



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

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
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 § 1102, 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 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. 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 with memory-impacting conditions, such as Alzheimer’s disease or other dementias, 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 memory care unit is not solely an individual resident’s living area. A secured memory care unit does not include all facilities that provide memory care services.

§ 1104A. Accreditation for assisted living facilities.

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

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

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

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

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

30 § 1104B. Certification for assisted living facilities that provide memory care services.

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

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

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

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

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

42 § 1105. Denial of license or its renewal.

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

46 (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 memory care services maintain a certification for the provision of memory 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 memory care services and secured memory 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.

This Substitute differs from the original HB300 in that the term "memory care" is used in place of "dementia care."