **§1725-A. Alzheimer's disease and dementia service plans**

20 In addition to disclosing the diagnosis to the patient, a health care practitioner who  
21 diagnoses Alzheimer's disease or dementia shall disclose the diagnosis to a family or  
22 household member or to an authorized representative as defined in section 1711-C,  
23 subsection 1, paragraph A pursuant to section 1711-C, subsection 6, paragraph V and  
24 shall provide information to the family or household member or authorized representative  
25 about care planning services, including assistance understanding the diagnosis, and  
26 medical and nonmedical options for treatment, services and supports and information  
27 about obtaining treatment, services and supports.

28 **§1725-B. Alzheimer's disease and dementia hospital plans**

29 No later than January 1, 2023, a hospital shall develop and implement an operational  
30 plan for the recognition and management of patients with Alzheimer's disease or  
31 dementia within that hospital. The plan must be developed in consultation with  
32 organizations with expertise in the field of Alzheimer's disease and dementia. The plan  
33 must be kept on file in the hospital and made available to any person on request.

34 **Sec. 5. 22 MRSA §3473-A** is enacted to read:

35 **§3473-A. Alzheimer's disease and dementia training**

36 The department shall provide at least 4 hours of Alzheimer's disease and dementia  
37 education and training to all employees or contract employees whose primary

1 responsibility is in adult protective services pursuant to this chapter at the beginning of  
2 their employment. The education and training must include:

3 1. Symptoms. Identification of psychiatric and behavioral symptoms of Alzheimer's  
4 disease and dementia;

5 2. Communication. Information regarding communication issues, including how to  
6 communicate effectively and in a respectful manner;

7 3. Strategies. Strategies and techniques for understanding and approaching  
8 behavioral symptoms;

9 4. Safety. Information on how to address specific aspects of safety, including  
10 wandering;

11 5. Abuse and neglect. Identification of types of neglect, abuse or exploitation of  
12 persons with Alzheimer's disease and dementia;

13 6. Law enforcement. When it is necessary to alert law enforcement of neglect,  
14 abuse or exploitation by a family member, caretaker or facility;

15 7. Self-neglect. Identification of self-neglect by persons with Alzheimer's disease  
16 and dementia who live independently; and

17 8. Resources. Resources to connect persons with Alzheimer's disease and dementia  
18 to local resources, including professionals with expertise in care of persons with  
19 Alzheimer's disease and dementia.

20 **Sec. 6. 32 MRSA §2213** is enacted to read:

21 **§2213. Patients with cognitive impairments; continuing education**

22 By January 1, 2023, the board shall include, as part of required continuing education  
23 for an individual licensed under this chapter, a 2-hour course on Alzheimer's disease and  
24 dementia including diagnosis, behavioral symptoms, respectful and effective  
25 communication, safety, signs of abuse and neglect and identifying signs of self-neglect by  
26 persons living alone. The course is not required for an individual licensed under this  
27 chapter who does not serve adult populations as part of the individual's regular  
28 employment. The board shall adopt rules to implement this section. Rules adopted  
29 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
30 subchapter 2-A.

31 **Sec. 7. 32 MRSA §2594-E, sub-§6** is enacted to read:

32 **6. Patients with cognitive impairments; continuing education.** By January 1,  
33 2023, the board shall adopt rules jointly with the Board of Licensure in Medicine to  
34 require, as part of continuing education requirements established pursuant to subsection  
35 5, paragraph I, the completion of a 2-hour course on Alzheimer's disease and dementia  
36 including diagnosis, behavioral symptoms, respectful and effective communication,  
37 safety, signs of abuse and neglect and identifying signs of self-neglect by persons living

1 alone. Rules adopted pursuant to this subsection are routine technical rules as defined in  
2 Title 5, chapter 375, subchapter 2-A.

