

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

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

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 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

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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 Hf11→in-person, video, audio or telephonic←Hf11 services provided to long-term care facility residents that maintain or improve the health and quality of life of the residents;

Hf11→C. ~~"direct care service staff member" means a person employed by or contracted with a long-term care facility, either directly or through a third-party agreement, to provide direct services to long-term care facility residents; and~~←Hf11

Hf11→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; and←Hf11

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

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SECTION 3. [NEW MATERIAL] 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 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.

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 Sfl1→~~Subsection F of Section 4~~←Sfl1 Sfl1→**Section 5**←Sfl1 of the Long-Term Care Facility Dementia Training Act.

C. A person conducting 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

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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 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 days of the start of employment;

(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; 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 days of the start of employment.

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F. Every 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.

SECTION 4. [NEW MATERIAL] 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; and

(2) 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 all long-term care facility

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dementia training programs related to the Long-Term Care Facility Dementia Training Act;

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

G. 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.

SECTION 5. [NEW MATERIAL] 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 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, evaluation and continuing education for each direct care service staff member.

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