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. "administrative staff member" means a senior staff member at a long-term care facility, including an administrator or managerial staff member who directly supervises a direct service staff member;

B. "direct service staff member" means a staff
member whose work involves care for persons at a long-term care facility and includes:

(1) an activity director;
(2) a certified nurse aide;
(3) a certified nurse practitioner;
(4) a dietitian;
(5) a home health aide;
(6) a licensed practical nurse;
(7) a nutritionist;
(8) an occupational therapist;
(9) a personal care aide;
(10) a personal care assistant;
(11) a physician assistant;
(12) a physical therapist;
(13) a registered nurse;
(14) a speech-language pathologist; or
(15) a social worker;

C. "department" means the department of health;

D. "long-term care facility" means any residential facility that provides care to one or more persons unrelated to the owner or operator of the facility, including:

(1) a skilled nursing facility;
(2) an intermediate care nursing facility;
(3) an adult residential shelter care home;
(4) any other adult care home or adult
residential care facility;

(5) a continuing care community;

(6) a swing bed in an acute care facility or extended care facility; or

(7) any adult daycare facility; and

E. "staff member" includes a full-time or part-time employee, independent consultant, contractor or subcontractor of a long-term care facility.

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

A. Each long-term care facility shall provide training and continuing education to each administrative staff member and direct service staff member on:

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

(2) person-centered assessment and 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 approved by the department pursuant to Subsection E of Section 4 of the Long-Term Care Facility Dementia Training Act.

C. A person conducting the training shall have:
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 administrative staff member or direct service staff member shall complete the requirements for and obtain certification as provided in Subsection E of this section.

E. An administrative services staff member or direct 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 service or administration employment for twenty-four consecutive months or more shall complete training within sixty days of the start of employment.

SECTION 4. [NEW MATERIAL] DEPARTMENT OVERSIGHT AND RULEMAKING.--The department shall:

A. identify, approve, publish a list of and periodically review 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 for evaluation and continuing education on the training topics for treatment and care of persons with Alzheimer's disease or dementia;

D. oversee and approve all long-term care facility training programs;

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

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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.

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 service or administration employment for twenty-four consecutive months or more. The certificate shall be valid among long-term care facilities. Each administrative staff member shall be responsible for maintaining documentation regarding completed dementia training, evaluation and continuing education for each direct service staff member.

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