3 **Sec. 8. 32 MRSA §2600-D** is enacted to read:

4 **§2600-D. Patients with cognitive impairments; continuing education**

5 By January 1, 2023, the board shall include, as part of required continuing education  
6 for an individual licensed under this chapter, a 2-hour course on Alzheimer's disease and  
7 dementia including diagnosis, behavioral symptoms, respectful and effective  
8 communication, safety, signs of abuse and neglect and identifying signs of self-neglect by  
9 persons living alone. The course is not required for an individual licensed under this  
10 chapter who does not serve adult populations as part of the individual's regular  
11 employment. The board shall adopt rules to implement this section. Rules adopted  
12 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
13 subchapter 2-A.

14 **Sec. 9. 32 MRSA §3270-E, sub-§6** is enacted to read:

15 **6. Patients with cognitive impairments; continuing education.** By January 1,  
16 2023, the board shall adopt rules jointly with the Board of Osteopathic Licensure to  
17 require, as part of continuing education requirements established pursuant to subsection  
18 5, paragraph I, the completion of a 2-hour course on Alzheimer's disease and dementia  
19 including diagnosis, behavioral symptoms, respectful and effective communication,  
20 safety, signs of abuse and neglect and identifying signs of self-neglect by persons living  
21 alone. Rules adopted pursuant to this subsection are routine technical rules as defined in  
22 Title 5, chapter 375, subchapter 2-A.

23 **Sec. 10. 32 MRSA §3300-G** is enacted to read:

24 **§3300-G. Patients with cognitive impairments; continuing education**

25 By January 1, 2023, the board shall include, as part of required continuing education  
26 for an individual licensed under this chapter, a 2-hour course on Alzheimer's disease and  
27 dementia including diagnosis, behavioral symptoms, respectful and effective  
28 communication, safety, signs of abuse and neglect and identifying signs of self-neglect by  
29 persons living alone. The course is not required for an individual licensed under this  
30 chapter who does not serve adult populations as part of the individual's regular  
31 employment. The board shall adopt rules to implement this section. Rules adopted  
32 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
33 subchapter 2-A.

34 **Sec. 11. Hospital plans.** A hospital developing and implementing a plan pursuant  
35 to the Maine Revised Statutes, Title 22, section 1725-B shall consult with the Department  
36 of Health and Human Services and statewide organizations with expertise in the field of  
37 Alzheimer's disease and dementia and include relevant components from the federal  
38 Department of Health and Human Services, Centers for Disease Control and Prevention,  
39 Healthy Brain Initiative's publication, "State and Local Public Health Partnerships to  
40 Address Dementia, The 2018-2023 Road Map," and any later federal plans and the

1 Department of Health and Human Services' State Plan for Alzheimer's Disease and  
2 Related Dementias in Maine.

3

### SUMMARY

4 This bill requires health care practitioners to disclose a diagnosis of Alzheimer's  
5 disease or dementia to an authorized representative or a family or household member  
6 except for a person that is expressly prohibited by the individual diagnosed. The health  
7 care practitioner making the diagnosis must also provide information regarding care  
8 planning services, including assistance understanding the diagnosis, and medical and  
9 nonmedical options for treatment, services and supports and information on how to  
10 access those options.

11 The bill requires that by January 1, 2023 every hospital must have a policy regarding  
12 the recognition and management of patients with Alzheimer's disease and dementia  
13 within that hospital and have the policy on file. The hospital must consult with the  
14 Department of Health and Human Services and statewide organizations with expertise in  
15 the field of Alzheimer's disease and dementia and include relevant portions of the federal  
16 Department of Health and Human Services, Centers for Disease Control and Prevention  
17 "Healthy Brain Initiative" publication and any succeeding plans and the state plan  
18 regarding Alzheimer's disease and related dementias in Maine developed by the  
19 Department of Health and Human Services.

20 The bill also requires continuing education requirements to be adopted by the Board  
21 of Licensure in Medicine, the Board of Osteopathic Licensure and the State Board of  
22 Nursing that relate to diagnosis, behavioral symptoms, respectful and effective  
23 communication, safety, signs of abuse and neglect and identifying signs of self-neglect by  
24 persons living alone with Alzheimer's or dementia. It also requires physician assistants to  
25 receive the same continuing education.

26 The bill also requires the Department of Health and Human Services to provide 4  
27 hours of education and training to all employees of adult protective services at the  
28 beginning of employment.