

HOUSE STATE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 250

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

AN ACT

RELATING TO PUBLIC HEALTH; ESTABLISHING LONG-TERM CARE FACILITY  
STAFF DEMENTIA TRAINING REQUIREMENTS AND CERTIFICATES;  
PROVIDING FOR OVERSIGHT AND RULEMAKING BY THE DEPARTMENT OF  
HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Long-Term Care Facility Dementia Training Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Long-Term Care Facility Dementia Training Act:

A. "department" means the department of health;

B. "direct care service" means in-person, video,  
audio or telephonic services provided to long-term care  
facility residents that maintain or improve the health and  
quality of life of the residents;

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1 C. "direct care service staff member" means a  
2 person employed by or contracted with a long-term care  
3 facility, either directly or through a third-party agreement,  
4 to provide direct services to long-term care facility  
5 residents; and

6 D. "long-term care facility" means every long-term  
7 care facility licensed by the state.

8 SECTION 3. [NEW MATERIAL] TRAINING REQUIRED.--

9 A. Each long-term care facility and long-term care  
10 facility contractor that is subject to the Long-Term Care  
11 Facility Dementia Training Act shall provide training from the  
12 department's current list of approved standardized training  
13 programs and continuing education as prescribed by the  
14 department to each direct care service staff member that it  
15 employs on:

16 (1) standards approved by the department for  
17 recognizing and treating Alzheimer's disease and dementia;

18 (2) person-centered care;

19 (3) activities of daily living; and

20 (4) any other subjects within the scope of  
21 long-term care facility dementia training identified by the  
22 department pursuant to the Long-Term Care Facility Dementia  
23 Training Act.

24 B. Training may be online or in-person and shall be  
25 a training program of at least four hours and approved by the

1 department pursuant to Subsection F of Section 4 of the Long-  
2 Term Care Facility Dementia Training Act.

3 C. A person conducting the training shall have:

4 (1) at least two years of work experience  
5 related to Alzheimer's disease, dementia, health care,  
6 gerontology or other related field; and

7 (2) successfully completed training equivalent  
8 to the requirements provided in the Long-Term Care Facility  
9 Dementia Training Act, including passage of any skills  
10 competency or knowledge test required by the department  
11 pursuant to Subsection B of Section 4 of the Long-Term Care  
12 Facility Dementia Training Act.

13 D. Every direct care service staff member shall  
14 complete the requirements for and obtain certification as  
15 provided in Subsection E of this section.

16 E. A direct care service staff member:

17 (1) hired after January 1, 2022 shall complete  
18 the training required pursuant to this section within sixty  
19 days of the start of employment;

20 (2) hired prior to January 1, 2022 who has not  
21 received training within the past twenty-four months equivalent  
22 to the requirements set forth in the Long-Term Care Facility  
23 Dementia Training Act shall complete training within sixty days  
24 of January 1, 2022;

25 (3) hired prior to January 1, 2022 who

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1 received training within the past twenty-four months equivalent  
2 to the requirements set forth in the Long-Term Care Facility  
3 Dementia Training Act shall be issued a training certificate by  
4 the department; and

5 (4) who has successfully obtained a training  
6 certificate but has had a lapse of dementia-related direct care  
7 service employment for twenty-four consecutive months or more  
8 shall complete training within sixty days of the start of  
9 employment.

10 F. Every long-term care facility contractor that is  
11 subject to the Long-Term Care Facility Dementia Training Act  
12 shall provide a copy of every direct care service staff  
13 member's dementia training certificate obtained pursuant to  
14 Paragraph (3) of Subsection E of this section or Section 5 of  
15 the Long-Term Care Facility Dementia Training Act to every  
16 long-term care facility where that staff member provides direct  
17 care service.

18 SECTION 4. [NEW MATERIAL] DEPARTMENT OVERSIGHT AND  
19 RULEMAKING.--In consultation with the aging and long-term  
20 services department, the department shall:

21 A. identify, approve, publish a list of and  
22 periodically review online or in-person standardized training  
23 programs that meet the requirements of the Long-Term Care  
24 Facility Dementia Training Act;

25 B. develop or approve and periodically review

1 required evaluation instruments that demonstrate competency and  
2 knowledge gained in training topics;

3 C. promulgate rules:

4 (1) for evaluation and continuing education on  
5 the training topics for treatment and care of persons with  
6 Alzheimer's disease or dementia; and

7 (2) as necessary to carry out the Long-Term  
8 Care Facility Dementia Training Act;

9 D. issue interpretative guidance as necessary to  
10 ensure compliance with the Long-Term Care Facility Dementia  
11 Training Act;

12 E. oversee and approve all long-term care facility  
13 dementia training programs related to the Long-Term Care  
14 Facility Dementia Training Act;

15 F. issue training certificates pursuant to  
16 Paragraph (3) of Subsection E of Section 3 of the Long-Term  
17 Care Facility Dementia Training Act; and

18 G. give notice of the requirements of the Long-Term  
19 Care Facility Dementia Training Act to long-term care  
20 facilities within ninety days of the effective date of that  
21 act.

22 SECTION 5. [NEW MATERIAL] DEMENTIA TRAINING

23 CERTIFICATES.--The provider of training conducted pursuant to  
24 the Long-Term Care Facility Dementia Training Act shall issue a  
25 certificate to staff upon completion of initial training. The

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1 certificate shall be valid so long as the certificate holder  
2 meets the continuing education requirements set forth by the  
3 department pursuant to the Long-Term Care Facility Dementia  
4 Training Act and the certificate holder has not had a lapse of  
5 dementia-related direct care service employment for twenty-four  
6 consecutive months or more. The certificate shall be valid  
7 among long-term care facilities. Each long-term care facility  
8 and long-term care facility contractor that is subject to the  
9 Long-Term Care Facility Dementia Training Act shall be  
10 responsible for maintaining documentation regarding completed  
11 dementia training, evaluation and continuing education for each  
12 direct care service staff member.

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