

HOUSE BILL 446

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

INTRODUCED BY

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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
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 [(-)] employed by or contracted with a long-term care

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1 facility [~~either directly or through a third-party agreement~~]
2 to provide in-person direct care services to long-term care
3 facility residents. [~~or~~

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

12 D. "long-term care facility" means [~~every~~] a long-
13 term care facility licensed by the state. "Long-term care
14 facility" does not include a facility licensed pursuant to the
15 Public Health Act as an intermediate care facility for
16 individuals with intellectual disabilities."

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

19 "24-17B-3. TRAINING REQUIRED.--

20 A. Each long-term care facility [~~and long-term care~~
21 ~~facility contractor~~] that is subject to the Long-Term Care
22 Facility Dementia Training Act shall provide [~~training from the~~
23 ~~department's current list of approved standardized~~] at least
24 four hours of dementia training [~~programs and continuing~~
25 ~~education as prescribed by the department~~] to each direct care

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1 service staff member that it employs on:

2 (1) ~~[standards approved by the department for]~~
3 recognizing and treating Alzheimer's disease and dementia;

4 (2) person-centered care;

5 (3) activities of daily living; ~~[and]~~

6 (4) ~~[any other subjects within the scope of~~
7 ~~long-term care facility dementia training identified by the~~
8 ~~department pursuant to the Long-Term Care Facility Dementia~~
9 ~~Training Act]~~ an overview of the different types of dementia;

10 (5) strategies to manage the behavior of
11 people who have dementia; and

12 (6) strategies to effectively communicate with
13 people who have dementia.

14 B. Training may be online or in-person and shall be
15 a training program of at least four hours. ~~[and approved by~~
16 ~~the department pursuant to Section 5 of the Long-Term Care~~
17 ~~Facility Dementia Training Act]~~ Each long-term care facility
18 shall submit the training program that it uses or proposes to
19 use to the department for review. If the department finds that
20 the training program does not satisfy the purposes of the Long-
21 Term Care Facility Dementia Training Act, it shall require the
22 long-term care facility to submit a new proposed training
23 program.

24 C. A person ~~[conducting]~~ designing the training
25 shall have ~~[+]~~ at least two years of work experience related

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1 to Alzheimer's disease, dementia, health care, gerontology or
2 other related field [~~and~~

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

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

13 E. A direct care service staff member:

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

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

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

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1 the ~~[department]~~ long-term care facility that employs the
2 direct care service staff member; and

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

8 F. ~~[Every]~~ Any long-term care facility ~~[contractor~~
9 ~~that is subject to the Long-Term Care Facility Dementia~~
10 ~~Training Act shall provide a copy of every direct care service~~
11 ~~staff member's dementia training certificate obtained pursuant~~
12 ~~to Paragraph (3) of Subsection E of this section or Section 5~~
13 ~~of the Long-Term Care Facility Dementia Training Act to every~~
14 ~~long-term care facility where that staff member provides direct~~
15 ~~care service]~~ that contracts for the services of a direct care
16 service staff member shall include a requirement in the
17 contract that the direct care service staff member has received
18 dementia care training that satisfies the requirements of the
19 Long-Term Care Facility Dementia Training Act."

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

22 "24-17B-4. DEPARTMENT OVERSIGHT AND RULEMAKING.--In
23 consultation with the aging and long-term services department,
24 the department shall:

25 A. identify, ~~[approve]~~ publish a list of and

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1 periodically review online or in-person standardized training
2 programs that meet the requirements of the Long-Term Care
3 Facility Dementia Training Act;

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

7 C. promulgate rules:

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

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

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

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

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

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

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

3 "24-17B-5. DEMENTIA TRAINING CERTIFICATES.--The provider
4 of training conducted pursuant to the Long-Term Care Facility
5 Dementia Training Act shall issue a certificate to staff upon
6 completion of initial training. The certificate shall be valid
7 so long as the certificate holder meets the [~~continuing~~
8 ~~education~~] requirements set forth by the department pursuant to
9 the Long-Term Care Facility Dementia Training Act and the
10 certificate holder has not had a lapse of dementia-related
11 direct care service employment for twenty-four consecutive
12 months or more. The certificate shall be valid among long-term
13 care facilities. Each long-term care facility and long-term
14 care facility contractor that is subject to the Long-Term Care
15 Facility Dementia Training Act shall be responsible for
16 maintaining documentation regarding completed dementia training
17 and evaluation [~~and continuing education~~] for each direct care
18 service staff member."

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

24 SECTION 6. APPLICABILITY.--The provisions of Subsection F
25 of Section 24-17B-3 NMSA 1978 apply to agreements, or renewals

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1 or extensions of agreements, executed on or after the effective
2 date of this act.

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