

House Study Bill 566 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to dementia-specific training, competency
2 evaluations, and continuing education for certain persons
3 providing dementia care and related services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135N.1 Purpose — principles —
2 goals.

3 1. The purpose of this chapter is to establish minimum
4 dementia-specific training and competency evaluation
5 requirements for staff members working in facilities or
6 programs and for service providers that serve persons with
7 Alzheimer's disease or other dementias.

8 2. The initial dementia-specific training curriculum
9 shall incorporate principles of person-centered dementia care
10 including through recognition of the individual's unique
11 abilities and needs; a focus on the individual's optimal
12 functioning and quality of life; and use of problem solving
13 approaches to care.

14 3. All training shall be taught and applied in a culturally
15 competent manner.

16 4. The goal of the initial dementia-specific training
17 and competency evaluation shall be to train staff members
18 adequately and appropriately to gain the competency necessary
19 to best address the needs of the populations they serve.

20 Sec. 2. NEW SECTION. 135N.2 Definitions.

21 As used in this chapter, unless the context otherwise
22 requires:

23 1. "*Covered administrative staff member*" means a staff member
24 who is a senior manager of a facility, program, or service
25 provider including administrators, as well as other managerial
26 staff members who directly supervise covered direct service
27 staff members and other covered staff members.

28 2. "*Covered direct service staff member*" means a staff member
29 whose work involves extensive contact with residents, tenants,
30 program participants, or service recipients. Such staff
31 members include certified nursing assistants, nurse aides,
32 homemaker-home health aides, personal care aides, licensed
33 or certified home care workers, licensed practical nurses,
34 registered nurses, licensed social workers, activity directors,
35 dietary staff, physician assistants, advanced registered

1 nurse practitioners, and physical, speech, and occupational
2 therapists.

3 3. "*Covered staff member*" means covered administrative
4 staff members, covered direct service staff members, and other
5 covered staff members.

6 4. "*Department*" means the department of inspections and
7 appeals.

8 5. "*Facility, program, or service provider*" means a
9 health care facility as defined in section 135C.1, an elder
10 group home as defined in section 231B.1, an assisted living
11 program as defined in section 231C.2, an adult day services
12 program as defined in section 231D.1, a hospice program as
13 defined in section 135J.1, or any other facility, program,
14 or service provider including but not limited to a home and
15 community-based services provider, a homemaker-home health
16 aide services provider, a home care aide provider, and other
17 providers of in-home services, if the facility, program, or
18 service provider is regulated by the state or receives any
19 state or federal funding.

20 6. "*Other covered staff member*" means a staff member who
21 has incidental contact on a recurring basis with residents,
22 tenants, program participants, or service recipients including
23 housekeeping staff, front desk staff, maintenance staff, and
24 other support staff and individuals who have such incidental
25 contact with residents, tenants, program participants, or
26 service recipients.

27 7. "*Staff member*" means a full-time or part-time employee,
28 consultant, contractor, or subcontractor and the staff of any
29 consultant, contractor, or subcontractor.

30 Sec. 3. NEW SECTION. 135N.3 Initial dementia-specific
31 training and competency evaluation requirements — continuing
32 education — state oversight.

33 1. *Completion requirements — competency determination.*
34 Facilities, programs, and service providers shall provide
35 initial dementia-specific training and a competency evaluation,

1 approved by the department, as required under this section in
2 accordance with all of the following:

3 *a.* All covered staff members initially hired by the
4 facility, program, or service provider on or after January
5 1, 2017, shall complete the required initial training
6 and competency evaluation prior to unsupervised contact
7 with residents, tenants, program participants, or service
8 recipients, as applicable, not later than within thirty days of
9 initial hiring of the covered staff member.

10 *b.* All covered staff members hired by a facility, program,
11 or service provider prior to January 1, 2017, who have not
12 successfully completed and documented completion of initial
13 training and a competency evaluation equivalent to the
14 required initial training and competency evaluation within the
15 twenty-four-month period prior to that date, shall complete the
16 required initial training and competency evaluation by April
17 1, 2017.

18 *c.* All covered staff members hired by a facility, program,
19 or service provider prior to January 1, 2017, who have
20 successfully completed and documented completion of initial
21 training and a competency evaluation equivalent to the
22 required initial training and competency evaluation within the
23 twenty-four-month period prior to that date, shall be deemed
24 to have satisfied the requirement for completion of initial
25 training and a competency evaluation. The department shall
26 adopt rules to specify deeming protocol under this paragraph.

27 *d.* The requirements for initial dementia-specific training
28 and a competency evaluation under this section shall be
29 considered satisfied only after the covered staff member has
30 completed the initial training requirements and successfully
31 passed a competency evaluation demonstrating the requisite
32 competency necessary to best address the needs of the
33 population served.

