

Understanding NH's Dementia Training Law

GINA BALKUS, CEO

FEBRUARY 2020



1

Purpose of RSA 151:47 – 151:50

- ▶ **Set minimum training standards for facilities regulated by NH DHHS** that include patient populations with Alzheimer's disease or other dementias
- ▶ Training shall incorporate principles of person-centered dementia care:
 - ▶ **Knowledge of the person, their abilities and needs**
 - ▶ **Advancement of optimal function and quality of life**
 - ▶ **Use of problem-solving approaches to care**
- ▶ Law enacted in HB 4 (2019) and SB 255 (2020)



2

Facilities Impacted by the New Law



- ▶ **Facilities licensed by NH DHHS under RSA 151**
 - ▶ Home health care providers (809)
 - ▶ Home care service providers (822)
 - ▶ Home hospice providers (823)
 - ▶ Hospice houses (824)
 - ▶ Adult day programs
 - ▶ Skilled nursing & intermediate care facilities
 - ▶ Assisted living and residential care facilities
 - ▶ Individual Home Care Service Providers (820)

3

Employer Responsibilities

- ▶ **Provide initial training** to covered staff **hired on or after 2/1/20 within 90 days** of hire.
- ▶ **Provide initial training** to covered staff **hired before 2/1/20** -- who have not received equivalent training – **within 6 months** (8/1/20)
- ▶ **Train contracted staff or consultants**, at their expense, unless contractor or consultant provides documentation of equivalent demonstrated competency
- ▶ **Establish a system for ongoing onsite support**, supervision and mentoring of staff with regard to care of persons with dementia
- ▶ Assure staff member **demonstrates related competency**
- ▶ **Provide 4 hours of continuing education annually** on new information and best practices in dementia care



4

Employer Responsibilities

- ▶ **Pay normal compensation** to employees when attending trainings
- ▶ **Issue a certificate** to staff members upon completion of initial training. [Certificates are portable!](#)
- ▶ Assure that any **trainers shall have 2 years of work experience** with dementia, health care or gerontology, **and** have completed **equivalent training**
- ▶ Ensure that **training meets the statutory requirements**



 HOME CARE, HOSPICE
& PALLIATIVE CARE ALLIANCE
OF NEW HAMPSHIRE

5

Training Requirements

- ▶ **Curriculum for initial training must be consistent with recommendations from:**
 - ▶ [The Center for Medicare and Medicaid Services \(CMS\)](#),
 - ▶ [The National Institute for Health's National Institute on Aging](#),
or
 - ▶ The latest nationwide [Alzheimer's Association Dementia Care Practice Recommendations](#)

 HOME CARE, HOSPICE
& PALLIATIVE CARE ALLIANCE
OF NEW HAMPSHIRE

6

Training Requirements



HOME CARE, HOSPICE
& PALLIATIVE CARE ALLIANCE
OF NEW HAMPSHIRE

► **Curriculum for initial training must cover the following:**

- Alzheimer's disease and dementia
- Person-centered care
- Assessment and care planning
- Activities of daily living
- Dementia related behaviors and communication

7

Employees That Must Be Trained

- **Covered direct service staff member** – any staff whose work involves extensive contact with adult clients (includes volunteers) – **6 hours**
- **Covered administrative staff member** – managerial staff, including administrators, that directly supervise covered direct service staff – **6 hours**
- **Contracted staff** – independent consultants, staff of contractors or subcontractors (**6 hours**, if they provide direct service to clients)
- **Other covered staff member** – staff who have incidental contact on a recurring basis with clients (training on **communication issues** related to dementia – no specific hours)
- Applies to full and part-time employees



HOME CARE, HOSPICE
& PALLIATIVE CARE ALLIANCE
OF NEW HAMPSHIRE

8

Employees That **Do Not** Require Training

- ▶ **Ancillary staff member** – an employee who has neither incidental contact on a recurring basis with clients nor has supervisory responsibility over covered direct services staff
- ▶ **Pediatric or young adult providers** – direct care service staff who work solely with pediatric clients or young adults who are not at risk for Alzheimer's or related dementias



9

Employee Responsibilities

- ▶ Employees must **complete initial training or provide a certificate of completion** to the employer
 - ▶ *As long as the employee does not have a lapse of dementia-related direct service or administration for 24 consecutive months, the covered staff member shall not be required to repeat the training.*
- ▶ Employees must **demonstrate related competency**
- ▶ Be responsible for **maintaining records of certificates received.**



10

How the Law Will Be Enforced

- ▶ **NH DHHS Bureau of Health Facilities Administration will enforce the law as part of its regular survey process** to ensure that facilities:
 - ▶ Provide continuing education
 - ▶ Use training that meets the requirements of dementia law
 - ▶ Meet any other section of the law
 - ▶ Meet any applicable federal regulations (Medicare CoPs)
- ▶ DHHS will draft rules for all affected facilities.
- ▶ The rules will include a process for facilities to request an extension from the Commissioner – on a case by case basis – if such an extension is in the public interest.



11

Questions?



12