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;
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

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

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 Subsection F of Section 4 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 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.

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
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
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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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