



New Mexico Health Care Association
New Mexico Center for Assisted Living

Your Association ... Your Decisions ... Your Directions



Long-Term Care Facility Dementia Training Act History

NMSA 1978, Section 24-17B-3

House Bill 250, 2021 Legislative Session

- Signed into law and authorized the Long-term Care Facility Dementia Training Act (Act), NMSA 1978, Section 24-17B-3
- Lead advocate was Alzheimer's Association, New Mexico Chapter
- NMHCA/NMCAL offered comments and amended language

Highlights

- Effective date January 1, 2022
- New Mexico Department of Health in consultation with Aging and Long Term Services Department had rule-making authority
- A minimum 4 hours of annual dementia care training for all direct care service staff
- Direct care service staff included facility employees and facility contracted providers who provided 10 or more hours of care a week



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New Mexico Administrative Code 7.1.32

- In the Fall of 2021, NMHCA/NMCAL provided extensive comments to the proposed administrative rule
- Proposed rule was beyond the agreed-upon scope
- Objectives were outside of the scope of practice of most facility-based caregivers
- Final administrative rule was published in December 2021 with no changes

Training released late March 2022

- Required training was taken directly from the Health Resources and Services Administration (HRSA) website: <https://bhw.hrsa.gov/alzheimers-dementia-training>
- The HRSA training was geared toward outpatient providers
- Written at a graduate clinical level



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After NMHCA/NMCAL continued to expressed concerns over the training, NM Department of Health, Division of Health Improvement(DHI) agreed **not** to enforce the approved training but stated they expected facilities to engage in a good-faith effort to provide dementia training to targeted staff.

NMHCA/NMCAL collaborated with stakeholders to offer amended legislation for the 2023 Legislative Session

House Bill 446 (HB446)

NMHCA/NMCAL worked with Representative Linda Serrato to introduce amendments to the Act, House Bill 446.

Stakeholders that provided input included

- The New Mexico Association for Home and Hospice Care
- The New Mexico Medical Society
- Alzheimer's Association, New Mexico Chapter
- New Mexico Nurses Association
- Aging and Long-Term Services Department

HB 446

- passed both state House and state Senate unanimously and was signed by the Governor
- The amendments go into effect on June 16, 2023



2023 Long-term Care Facility Dementia Training Act

NMSA 1978, Section 24-17B-3

Important changes

- The definition of Long-term care facility was changed to “... means a long-term care facility licensed by the state **that is not otherwise required to provide at least four hours of dementia training under state or federal law.** Long-term care facility **does not include** a facility licensed pursuant to the Public Health Act as an **intermediate care facility for individuals with intellectual disabilities.**”
- The definition of direct care service staff member was changed to “... means a person employed by or contracted with a long-term care facility to provide in-person direct care services to long-term care facility residents. Direct care service staff member **does not include a registered nurse licensed pursuant to the Nursing Practice Act or a physician licensed pursuant to the Medical Practice Act who has received specialized training or education in geriatric care;**” **Licensed Practical Nurses are required to take this training if you are covered under the act.**

2023 Long-term Care Facility Dementia Training Act

NMSA 1978, Section 24-17B-3

- Amended training requirements and removes language allowing for other training to be required:
 - (1) recognizing and treating Alzheimer's disease and dementia;
 - (2) person-centered care;
 - (3) activities of daily living;
 - (4) an overview of the different types of dementia;
 - (5) strategies to manage the behavior of people who have dementia; and
 - (6) strategies to effectively communicate with people who have dementia.

- eliminates approved standardized training programs but requires facilities to submit their training program to DHI for review – no waiting for approval required but DHI can reject your program if it doesn't meet the requirements

2023 Long-term Care Facility Dementia Training Act

NMSA 1978, Section 24-17B-3

➤ A direct care service staff member:

- (1) hired after January 1, 2022 shall complete the training required pursuant to this section within **ninety days** of the start of employment;
- (2) hired prior to January 1, 2022 who has not received training 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 long-term care facility that employs the direct care service staff member;
- (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 ninety days of the start of employment.

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- ◇ **Any long-term care facility that contracts for the services** of a direct care service staff member may include a requirement in the contract that the direct care service staff member has received dementia care training that satisfies the requirements of the Long-Term Care Facility Dementia Training Act.

- ◇ The Amended Act charges the Department of Health in consultation with the aging and long-term services department with oversight and rulemaking.
 - A. identify, 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 and periodically review required evaluation instruments that demonstrate competency and knowledge gained in training topics;

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C. promulgate rules:

- (1) for evaluation on the training topics for treatment and care of persons with Alzheimer's disease or dementia;
- (2) **requiring an hour of dementia care training** to be included as part of an annual continuing education training requirement for direct care service staff members at long-term care facilities, unless additional time is necessitated to address changing standards of care; and
- (3) 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. review all long-term care facility dementia training programs related to 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 June 18, 2021. (Section 5 of the amended act requires Aging and Long-Term Services Department to give within ninety days of the effective date of this act—June 16, 2023, so by September 16, 2023)

The provider of training shall issue a certificate to staff upon completion of initial training. The certificate shall be valid so long as the certificate holder meets the 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 and evaluation for each direct care service staff member.

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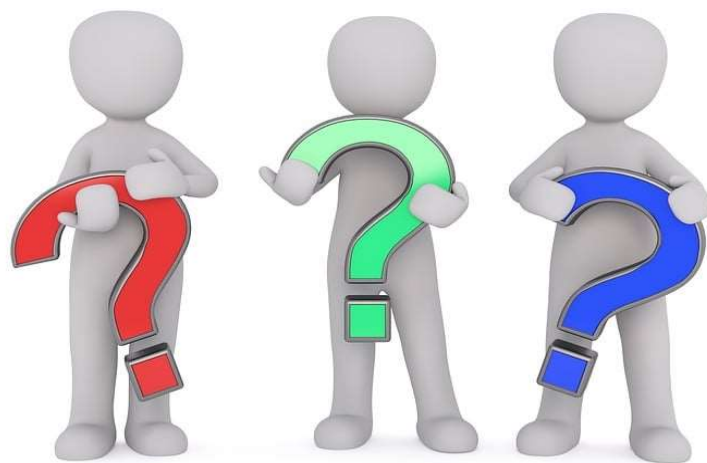
How can you get the required training?

- Develop your own in-house program.
 - Individual developing the program must have two years of work experience related to Alzheimer's disease, dementia, health care, gerontology or other related field
 - Include all required information
 - Training may be online or in-person and shall be at least four hours.
- Use the Centers for Medicare and Medicaid Services (CMS) Hand-in-Hand program, <https://qsep.cms.gov/pubs/HandinHand.aspx>
- Use the NMHCA/NMCAL Dementia Training Program
- Utilize modules on Relias that meet the requirements

The first 2 options will require the facility create certificates for the trainees and all programs must be submitted to DoH for review.



Questions?



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