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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 973
ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES CODE

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AUTHORITY: Implementing and authorized by the Alzheimer's Disease and Related Dementias Act [410 ILCS 406].

SOURCE: Adopted at 43 Ill. Reg. _____, effective _____.

Section 973.100 Definitions

Act – The Alzheimer's Disease and Related Dementias Services Act

Alzheimer's disease and related dementias services – services offered to individuals diagnosed with Alzheimer's disease or a dementia-related disease for the purpose of managing the individual's disease. (Section 10 of the Act)

Alzheimer's Services Director – the person or designee responsible for oversight of Alzheimer's disease and related dementias services.

Client – has the meaning ascribed to it in the Home Health, Home Services, and Home Nursing Agency Code.

Department – the Department of Public Health. (Section 10 of the Act)

Direct access –

provision of nursing care, therapy care or social services; or

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assisting with feeding, dressing, movement, bathing, toileting or other personal needs, with the exception of infrequent or unusual occasions.

Director – the Director of Public Health. (Section 10 of the Act)

Entity – any health care facility licensed under the Assisted Living and Shared Housing Act, the Nursing Home Care Act, the Home Health, Home Services, and Home Nursing Agency Licensing Act, and the Hospice Program Licensing Act.

Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975.

Representative – a person other than the owner not related to the resident, or an agent or employee of an entity not related to the resident, designated in writing by a resident to be his or her representative, or the resident's guardian, or the parent of a resident for whom no guardian has been appointed.

Resident – has the meaning ascribed to it in the Assisted Living and Shared Housing Establishment Code or the Skilled Nursing and Intermediate Care Facilities Code, as applicable.

Section 973.110 Referenced Materials

- a) The Following State Statutes are referenced in this Part:
- 1) Alzheimer's Disease and Related Dementias Special Care Disclosure Act [210 ILCS 4]
 - 2) Assisted Living and Shared Housing Act [210 ILCS 9]
 - 3) Nursing Home Care Act [210 ILCS 45]
 - 4) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
 - 5) Alzheimer's Disease and Related Dementias Services Act [410 ILCS 406]
 - 6) Probate Act of 1975 [755 ILCS 5]
 - 7) Hospice Program Licensing Act [210 ILCS 60]

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- b) The following State Administrative Rules are referenced in this Part:
- 1) Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245)
 - 2) Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
 - 3) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - 4) Hospice Programs (77 Ill. Adm. Code 280)

Section 973.120 Applicability

- a) *Services covered by the Act and this Part include, but are not limited to, health care facilities licensed or certified by the Assisted Living and Shared Housing Act; Nursing Home Care Act; Home Health, Home Services, and Home Nursing Agency Licensing Act; and Hospice Program Licensing Act.*
- b) *The Act and this Part do not apply to physicians licensed to practice medicine in all its branches. (Section 15 of the Act)*
- c) *If a conflict occurs between the Act or this Part and the Assisted Living and Shared Housing Act and its administrative rules (77 Ill. Adm. Code 295), the Nursing Home Care Act and its administrative rules (77 Ill. Adm. Code 300), or the Alzheimer's Disease and Related Dementias Special Care Disclosure Act, then those Acts or rules shall prevail. (Section 25 of the Act)*

Section 973.130 Covered Services

- a) Any and all Alzheimer's disease or related dementias services shall comply with the Act and this Part, and with the Alzheimer's Disease and Related Dementias Special Care Disclosure Act.
- b) The entity's plan for the resident-centered care plan for clients or residents shall be implemented in accordance with nationally recognized standards of care or guidelines for Alzheimer's disease and related dementias. Examples of organizations that promulgate nationally recognized Alzheimer's guidelines

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include, but are not limited to, the Alzheimer's Association (ALZ), the National Institutes of Health (NIH), and the National Institute on Aging (NIA).

Additionally:

- 1) Establishments licensed under the Assisted Living and Shared Housing Establishment Act shall comply with 77 Ill. Adm. Code 295.4060(a) through (i).
 - 2) Facilities licensed under the Nursing Home Care Act shall comply with 77 Ill. Adm. Code 300.7020, 300.7030, 300.7040 and 300.7050.
 - 3) Agencies licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act shall comply with 77 Ill. Adm. Code 245.200, 245.205, 245.210 and 245.211.
- c) *Materials defining the philosophy of the services, specific services offered, and behavior management tactics and drug therapies employed shall be provided to a resident or the resident's representative upon admission or enrollment to an entity, or earlier upon request, including a disclaimer that the services are not certified under the Alzheimer's Disease and Related Dementias Special Care Disclosure Act.*
- d) *Advertising or verbally offering to provide Alzheimer's disease and related dementias services that are not in compliance with the Act and this Part is prohibited. (Section 25 of the Act)*

Section 973.140 Staff Training

- a) The Alzheimer's services director shall have documented course work in dementia care and ability centered care, and shall meet at least one of the following requirements:
- 1) Have an associates or bachelor's degree or be a registered nurse and have at least one year of experience working with persons with Alzheimer's disease and other related dementias and have completed training in ability-centered care (see 77 Ill. Adm. Code 300.7030); or
 - 2) Have a minimum of five years of experience working with persons with Alzheimer's disease and other related dementias, at least two years of which are management experience working with persons with Alzheimer's

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disease and other related dementias and have completed ability centered care training.

