

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1518

5 By: Representative J. Mayberry
6 By: Senator J. Boyd
7

For An Act To Be Entitled

9 AN ACT TO SET MINIMUM DEMENTIA TRAINING REQUIREMENTS
10 FOR STAFF MEMBERS WHO ARE EMPLOYED BY AN ASSISTED
11 LIVING FACILITY; TO ADDRESS GAPS IN CURRENT DEMENTIA
12 TRAINING REQUIREMENTS AND IMPROVE THE QUALITY OF
13 TRAINING; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO SET MINIMUM DEMENTIA TRAINING
16 REQUIREMENTS FOR STAFF MEMBERS WHO ARE
17 EMPLOYED BY AN ASSISTED LIVING FACILITY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 20, Chapter 10, is amended to add an
25 additional subchapter to read as follows:

26 Subchapter 24 – Dementia Training for Covered Staff Members
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28 20-10-2401. Legislative intent.

29 It is the intent of the General Assembly to:

30 (1) Set minimum training requirements for staff members who are
31 employed by an assisted living facility that includes persons with
32 Alzheimer’s disease or other dementias in the populations served; and

33 (2) Address gaps in current dementia training requirements for
34 covered staff members and improve the quality of training.
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36 20-10-2402. Definitions



1 As used in this subchapter:

2 (1) "Covered administrative staff member" means senior personnel
 3 at a facility or program, including administrators as well as managerial
 4 staff members, who directly supervise covered direct service staff members;

5 (2)(A) "Covered direct service staff member" means a staff
 6 member whose work involves extensive contact with residents or program
 7 participants.

8 (B) "Covered direct service staff member" includes:

9 (i) A certified nursing assistant;

10 (ii) A nurse aide;

11 (iii) A personal care assistant;

12 (iv) A home health or personal care aide;

13 (v) A licensed practical nurse;

14 (vi) A licensed vocational nurse;

15 (vii) A registered nurse;

16 (viii) An Activity director; and

17 (ix) A staff member who provides direct patient care
 18 to a resident;

19 (3) "Covered staff member" means a covered direct service staff
 20 member, covered administrative staff member, and other covered staff member;

21 (4) "Facility or program" means a residential facility or home-
 22 and community-based program that provides supportive services and that have
 23 residents or program participants with Alzheimer's disease or other
 24 dementias, including without limitation an assisted living facility;

25 (5) "Other covered staff member" means a staff member who has
 26 incidental contact on a recurring basis with residents or program
 27 participants, front desk staff, administrative staff, and other individuals
 28 who have incidental contact; and

29 (6) "Staff member" means a full-time or part-time employee of a
 30 facility or program.

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 32 20-10-2403. Dementia training for covered staff members.

33 (a) A facility or program shall provide initial training to:

34 (1) All covered staff members:

35 (A) On or after the effective date of this section; or

36 (B) Within ninety (90) days of the start of his or her

1 employment; and

2 (2) All covered staff members who were employed before the
3 effective date of this section and who have not received equivalent training
4 within the past twenty-four (24) months.

5 (b) Initial training requirements shall be completed within ninety
6 (90) days of that date.

7 (c) A facility or program shall:

8 (1) Establish procedures for ongoing staff support regarding the
9 treatment and care of persons with dementia, which shall include on-site
10 mentoring programs and other support mechanisms;

11 (2) Identify and designate standardized trainings, including
12 online trainings, that meet the requirements of this subchapter; and

13 (3) Issue a certificate to covered staff members upon completion
14 of initial training, which shall be portable between settings within the
15 state.

16 (d) If a covered staff member does not have a lapse of dementia-
17 related direct service or administration employment for twenty-four (24)
18 consecutive months or more, the covered staff member shall not be required to
19 repeat the initial dementia training.

20 (e) A covered staff member is responsible for maintaining
21 documentation regarding completed dementia trainings and evaluations.

22
23 20-10-2404. Curriculum of dementia training.

24 (a) The dementia training curriculum shall include principles of
25 person-centered dementia care including:

26 (1) Thorough knowledge of the person with Alzheimer's disease
27 and dementia and the person's abilities and needs;

28 (2) Advancement of optimal functioning and quality of life;

29 (3) Use of problem-solving approaches to care; and

30 (4) Techniques that ensure and preserve person's respect,
31 values, choice, and dignity.

32 (b)(1) A covered staff member shall be trained adequately and
33 appropriately to best address the needs of the person served.