34 2. *State prior approval of training, curricula, and*
35 *evaluations.* A facility, program, or service provider shall

1 receive prior approval from the department for the training,
2 curriculum, and competency evaluation components provided by
3 the facility, program, or service provider to ensure that the
4 training complies with minimum curriculum requirements and
5 that the competency evaluation component adequately measures
6 competency of a covered staff member, as appropriate to the
7 type of covered staff member, required to complete the training
8 and competency evaluation.

9 3. *Minimum curricula.*

10 a. For covered direct service staff members and covered
11 administrative staff members, the minimum curriculum used
12 for the required initial training shall cover all of the
13 following topics as specified in the most recently published
14 edition of the Alzheimer's association dementia care practice
15 recommendations appropriate to the type of covered staff
16 member:

17 (1) Dementia care fundamentals, including the progression
18 of the disease, memory loss, and psychiatric and behavioral
19 symptoms.

20 (2) Strategies for providing person-centered care.

21 (3) Communication issues.

22 (4) Techniques for understanding and approaching behavioral
23 symptoms, including alternatives to physical and chemical
24 restraints.

25 (5) Strategies for addressing social engagement, social
26 needs, and involvement in meaningful activities.

27 (6) Information on addressing specific aspects of care and
28 safety including but not limited to pain management, food and
29 fluid consumption, and wandering.

30 b. For other covered staff members, the minimum curriculum
31 for the required initial training shall include all of the
32 following topics as specified in the most recent edition of the
33 Alzheimer's association dementia care practice recommendations:

34 (1) Dementia care fundamentals, including the progression
35 of the disease, memory loss, and psychiatric and behavioral

1 symptoms.

2 (2) Communication issues.

3 4. *State-approved trainings, curricula, and competency*
4 *evaluations.*

5 a. The department, in collaboration with the department of
6 public health, department on aging, and department of human
7 services, and other appropriate entities shall identify and
8 designate trainings, curricula, and competency evaluation
9 instruments that meet the requirements of this section. The
10 department shall identify standardized trainings, including
11 online trainings, and shall establish a process for approving
12 nonstandardized trainings that meet the training requirements.

13 b. At a minimum, all approved training, curricula, and
14 competency evaluation instruments shall meet all of the
15 following requirements, as applicable:

16 (1) Whether online or in-person, all training modules,
17 presentations, materials, and competency evaluations shall
18 reflect current standards and best practices in the care and
19 treatment of persons with dementia.

20 (2) All approved competency evaluation components shall
21 require a demonstration of the skills and knowledge acquired
22 related to the required topic areas specified under subsection
23 3, and may also include written or oral tests, and care
24 recipient and family surveys. The competency evaluation
25 instrument may be an independent competency evaluation
26 instrument or an instrument developed by the department.

27 (3) The initial dementia-specific training curriculum
28 shall incorporate principles of person-centered dementia care
29 including through recognition of the individual's unique
30 abilities and needs; a focus on the individual's optimal
31 functioning and quality of life; and use of problem-solving
32 approaches to care.

33 (4) All training shall be taught and applied in a culturally
34 competent manner.

35 5. *Portability.*

1 *a.* A facility, program, or service provider shall issue
2 a certificate of completion to covered staff members upon
3 successful completion of initial dementia-specific training and
4 a competency evaluation, which certification shall be portable
5 between facility, program, and service provider settings.
6 Covered staff members shall maintain their own personal records
7 of certification of completion.

8 *b.* A covered staff member who has been issued a certificate
9 of completion and does not have a lapse in employment involving
10 dementia-related direct service or administration for a
11 period of twenty-four consecutive months or more, shall not be
12 required to repeat initial dementia-specific training and a
13 competency evaluation.

14 *c.* Nothing in this section shall be construed as requiring
15 a facility, program, or service provider to maintain records of
16 completion of initial dementia-specific training and competency
17 evaluation for current or former employees.

18 6. *Continuing education.* In addition to successful
19 completion of initial dementia-specific training and a
20 competency evaluation, the department shall require all of the
21 following:

22 *a.* That each facility, program, or service provider
23 establish a system for ongoing, on-site support, supervision,
24 and mentoring for its covered staff members related to the
25 treatment and care of persons with dementia.

26 *b.* That each covered staff member complete continuing
27 dementia-specific education that includes new information
28 on best practices in the treatment and care of persons with
29 dementia. The department shall adopt rules pursuant to chapter
30 17A that specify the minimum number of required continuing
31 education hours within a specified time period.

32 7. *Requirements for trainers.* Persons responsible for
33 conducting in-person dementia-specific training under this
34 chapter shall meet all of the following minimum criteria:

35 *a.* Have two years of work experience related to Alzheimer's

1 disease or other dementias or in health care, gerontology, or
2 another related field.