- b) The Alzheimer's services director also shall complete at least 12 hours of continuing education annually, especially related to serving residents with Alzheimer's disease and other related dementias.
- c) Alzheimer's services directors working in an entity licensed under 77 Ill. Adm. Code 245 or 280 shall complete at least eight hours of training annually using an Alzheimer's disease and related dementia services curriculum, and shall meet at least one of the following requirements:
 - 1) Achieve a certification from either the Alzheimer's Association's EssentiALZ program, a certified dementia specialist (CDS) credentialing certificate, or certification by the National Council of Certified Dementia Practitioners (CDP) as a certified dementia practitioner. The Alzheimer's services director shall also obtain at least eight hours of training annually using Alzheimer's disease and related dementia services curriculum; or
 - 2) Have a minimum of two years of experience working with persons with Alzheimer's disease and other related dementias, at least one year of which is management experience working with persons with Alzheimer's disease and other related dementias, and have completed ability-centered care training.
- d) *Staff with direct access to clients with Alzheimer's disease or a related dementia hired after January 1, 2019 shall complete a minimum of 6 hours of initial training in the first 60 days of employment using an Alzheimer's disease and related dementias services curriculum.*
- e) Subsection (d) *shall not apply to the following:*
 - 1) *Staff who received at least 6 hours of comparable training in compliance with licensure or certified training requirements prior to being hired; and*
 - 2) *Staff temporarily hired or temporarily detailed by a facility licensed under the Nursing Home Care Act to permit the facility to meet statutory staffing requirements.*

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- f) *An Alzheimer's disease and related dementias services curriculum shall include, at a minimum, the following topics:*
- 1) *Understanding dementia;*
 - 2) *Effectively communicating with individuals with dementia;*
 - 3) *Assisting individuals with dementia in performing activities of daily living;*
 - 4) *Problem solving with individuals with dementia who exhibit challenging behavior;*
 - 5) *Fundamentals of dementia care;*
 - 6) *Safe environments;*
 - 7) *Managing the activities of individuals with dementia;*
 - 8) Ability centered care;
 - 9) Medical treatments of dementia;
 - 10) Ethics and capacity issues;
 - 11) Tests and evaluations used for dementia;
 - 12) Wandering, hoarding, paranoia, and hallucinations;
 - 13) Sundown syndrome;
 - 14) Intimacy and sexuality;
 - 15) Aggressive behaviors and catastrophic behaviors;
 - 16) Depression and Alzheimer's disease;
 - 17) Staff and family relationships;
 - 18) Stress and the caregiver;

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- 19) Multicultural considerations;
 - 20) Pastoral care and preparing for the end of life; and
 - 21) Palliative and end of life care.
- g) *As of January 1, 2019, staff with direct access to clients with dementia shall receive three hours of advanced training on caring for individuals with Alzheimer's disease and related dementias each year. The mandated training shall include, at a minimum:*
- 1) Promoting resident dignity, independence, individuality, privacy and choice;
 - 2) Resident rights and principles of self-determination;
 - 3) Assessing resident capabilities and developing and implementing services plans;
 - 4) Care of elderly persons with physical, cognitive, behavioral and social disabilities;
 - 5) Effectively communicating with individuals with dementia; and
 - 6) Updates for evidence-based interventions to improve the quality of life.
- h) *As of January 1, 2019, Alzheimer's disease and related dementias services employers shall maintain training records and make them available to the Department on request. (Section 30 of the Act)*

Section 973.150 Penalties

- a) *Any entity licensed, certified, or regulated by the State that knowingly holds itself out as a provider of Alzheimer's disease and related dementias services and fails to comply with the Act and this Part is deemed to have violated the statute or statutes governing the licensure, certification, or regulation of the entity and any contract or agreement the entity has with the State.*
- b) *Any entity not operated by the federal government or any agency thereof, or individual not covered by subsection (a), that knowingly holds himself, herself, or*

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itself out as a provider of Alzheimer's disease and related dementias services and fails to comply with the Act and this Part is guilty of a business offense punishable by a fine of at least \$1,001 (Section 40 of the Act).