34 (2) Dementia training shall be culturally competent for covered
35 staff members and persons with Alzheimer's disease and dementia.

36 (c)(1) A covered direct service staff member and a covered

1 administrative staff member shall complete four (4) hours of initial
 2 training.

3 (2) The curriculum used for the initial training shall cover the
 4 following topics:

- 5 (A) Alzheimer’s disease and other dementias;
- 6 (B) Person-centered care;
- 7 (C) Assessment and care planning;
- 8 (D) Activities of daily living; and
- 9 (E) Dementia-related behaviors and communication.

10 (d) The curriculum for a covered administrative staff member for the
 11 initial training shall also cover the following additional topics:

- 12 (1) Medical management information, education, and support;
- 13 (2) Staffing;
- 14 (3) Supportive and therapeutic environments; and
- 15 (4) Transitions and coordination of services.

16 (e) Dementia training for other covered staff members shall include,
 17 at a minimum:

- 18 (1) An overview of Alzheimer’s disease and other dementias;
- 19 (2) Principles of person-centered care; and
- 20 (3) Dementia-related communication issues.

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22 20-10-2405. Requirements for trainers.

23 (a) A person who conducts in-person dementia training under this
 24 subchapter shall meet the following minimum criteria:

25 (1) Possess:

26 (A) No less than two (2) years of work experience related
 27 to Alzheimer’s disease or other dementias or in health care, gerontology, or
 28 another related field;

29 (B) A minimum of two (2) years of general nursing
 30 experience including at least one (1) year of nursing services in a nursing
 31 facility setting or an assisted living facility within the last five (5)
 32 years; or

33 (C) A minimum of two (2) years of experience as an
 34 administrator in an assisted living facility or a facility that provides
 35 direct care to persons with dementia; and

36 (2) Does not have any disciplinary action regarding his or her

1 license by the licensing entity or authority.

2 (b) As used in this section, general nursing experience may include
 3 without limitation employment in a nursing assistant education program or
 4 employment in or supervision of nursing students in a nursing facility or
 5 unit, geriatrics department excluding a geriatric psychiatry department,
 6 long-term acute care hospital, home healthcare, hospice care, or other long-
 7 term care or home- and community-based settings.

8
 9 20-10-2406. Training costs.

10 A covered staff member shall not be required to bear any of the cost of
 11 trainings or cost to attend trainings and shall receive their normal
 12 compensation when attending required trainings.

13
 14 20-10-2407. State oversight.

15 (a) The Department of Human Services shall exercise oversight over the
 16 compliance of a facility or program with the requirements of this subchapter
 17 to:

18 (1) Ensure that the facility or program provides continuing
 19 education opportunities;

20 (2) Involve observation and assessment of the proficiencies of
 21 direct care staff; and

22 (3) Ensure compliance with any other requirements.

23 (b) The department may use all of its enforcement tools to ensure that
 24 a facility or program complies with this subchapter.

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 26 20-10-2408. Notice.

27 No later than ninety (90) days before the effective date of this
 28 statute, the Department of Human Services shall give notice to a facility or
 29 program that may be covered under this subchapter.

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 31 20-10-2409. Rules.

32 The Department of Human Services shall adopt rules:

33 (1) For initial and continuing education on dementia for covered
 34 staff members; and

35 (2)(A) To establish two (2) hours of continuing education on
 36 dementia for all covered staff annually.

1 (B) The continuing education under subdivision (2)(A) of
 2 this section shall include new information on best practices in the treatment
 3 and care of persons with dementia.

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 5 20-10-2410. Construction.

6 (a) This subchapter does not supersede any state law or rule that
 7 contains more rigorous training requirements for some covered staff members.

8 (b) If any state law or rule overlaps with this subchapter, the
 9 Department of Human Services shall avoid duplication of requirements while
 10 ensuring that the minimum requirements under this subchapter are met.

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 12 SECTION 2. DO NOT CODIFY. Rules.

13 (a) When adopting the initial rules required under this act, the
 14 Department of Human Services shall file the final rules with the Secretary of
 15 State for adoption under § 25-15-204(f):

16 (1) On or before January 1, 2024; or

17 (2) If approval under § 10-3-309 has not occurred by January 1,
 18 2024, as soon as practicable after approval under § 10-3-309.

19 (b) The department shall file the proposed rules with the Legislative
 20 Council under § 10-3-309(c) sufficiently in advance of January 1, 2024, so
 21 that the Legislative Council may consider the rules for approval before
 22 January 1, 2024.