

HOUSE BILL 250

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

INTRODUCED BY

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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. [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

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1 member whose work involves care for persons at a long-term care
2 facility and includes:

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

18 C. "department" means the department of health;

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

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

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1 residential care facility;

2 (5) a continuing care community;

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

5 (7) any adult daycare facility; and

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

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

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

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

15 (2) person-centered assessment and care;

16 (3) activities of daily living; and

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

21 B. Training may be online or in-person and shall be
22 a training program approved by the department pursuant to
23 Subsection E of Section 4 of the Long-Term Care Facility
24 Dementia Training Act.

25 C. A person conducting the training shall have:

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1 (1) at least two years of work experience
2 related to Alzheimer's disease, dementia, health care,
3 gerontology or other related field; and

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

10 D. Every administrative staff member or direct
11 service staff member shall complete the requirements for and
12 obtain certification as provided in Subsection E of this
13 section.

14 E. An administrative services staff member or
15 direct service staff member:

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

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

24 (3) hired prior to January 1, 2022 who
25 received training within the past twenty-four months equivalent

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1 to the requirements set forth in the Long-Term Care Facility
2 Dementia Training Act shall be issued a training certificate by
3 the department; and

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

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

11 A. identify, approve, publish a list of and
12 periodically review standardized training programs that meet
13 the requirements of the Long-Term Care Facility Dementia
14 Training Act;

15 B. develop or approve and periodically review
16 required evaluation instruments that demonstrate competency and
17 knowledge gained in training topics;

18 C. promulgate rules for evaluation and continuing
19 education on the training topics for treatment and care of
20 persons with Alzheimer's disease or dementia;

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

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

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1 F. give notice of the requirements of the Long-Term
2 Care Facility Dementia Training Act to long-term care
3 facilities within ninety days of the effective date of that
4 act.

5 SECTION 5. [NEW MATERIAL] DEMENTIA TRAINING

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