3 *b.* Have successfully completed at least the required minimum
4 initial training and competency evaluation for covered direct
5 service staff members and covered administrative staff members.

6 8. *Training and continuing education costs.* The costs
7 of required initial training and competency evaluations
8 and of continuing education shall be borne by the facility,
9 program, or service provider. A covered staff member shall
10 not be required to bear any of the costs of initial training,
11 competency evaluation, or continuing education, or the costs
12 of attending such initial trainings, competency evaluations,
13 or continuing education. A covered staff member shall receive
14 the staff member's normal compensation when attending required
15 initial trainings, competency evaluations, and continuing
16 education.

17 9. *State oversight.* The department shall oversee
18 dementia-specific training, curricula, competency evaluations,
19 and continuing education requirements and activities under this
20 chapter. Such oversight shall include all of the following:

21 *a.* Ensuring that a facility, program, or service provider
22 provides approved initial training and competency evaluations.

23 *b.* Ensuring that a facility, program, or service provider
24 provides continuing education opportunities.

25 *c.* Ensuring that a facility, program, or service provider
26 utilizes approved online training programs or appropriate
27 in-person training.

28 *d.* Reviewing competency evaluations, including evaluation
29 of the competency measures, for appropriate demonstration of
30 knowledge acquired.

31 *e.* Observing and assessing the proficiencies of covered
32 staff members.

33 *f.* Ensuring and enforcing compliance with all requirements
34 specified under this chapter.

35 10. *Interpretation and administration.* The requirements

1 of this chapter shall be interpreted to enhance, not supplant
2 or replace, other dementia-specific training requirements
3 otherwise applicable to covered staff members. The department
4 shall interpret and administer this chapter in a manner so as
5 to avoid duplication of requirements while ensuring that the
6 minimum requirements under this chapter are met and covered
7 staff members achieve the requisite level of competency
8 necessary to best address the needs of the populations served.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill establishes a requirement for successful
13 completion of initial dementia-specific training and competency
14 evaluations and continuing education for certain covered staff
15 members of facilities, programs, and service providers. The
16 bill provides the purpose, principles, and goals of the Code
17 chapter and definitions.

18 The bill specifies the requirements for completion of
19 initial dementia-specific training and a competency evaluation
20 based on when the covered staff member is initially employed
21 relative to January 1, 2017. The bill also provides that
22 certain covered employees who have successfully completed
23 equivalent training and an evaluation shall be deemed to have
24 completed the required training and evaluation.

25 The bill requires prior approval by the department of
26 inspections and appeals of the training, curriculum, and
27 competency evaluation components provided by a facility,
28 program, or service provider, specifies minimum curriculum
29 requirements based on specifications in the most recently
30 published edition of the Alzheimer's association dementia care
31 practice recommendations, and requirements for training and
32 competency evaluations. The bill provides for portability of a
33 certificate of completion of initial training and competency
34 evaluation and clarifies that the covered staff member, not the
35 facility, program, or service provider, is required to maintain

1 the covered member's own records of completion of initial
2 dementia-specific training and competency evaluation for the
3 covered staff member.

4 The bill requires that in addition to successful completion
5 of initial dementia-specific training and a competency
6 evaluation, each facility, program, or service provider must
7 establish a system for ongoing, on-site support, supervision,
8 and mentoring for its covered staff members related to the
9 treatment and care of persons with dementia. Covered staff
10 are also required to complete continuing dementia-specific
11 education in accordance with rules adopted by the department.
12 The rules are to specify the minimum number of required
13 continuing education hours within a specified time period that
14 a covered staff member is required to complete.

15 The bill also establishes minimum requirements for those
16 conducting in-person dementia-specific trainings. The costs
17 of required initial training and competency evaluations and of
18 continuing education shall be borne by the facility, program,
19 or service provider, and covered staff members shall not
20 be required to bear any of the costs of initial training,
21 competency evaluation, or continuing education, or the costs
22 of attending such initial trainings, competency evaluations,
23 or continuing education. Additionally, covered staff members
24 shall receive their normal compensation when attending required
25 initial trainings, competency evaluations, or continuing
26 education.

27 The bill provides for ongoing state oversight of
28 dementia-specific training, curricula, competency evaluation,
29 and continuing education, and provides the requirements
30 of the bill shall be interpreted to enhance, not supplant
31 or replace, other dementia-specific training requirements
32 otherwise applicable to covered staff members. The department
33 is required to interpret and administer the bill in a manner so
34 as to avoid duplication of requirements while ensuring that the
35 minimum requirements are met and covered staff members achieve

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1 the requisite level of competency necessary to best address the
2 needs of the populations served.