

LAWS OF DELAWARE
VOLUME 84
CHAPTER 324
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 300

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LONG-TERM CARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 11, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1102. Definitions.

As used in this chapter:

() “CMS” means the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

(3) “Division” ~~shall mean~~ means the Division of Health Care ~~Quality; Quality.~~

() “Memory Care Services” means ongoing specialized care for residents who demonstrate symptoms of memory-impacting conditions, including traumatic brain injuries, Alzheimer’s disease, or other dementias, to an extent that such symptoms interfere with activities of daily living. Such care is designed to manage the behavioral and psychological symptoms of memory-impacting conditions, including traumatic brain injuries, Alzheimer’s disease, or other dementias. Such care includes planned group and individual programming and person-centered care practices to support activities of daily living for residents living with memory-impacting conditions, including traumatic brain injuries, Alzheimer’s disease, or other dementias. Memory care services may be provided in a facility that is not or does not include a secured memory care unit. Memory care services includes dementia care services.

() “Secured Memory Care Unit” means a designated area or setting designed for individuals who demonstrate symptoms of memory-impacting conditions, including traumatic brain injury, Alzheimer’s disease, or other dementias, that is secured for the purpose of preventing a resident from exiting, or for the purpose of limiting a resident’s ability to exit, the secured area or setting. A secured memory care unit is not solely an individual resident’s personal living area. A secured memory care unit does not include all facilities that provide memory care services.

§ 1104A. Voluntary accreditation for assisted living facilities.

(a) The Department shall maintain a publicly accessible registry of assisted living facilities not subject to CMS regulations that have attained accreditation by the Joint Commission, a successor organization, or an independent accrediting organization approved by the Department.

(b) An assisted living facility that wishes to be included on the Department’s registry must submit proof of accreditation to the Department at least once a year and at least 90 days prior to license renewal.

(c) The Department may promulgate and adopt rules and regulations to implement the provisions of this section.

§ 1104B. Certification for assisted living facilities that provide memory care services.

(a) In the voluntary accreditation registry maintained by the Department under § 1104A of this title, the Department shall designate which accredited assisted living facilities that provide memory care services have submitted proof of a certification for the provision of memory care services by the Joint Commission, a successor organization, or an independent accrediting organization approved by the Department.

(b) Assisted living facilities that wish to have their certification for the provision of memory care services included in the accreditation registry must submit proof of certification to the Department at least once a year and at least 90 days prior to license renewal.

(c) The Department may promulgate and adopt rules and regulations to implement the provisions of this section.

Approved August 1, 2024