

ALZHEIMER’S DISEASE AND RELATED DEMENTIAS ACT

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen W. Morgan

House Sponsor: _____

LONG TITLE

General Description:

This bill creates the Alzheimer's State Plan Advisory Council within the Division of Aging and Adult Services and describes the duties of the division in relation to Alzheimer's Disease and related dementias.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Alzheimer's State Plan Advisory Council within the Division of Aging and Adult Services in the Department of Human Services;
- ▶ provides that non-legislative members of the advisory council are not entitled to compensation, but may receive per diem and travel expenses;
- ▶ requires the Division of Aging and Adult Services to:
 - raise public awareness of Alzheimer's disease and related dementias;
 - partner with law enforcement agencies and the banking sector to curb financial abuse of an individual with Alzheimer's disease or a related dementia;
 - develop an endangered person advisory system; and
 - create a voluntary certification program to train a person who works with an individual who suffers from Alzheimer's disease or a related dementia; and
- ▶ authorizes the Division of Aging and Adult Services to partner with a private or non-profit organization to seek private funding for activities authorized under this



28 chapter.

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

31 ▶ to the Department of Human Services - Division of Aging and Adult Services, as a
32 one-time appropriation:

- 33 • from the Alzheimer's State Plan Task Force Restricted Account, \$21,800,
- 34 subject to intent language that the appropriation is non-lapsing and shall be used
- 35 to fund programs and services created by the Alzheimer's Disease and Related
- 36 Dementia's Act.

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 ENACTS:

- 41 **62A-3-501**, Utah Code Annotated 1953
- 42 **62A-3-502**, Utah Code Annotated 1953
- 43 **62A-3-503**, Utah Code Annotated 1953
- 44 **62A-3-504**, Utah Code Annotated 1953
- 45 **62A-3-505**, Utah Code Annotated 1953
- 46 **62A-3-506**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **62A-3-501** is enacted to read:

50 **Part 5. Alzheimer's Disease and Related Dementias Act**

51 **62A-3-501. Title.**

52 This part is known as the "Alzheimer's Disease and Related Dementias Act."

53 Section 2. Section **62A-3-502** is enacted to read:

54 **62A-3-502. Definitions.**

55 As used in this part:

56 (1) "Advisory council" means the Alzheimer's State Plan Advisory Council, created in
57 Section 62A-3-402.

58 (2) "Cognitively impaired person" means a person who, due to age or mental

59 deficiency, suffers from:

- 60 (a) long-term or short-term memory loss;
 61 (b) a reduction of deductive or abstract reasoning skills; or
 62 (c) a lack of judgment as it related to safety awareness.
 63 (3) "Department" means the Department of Human Services.
 64 (4) "Division" means the Division of Aging and Adult Services within the department.
 65 (5) "Related dementia" includes:
 66 (a) frontotemporal dementia;
 67 (b) dementia with lewy bodies;
 68 (c) vascular dementia;
 69 (d) Creutzfeldt-Jakob Disease;
 70 (e) Parkinson's disease;
 71 (f) Huntington disease; and
 72 (g) other dementia that is caused by a progressive degeneration of brain cells.
 73 (6) "State plan" means the five-year plan created by the Alzheimer's State Plan Task
 74 Force, created in S.B. 48, 2011 General Session.

75 Section 3. Section **62A-3-503** is enacted to read:

76 **62A-3-503. Alzheimer's State Plan Advisory Council -- Creation -- Membership --**
 77 **Compensation -- Staff -- Private partnership to seek additional funding.**

78 (1) There is created within the division the Alzheimer's State Advisory Council,
 79 consisting of the following members:

- 80 (a) each of the following, or a designee of each of the following:
 81 (i) the executive director of the department;
 82 (ii) the executive director of the Department of Health; and
 83 (iii) the director of the division;
 84 (b) a member of the House of Representatives appointed by the speaker of the House;
 85 (c) a member of the Senate appointed by the president of the Senate; and
 86 (d) the following members appointed by the director of the division:
 87 (i) an individual who has early stage Alzheimer's disease or related dementia;
 88 (ii) an individual who provides care to a family member with Alzheimer's disease or
 89 related dementia;

- 90 (iii) a licensed physician with experience in the diagnoses, treatment, and research of
91 Alzheimer's disease;
- 92 (iv) a representative of the Long-term Care Ombudsman Program within the
93 department;
- 94 (v) a representative of the personal home care profession;
- 95 (vi) two representatives of the long-term care profession, at least one who represents
96 secure care for individuals with Alzheimer's disease;
- 97 (vii) a representative of the insurance profession;
- 98 (viii) a representative of the area agencies on aging;
- 99 (ix) an individual with expertise in the provision of health services and human services
100 to minorities;
- 101 (x) a licensed attorney with experience in elder law;
- 102 (xi) two representatives of one or more organizations that provide volunteer services
103 relating to the care and support of a person with Alzheimer's disease; and
- 104 (xii) any other individual the director designates as a necessary stakeholder.
- 105 (2) Non-legislative members of the advisory council:
- 106 (a) shall assist the division in implementing provisions of the Alzheimer's State Plan,
107 as practicable and within existing funding, beginning on May 8, 2012 and ending May 8, 2017;
108 and
- 109 (b) may not receive compensation or benefits for the member's service, but may receive
110 per diem and travel expenses in accordance with:
- 111 (i) Section 63A-3-106;
- 112 (ii) Section 63A-3-107; and
- 113 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
114 63A-6-107.
- 115 (3) A legislator who is a member of the advisory council shall:
- 116 (a) fulfill the duties described in Subsection (2)(a); and
- 117 (b) receive salaries and expenses in accordance with Section 36-2-2 and Legislative
118 Joint Rules, Title 5, Chapter 3, Expense and Mileage Reimbursement for Authorized
119 Legislative Meetings, Special Sessions, and Veto Override Sessions.
- 120 (4) The director of the division shall oversee the council and its work.

