

State of Arkansas
94th General Assembly
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As Engrossed: H3/6/23

A Bill

HOUSE BILL 1518

By: Representative J. Mayberry

By: Senator J. Boyd

For An Act To Be Entitled

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

Subtitle

TO SET MINIMUM DEMENTIA TRAINING REQUIREMENTS FOR STAFF MEMBERS WHO ARE EMPLOYED BY AN ASSISTED LIVING FACILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 10, is amended to add an additional subchapter to read as follows:

Subchapter 24 – Dementia Training for Covered Staff Members

20-10-2401. Legislative intent.

It is the intent of the General Assembly to:

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

(2) Address gaps in current dementia training requirements for covered staff members and improve the quality of training.

20-10-2402. Definitions



As used in this subchapter:

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

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

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

(i) A certified nursing assistant;

(ii) A nurse aide;

(iii) A personal care assistant;

(iv) A personal care aide;

(v) A licensed practical nurse;

(vi) A licensed vocational nurse;

(vii) A registered nurse;

(viii) An activity director; and

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

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

(4) "Facility" means a residential facility that provides supportive services and that have residents with Alzheimer's disease or other dementias, including without limitation an assisted living facility;

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

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

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

(a) A facility shall provide initial training to:

(1) All covered staff members:

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

(B) Within ninety (90) days of the start of his or her employment; and

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

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

(c) A facility shall:

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

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

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

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

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

20-10-2404. Curriculum of dementia training.

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

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

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

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

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

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

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

(c)(1) A covered direct service staff member and a covered administrative staff member shall complete four (4) hours of initial

training.

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

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

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

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

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

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

20-10-2405. Requirements for trainers.

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

(1) Possess:

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

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

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

(2) Does not have any disciplinary action regarding his or her license by the licensing entity or authority.

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

20-10-2406. Training costs.

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

20-10-2407. State oversight.

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

(1) Ensure that the facility provides continuing education opportunities;

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

(3) Ensure compliance with any other requirements.

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

20-10-2408. Notice.

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

20-10-2409. Rules.

The Department of Human Services shall adopt rules:

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

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

(B) The continuing education under subdivision (2)(A) of this section shall include new information on best practices in the treatment

and care of persons with dementia.

20-10-2410. Construction.

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

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

SECTION 2. DO NOT CODIFY. Rules.

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

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

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

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

/s/J. Mayberry

APPROVED: 3/21/23