

Senator Karen W. Morgan proposes the following substitute bill:

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



26 ▶ authorizes the Division of Aging and Adult Services to partner with a private or
27 non-profit organization to seek private funding for activities authorized under this
28 chapter.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **62A-3-501**, Utah Code Annotated 1953

36 **62A-3-502**, Utah Code Annotated 1953

37 **62A-3-503**, Utah Code Annotated 1953

38 **62A-3-504**, Utah Code Annotated 1953

39 **62A-3-505**, Utah Code Annotated 1953

40 **62A-3-506**, Utah Code Annotated 1953



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

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

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

45 **62A-3-501. Title.**

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

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

48 **62A-3-502. Definitions.**

49 As used in this part:

50 (1) "Advisory council" means the Alzheimer's State Plan Advisory Council, created in

51 Section 62A-3-402.

52 (2) "Cognitively impaired person" means a person who, due to age or mental
53 deficiency, suffers from:

54 (a) long-term or short-term memory loss;

55 (b) a reduction of deductive or abstract reasoning skills; or

56 (c) a lack of judgment as it related to safety awareness.

- 57 (3) "Department" means the Department of Human Services.
- 58 (4) "Division" means the Division of Aging and Adult Services within the department.
- 59 (5) "Related dementia" includes:
- 60 (a) frontotemporal dementia;
- 61 (b) dementia with lewy bodies;
- 62 (c) vascular dementia;
- 63 (d) Creutzfeldt-Jakob Disease;
- 64 (e) Parkinson's disease;
- 65 (f) Huntington disease; and
- 66 (g) other dementia that is caused by a progressive degeneration of brain cells.
- 67 (6) "State plan" means the five-year plan created by the Alzheimer's State Plan Task
- 68 Force, created in S.B. 48, 2011 General Session.

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

70 **62A-3-503. Alzheimer's State Plan Advisory Council -- Creation -- Membership --**
71 **Compensation -- Staff -- Private partnership to seek additional funding.**

- 72 (1) There is created within the division the Alzheimer's State Advisory Council,
73 consisting of the following members:
- 74 (a) each of the following, or a designee of each of the following:
 - 75 (i) the executive director of the department;
 - 76 (ii) the executive director of the Department of Health; and
 - 77 (iii) the director of the division;
 - 78 (b) a member of the House of Representatives appointed by the speaker of the House;
 - 79 (c) a member of the Senate appointed by the president of the Senate; and
 - 80 (d) the following members appointed by the director of the division:
 - 81 (i) an individual who has early stage Alzheimer's disease or related dementia;
 - 82 (ii) an individual who provides care to a family member with Alzheimer's disease or
 - 83 related dementia;
 - 84 (iii) a licensed physician with experience in the diagnoses, treatment, and research of
 - 85 Alzheimer's disease;
 - 86 (iv) a representative of the Long-term Care Ombudsman Program within the
 - 87 department;

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

119 in the Alzheimer's State Plan Restricted Account.

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

121 **62A-3-504. Division duties.**

122 (1) The division shall:

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

124 (i) partnering with the Department of Health to establish a program with health

125 resource guides devoted to Alzheimer's disease and related dementias, as funding allows;

126 (ii) collaborating with other state agencies to develop and disseminate culturally

127 appropriate print, radio, and television media campaigns for awareness of Alzheimer's disease

128 and related dementias, as funding allows;

129 (iii) developing electronic links on the department's website to ensure that reliable

130 information about Alzheimer's disease and related dementias is available to citizens;

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

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

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

134 (v) investigate options for collecting data on the incidence of Alzheimer's disease and

135 related dementias;

136 (b) partner with law enforcement agencies and the private banking sector to promote

137 the recognition and curbing of potential financial abuse of an individual with Alzheimer's

138 disease or a related dementia; and

139 (c) explore options to develop an endangered person advisory system, in conjunction

140 with the AMBER Alert, through a voluntary partnership with law enforcement, broadcasters,

141 media, and community organizations in the event:

142 (i) a law enforcement agency has confirmed that a cognitively impaired person is

143 missing;

144 (ii) the law enforcement agency believes the circumstances surrounding the

145 disappearance indicate the person is in danger of serious injury or death; and

146 (iii) there is enough descriptive information about the disappearance and the person to

147 ensure that an immediate broadcast of the information could aid in the discovery of the person.

148 (2) The division may seek public and private funding for projects authorized under this

149 part and funds received shall be deposited in the Alzheimer's State Plan Restricted Account.

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

151 **62A-3-505. Voluntary Alzheimer's disease and related dementias certification**
152 **program.**

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

157 (a) the basics of dementia;

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

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

160 (d) reducing the risk of falls;

161 (e) providing restraint-free care;

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

163 (g) end-of-life care.

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

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

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

168 **62A-3-506. Alzheimer's State Plan Restricted Account.**

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

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

172 (3) Funds in the account are nonlapsing.

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

175 (5) Any funds remaining from grant funds authorized under S.B. 48, 2011 General
176 Session shall be deposited in the Alzheimer's State Plan Restricted Account.