121 (5) The division shall provide staff support to the advisory council.

122 (6) The division may, in consultation with the advisory council, designate a private or
123 nonprofit organization to seek funding in the form of private donations or grants to fund
124 projects authorized under this part. Funds received under this Subsection (6) shall be deposited
125 in the Alzheimer's State Plan Restricted Account.

126 Section 4. Section **62A-3-504** is enacted to read:

127 **62A-3-504. Division duties.**

128 (1) The division shall:

129 (a) raise public awareness of Alzheimer's disease and related dementias by:

130 (i) partnering with the Department of Health to establish a program with health
131 resource guides devoted to Alzheimer's disease and related dementias, as funding allows;

132 (ii) collaborating with other state agencies to develop and disseminate culturally
133 appropriate print, radio, and television media campaigns for awareness of Alzheimer's disease
134 and related dementias, as funding allows;

135 (iii) developing electronic links on the department's website to ensure that reliable
136 information about Alzheimer's disease and related dementias is available to citizens;

137 (iv) providing the following forms on the department's website:

138 (A) durable power of attorney for healthcare; and

139 (B) physician orders for life sustaining treatment; and

140 (v) investigate options for collecting data on the incidence of Alzheimer's disease and
141 related dementias;

142 (b) partner with law enforcement agencies and the private banking sector to promote
143 the recognition and curbing of potential financial abuse of an individual with Alzheimer's
144 disease or a related dementia; and

145 (c) explore options to develop an endangered person advisory system, in conjunction
146 with the AMBER Alert, through a voluntary partnership with law enforcement, broadcasters,
147 media, and community organizations in the event:

148 (i) a law enforcement agency has confirmed that a cognitively impaired person is
149 missing;

150 (ii) the law enforcement agency believes the circumstances surrounding the
151 disappearance indicate the person is in danger of serious injury or death; and

152 (iii) there is enough descriptive information about the disappearance and the person to
153 ensure that an immediate broadcast of the information could aid in the discovery of the person.

154 (2) The division may seek public and private funding for projects authorized under this
155 part and funds received shall be deposited in the Alzheimer's State Plan Restricted Account.

156 Section 5. Section **62A-3-505** is enacted to read:

157 **62A-3-505. Voluntary Alzheimer's disease and related dementias certification**
158 **program.**

159 (1) The department shall direct an organization seeking training for its staff or an
160 individual seeking professional training in dementia care or elder care to Foundations of
161 Dementia Care or a similar private program which provides training, testing, and certification
162 on:

163 (a) the basics of dementia;

164 (b) improving communication with individuals who suffer from dementia;

165 (c) understanding behavior of individuals with dementia, including wandering;

166 (d) reducing the risk of falls;

167 (e) providing restraint-free care;

168 (f) making a connection with an individual who suffers from dementia; and

169 (g) end-of-life care.

170 (2) The department shall make a list of persons who have successfully completed the
171 certification program described in Subsection (1) available on the department website.

172 (3) Participation in the certification program described in Subsection (1) is voluntary.

173 Section 6. Section **62A-3-506** is enacted to read:

174 **62A-3-506. Alzheimer's State Plan Restricted Account.**

175 (1) There is created a restricted account within the General Fund known as the
176 "Alzheimer's State Plan Restricted Account."

177 (2) The account shall be funded by donations and grants from public or private entities.

178 (3) Funds in the account are nonlapsing.

179 (4) The Legislature shall appropriate funds from the account to fund the operation and
180 support of programs and services provided under this part.

181 **Section 7. Appropriation.**

182 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

183 following sums of money are appropriated from resources not otherwise appropriated or
 184 reduced from amounts previously appropriated out of the funds or accounts indicated for the
 185 fiscal year beginning July 1, 2011 and ending June 30, 2012. These are additions to any
 186 amounts previously appropriated for fiscal year 2012.

187 To Department of Human Services - Division of Aging and Adult Services
 188 From Alzheimer's State Plan Task Force Restricted Account, one-time \$21,800

189 Schedule of Programs:

190 Alzheimer's State Plan Restricted Account \$21,800

191 The Legislature intends that, under Section 63J-1-603, the appropriations under this
 192 section not lapse at the close of fiscal year 2012 and shall be used by the Division of Aging and
 193 Adult Services to implement provisions of the Alzheimer's State Plan.

Legislative Review Note
 as of 1-26-12 5:12 PM

Office of Legislative Research and General Counsel