

Senate Study Bill 3112 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MATHIS)

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

1 and physical, speech, and occupational therapists.

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

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

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

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

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

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

32 1. *Completion requirements — competency determination.*
33 Facilities, programs, and service providers shall provide
34 initial dementia-specific training and a competency evaluation,
35 approved by the department, as required under this section in

1 accordance with all of the following:

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

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

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

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

33 2. *State prior approval of training, curricula, and*
34 *evaluations.* A facility, program, or service provider shall
35 receive prior approval from the department for the training,

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

8 3. *Minimum curricula.*

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

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

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

20 (3) Communication issues.

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

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

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

29 (7) Ethics.

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. A variety of methods shall be utilized to provide
6 competency-based training including but not limited to formal
7 lecture, observation, self-study, supervised practices, online,
8 and audio-visual methods. The department, in collaboration
9 with the department of public health, department on aging,
10 and department of human services, and other appropriate
11 entities shall identify and designate trainings, curricula, and
12 competency evaluation instruments that meet the requirements
13 of this section. The department shall identify standardized
14 trainings, including online trainings, and shall establish a
15 process for approving nonstandardized trainings that meet the
16 training requirements.

17 b. At a minimum, all approved training, curricula, and
18 competency evaluation instruments shall meet all of the
19 following requirements, as applicable:

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

24 (2) All approved competency evaluation components shall
25 require a demonstration of the skills and knowledge acquired
26 related to the required topic areas specified under subsection
27 3, and may also include written or oral tests, and care
28 recipient and family surveys. The competency evaluation
29 instrument may be an independent competency evaluation
30 instrument or an instrument developed by the department.

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

1 approaches to care.

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

4 5. *Portability.*

5 a. A facility, program, or service provider shall issue
6 a certificate of completion to covered staff members upon
7 successful completion of initial dementia-specific training and
8 a competency evaluation, which certification shall be portable
9 between facility, program, and service provider settings.

10 Covered staff members shall maintain their own personal records
11 of certification of completion.

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

18 c. Nothing in this section shall be construed as requiring
19 a facility, program, or service provider to maintain records of
20 completion of initial dementia-specific training and competency
21 evaluation for current or former employees.

22 6. *Continuing education.* In addition to successful
23 completion of initial dementia-specific training and a
24 competency evaluation, the department shall require all of the
25 following:

26 a. That each facility, program, or service provider
27 establish a system for ongoing, on-site support, supervision,
28 and mentoring for its covered staff members related to the
29 treatment and care of persons with dementia.

30 b. That each covered staff member complete continuing
31 dementia-specific education that includes new information
32 on best practices in the treatment and care of persons with
33 dementia. The department shall adopt rules pursuant to chapter
34 17A that specify the minimum number of required continuing
35 education hours within a specified time period.

1 7. *Requirements for trainers.* Persons responsible for
2 conducting in-person dementia-specific training under this
3 chapter shall have a demonstrated ability to teach adult
4 learners and also meet at least one of the following criteria:

5 a. Have a minimum of two years of experience providing care
6 or services for individuals with Alzheimer's disease or other
7 dementias in a professional or other capacity.

8 b. Have successfully completed at least the required minimum
9 initial training and competency evaluation for covered direct
10 service staff members and covered administrative staff members.

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

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

26 a. Ensuring that a facility, program, or service provider
27 provides approved initial training and competency evaluations.

28 b. Ensuring that a facility, program, or service provider
29 provides continuing education opportunities.

30 c. Ensuring that a facility, program, or service provider
31 utilizes approved online training programs or appropriate
32 in-person training.

33 d. Reviewing competency evaluations, including evaluation
34 of the competency measures, for appropriate demonstration of
35 knowledge acquired.

1 e. Observing and assessing the proficiencies of covered
2 staff members.

3 f. Ensuring and enforcing compliance with all requirements
4 specified under this chapter.

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

14 EXPLANATION

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

17 This bill establishes a requirement for successful
18 completion of initial dementia-specific training and competency
19 evaluations and continuing education for certain covered staff
20 members of facilities, programs, and service providers. The
21 bill provides the purpose, principles, and goals of the Code
22 chapter and definitions.

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

30 The bill requires prior approval by the department of
31 inspections and appeals of the training, curriculum, and
32 competency evaluation components provided by a facility,
33 program, or service provider, specifies minimum curriculum
34 requirements based on specifications in the most recently
35 published edition of the Alzheimer's association dementia

1 care practice recommendations, and specifies requirements for
2 training and competency evaluations. The bill provides for
3 portability of a certificate of completion of initial training
4 and competency evaluation and clarifies that the covered
5 staff member, not the facility, program, or service provider,
6 is required to maintain the covered member's own records of
7 completion of initial dementia-specific training and competency
8 evaluation for the covered staff member.

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

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

32 The bill provides for ongoing state oversight of
33 dementia-specific training, curricula, competency evaluation,
34 and continuing education, and provides the requirements
35 of the bill shall be interpreted to enhance, not supplant

1 or replace, other dementia-specific training requirements
2 otherwise applicable to covered staff members. The department
3 is required to interpret and administer the bill in a manner so
4 as to avoid duplication of requirements while ensuring that the
5 minimum requirements are met and covered staff members achieve
6 the requisite level of competency necessary to best address the
7 needs of the populations served.