

HOUSE BILL 446

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Linda Serrato

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LONG-TERM CARE; AMENDING THE LONG-TERM CARE FACILITY DEMENTIA TRAINING ACT TO UPDATE TRAINING PROGRAM REQUIREMENTS.

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

**SECTION 1.** Section 24-17B-2 NMSA 1978 (being Laws 2021, Chapter 111, Section 2) is amended to read:

"24-17B-2. DEFINITIONS.--As used in the Long-Term Care

.224453.2AIC February 24, 2023 (2:05pm)

underscoring material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

Facility Dementia Training Act:

- A. "department" means the department of health;
- B. "direct care service" means services provided to long-term care facility residents that maintain or improve the health and quality of life of the residents;
- C. "direct care service staff member" means a person ~~[(1)]~~ employed by or contracted with a long-term care facility ~~[either directly or through a third-party agreement]~~ to provide in-person direct care services to long-term care facility residents. ~~[or~~

~~(2) contracted with a long-term care facility, either directly or through a third-party agreement, to provide at least ten hours per week in direct care services by video, audio or telephonic means]~~ "Direct care service staff member" does not include a registered nurse licensed pursuant to the Nursing Practice Act or a physician licensed pursuant to the Medical Practice Act who has received specialized training or education in geriatric care; and

- D. "long-term care facility" means ~~[every]~~ a long-term care facility licensed by the state HCPAC ~~→~~ **that is not otherwise required to provide at least four hours of dementia care training under state or federal law** ~~←~~HCPAC . "Long-term care facility" does not include a facility licensed pursuant to the Public Health Act as an intermediate care facility for individuals with intellectual disabilities."

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

SECTION 2. Section 24-17B-3 NMSA 1978 (being Laws 2021, Chapter 111, Section 3) is amended to read:

"24-17B-3. TRAINING REQUIRED.--

A. Each long-term care facility [~~and long-term care facility contractor~~] that is subject to the Long-Term Care Facility Dementia Training Act shall provide [~~training from the department's current list of approved standardized~~] at least four hours of dementia training [~~programs and continuing education as prescribed by the department~~] to each direct care service staff member that it employs on:

- (1) [~~standards approved by the department for~~] recognizing and treating Alzheimer's disease and dementia;
- (2) person-centered care;
- (3) activities of daily living; [~~and~~]
- (4) [~~any other subjects within the scope of long-term care facility dementia training identified by the department pursuant to the Long-Term Care Facility Dementia Training Act~~] an overview of the different types of dementia;
- (5) strategies to manage the behavior of people who have dementia; and
- (6) strategies to effectively communicate with people who have dementia.

B. Training may be online or in-person and shall be a training program of at least four hours. [~~and approved by the department pursuant to Section 5 of the Long-Term Care~~

.224453.2AIC February 24, 2023 (2:05pm)

underscoring material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight  
delete = → bold, red, highlight, strikethrough

~~Facility Dementia Training Act]~~ Each long-term care facility shall submit the training program that it uses or proposes to use to the department for review. If the department finds that the training program does not satisfy the purposes of the Long-Term Care Facility Dementia Training Act, it shall require the long-term care facility to submit a new proposed training program.

C. A person [~~conducting~~] designing the training shall have [~~(1)~~] at least two years of work experience related to Alzheimer's disease, dementia, health care, gerontology or other related field [~~and~~

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

D. Every direct care service staff member shall complete the requirements for and obtain [~~certification~~] a training certificate as provided in Subsection E of this section.

E. A direct care service staff member:

(1) hired after January 1, 2022 shall complete the training required pursuant to this section within [~~sixty~~] ninety days of the start of employment;

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

(3) hired prior to January 1, 2022 who received training within the past twenty-four months equivalent to the requirements set forth in the Long-Term Care Facility Dementia Training Act shall be issued a training certificate by the [~~department~~] long-term care facility that employs the direct care service staff member; and

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

F. [~~Every~~] Any long-term care facility [~~contractor that is subject to the Long-Term Care Facility Dementia Training Act shall provide a copy of every direct care service staff member's dementia training certificate obtained pursuant to Paragraph (3) of Subsection E of this section or Section 5 of the Long-Term Care Facility Dementia Training Act to every long-term care facility where that staff member provides direct care service~~] that contracts for the services of a direct care service staff member HCPAC→~~shall~~←HCPAC HCPAC→~~may~~←HCPAC

include a requirement in the contract that the direct care service staff member has received dementia care training that satisfies the requirements of the Long-Term Care Facility Dementia Training Act."

SECTION 3. Section 24-17B-4 NMSA 1978 (being Laws 2021, Chapter 111, Section 4) is amended to read:

"24-17B-4. DEPARTMENT OVERSIGHT AND RULEMAKING.--In consultation with the aging and long-term services department, the department shall:

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

B. develop [~~or approve~~] and periodically review required evaluation instruments that demonstrate competency and knowledge gained in training topics;

C. promulgate rules:

(1) for evaluation [~~and continuing education~~] on the training topics for treatment and care of persons with Alzheimer's disease or dementia; HCPAC→~~and~~←HCPAC

Hf11→HCPAC→(2) ~~requiring dementia care training to be included as part of an annual continuing education training requirement for direct care service staff members at long-term care facilities; and~~←HCPAC←Hf11

Hf11→(2) requiring an hour of dementia care

.224453.2AIC February 24, 2023 (2:05pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

training to be included as part of an annual continuing education training requirement for direct care service staff members at long-term care facilities, unless additional time is necessitated to address changing standards of care; and←Hf11

Hf11→HCPAC→(2)←HCPAC HCPAC→(3)←HCPAC←Hf11

Hf11→Hf11→(2)←Hf11←Hf11 Hf11→(3)←Hf11 as necessary to carry out the Long-Term Care Facility Dementia Training Act;

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

E. [~~oversee and approve~~] review all long-term care facility dementia training programs related to the Long-Term Care Facility Dementia Training Act; and

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

~~6.]~~ F. give notice of the requirements of the Long-Term Care Facility Dementia Training Act to long-term care facilities within ninety days of [~~the effective date of that act~~] June 18, 2021."

SECTION 4. Section 24-17B-5 NMSA 1978 (being Laws 2021, Chapter 111, Section 5) is amended to read:

"24-17B-5. DEMENTIA TRAINING CERTIFICATES.--The provider of training conducted pursuant to the Long-Term Care Facility Dementia Training Act shall issue a certificate to staff upon

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight  
delete = → bold, red, highlight, strikethrough

completion of initial training. The certificate shall be valid so long as the certificate holder meets the [~~continuing education~~] requirements set forth by the department pursuant to the Long-Term Care Facility Dementia Training Act and the certificate holder has not had a lapse of dementia-related direct care service employment for twenty-four consecutive months or more. The certificate shall be valid among long-term care facilities. Each long-term care facility and long-term care facility contractor that is subject to the Long-Term Care Facility Dementia Training Act shall be responsible for maintaining documentation regarding completed dementia training and evaluation [~~and continuing education~~] for each direct care service staff member."

SECTION 5. TEMPORARY PROVISION.--The aging and long-term services department shall give notice of the new requirements of the Long-Term Care Facility Dementia Training Act to long-term care facilities within ninety days of the effective date of this act.

SECTION 6. APPLICABILITY.--The provisions of Subsection F of Section 24-17B-3 NMSA 1978 apply to agreements, or renewals or extensions of agreements, executed on or after the effective date of this act.