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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. SHORT TITLE.--This act may be cited as the
"Long-Term Care Facility Dementia Training Act".

SECTION 2. DEFINITIONS.--As used in the Long-Term Care
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; and

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

3 **SECTION 3. TRAINING REQUIRED.--**

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

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

13 (2) person-centered care;

14 (3) activities of daily living; and

15 (4) any other subjects within the scope of
16 long-term care facility dementia training identified by the
17 department pursuant to the Long-Term Care Facility Dementia
18 Training Act.

19 B. Training may be online or in-person and shall
20 be a training program of at least four hours and approved by
21 the department pursuant to Section 5 of the Long-Term Care
22 Facility Dementia Training Act.

23 C. A person conducting the training shall have:

24 (1) at least two years of work experience
25 related to Alzheimer's disease, dementia, health care,

1 gerontology or other related field; and

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

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

11 E. A direct care service staff member:

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

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

20 (3) hired prior to January 1, 2022 who
21 received training within the past twenty-four months
22 equivalent to the requirements set forth in the Long-Term
23 Care Facility Dementia Training Act shall be issued a
24 training certificate by the department; and

25 (4) who has successfully obtained a training

1 certificate but has had a lapse of dementia-related direct
2 care service employment for twenty-four consecutive months or
3 more shall complete training within sixty days of the start
4 of employment.

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

13 SECTION 4. DEPARTMENT OVERSIGHT AND RULEMAKING.--In
14 consultation with the aging and long-term services
15 department, the department shall:

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

20 B. develop or approve and periodically review
21 required evaluation instruments that demonstrate competency
22 and knowledge gained in training topics;

23 C. promulgate rules:

24 (1) for evaluation and continuing education
25 on the training topics for treatment and care of persons with

1 Alzheimer's disease or dementia; and

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

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

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

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

13 G. give notice of the requirements of the Long-
14 Term Care Facility Dementia Training Act to long-term care
15 facilities within ninety days of the effective date of that
16 act.

17 **SECTION 5. DEMENTIA TRAINING CERTIFICATES.--**The
18 provider of training conducted pursuant to the Long-Term Care
19 Facility Dementia Training Act shall issue a certificate to
20 staff upon completion of initial training. The certificate
21 shall be valid so long as the certificate holder meets the
22 continuing education requirements set forth by the department
23 pursuant to the Long-Term Care Facility Dementia Training Act
24 and the certificate holder has not had a lapse of dementia-
25 related direct care service employment for twenty-four

1 consecutive months or more. The certificate shall be valid
2 among long-term care facilities. Each long-term care facility
3 and long-term care facility contractor that is subject to the
4 Long-Term Care Facility Dementia Training Act shall be
5 responsible for maintaining documentation regarding completed
6 dementia training, evaluation and continuing education for
7 each direct care service staff member.

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