



SPONSOR: Rep. K. Johnson & Sen. Mantzavinos & Sen. Townsend
& Rep. Michael Smith
Reps. Harris, D. Short, Bolden, Bush; Sens. Sokola,
Hansen, Hoffner, Huxtable, Walsh, Poore

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

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.

() “Dementia Care Services” means ongoing specialized care for residents who have been diagnosed with memory-impacting conditions, such as Alzheimer’s disease or other dementias. Such care is designed to manage the behavioral and psychological symptoms of memory-impacting conditions, such as 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, such as Alzheimer’s disease or other dementias. Dementia care services may be provided in a facility that is not or does not include a secured dementia care unit.

() “Secured dementia care unit” means a designated area or setting designed for individuals with Alzheimer’s disease or other dementia that is secured to prevent a resident from exiting, or to limit a resident’s ability to exit, the secured area or setting. A secured dementia care unit is not solely an individual resident’s living area. Secured dementia care unit does not include all facilities that provide dementia care services.

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

§ 1104A. Accreditation for assisted living facilities.

(a) All assisted living facilities that are not subject to CMS regulations must maintain accreditation by the Joint Commission, a successor organization, or an independent accrediting organization approved by the Department.

(b) Assisted living facilities subject to this section must submit proof of accreditation to the Department at least once a year and at least 90 days prior to license renewal.

(c) All such facilities must obtain initial certification under this section no later than July 1, 2026.

(d) Failure to comply with this section and its applicable regulations is grounds for enforcement action under this chapter.

(e) The Department shall promulgate and adopt rules and regulations to fully and effectively implement the provisions of this section.

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

(a) In addition to the accreditation required under § 1104A of this title, all assisted living facilities that are not subject to CMS regulations and that provide dementia care services must also maintain a certification for the provision of dementia care services by the Joint Commission, a successor organization, or an independent accrediting organization approved by the Department.

(b) Assisted living facilities subject to this section must submit proof of certification to the Department at least once a year and at least 90 days prior to license renewal.

(c) All such facilities must obtain initial certification under this section no later than July 1, 2026.

(d) Failure to comply with this section and its applicable regulations is grounds for enforcement action under this chapter.

(e) The Department shall promulgate and adopt rules and regulations to fully and effectively implement the provisions of this section.

§ 1105. Denial of license or its renewal.

(a) The Department may deny a license to any applicant or refuse to renew a license to any license holder if the Department finds that the applicant or license holder or any partner, officer, director, managerial employee or controlling person of the applicant or license holder has done any of the following:

(1) Failed to meet the requirements of ~~§ 1104~~ §§ 1104, 1104A, or 1104B of this title.

SYNOPSIS

This Act requires that all assisted living facilities that are not subject to CMS regulations maintain accreditation from an independent accrediting organization approved by the Department of Health and Social Services, that assisted living facilities that provide dementia care services maintain a certification for the provision of dementia care services from an approved independent accrediting organization, and that all assisted living facilities must submit proof of accreditation and, if applicable, certification to the Department. This Act also authorizes DHSS to promulgate rules and regulations to carry out these provisions, and it defines dementia care services and secured dementia care unit. Violations of this Act are subject to enforcement actions under Chapter 11 of Title 16 and are a basis for the nonrenewal of a facility's license.

This bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.