

SB 150 -- Redline

SA 1 to SS 2 for SB 150 to Bill Text -- AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DEMENTIA CARE SERVICES IN LONG-TERM CARE FACILITIES.

Deletions ~~struck~~ · Insertions underlined

Mantzavinos ~~DELAWARE & STATE Sen. SENATE 152nd GENERAL ASSEMBLY SENATE AMENDMENT NO. 1~~
~~Pettyjohn TO & SENATE Rep. SUBSTITUTE NO.~~

K.

Johnson & Rep.

Dorsey Walker Sens.

Buckson, Hansen, Hoffner, Huxtable, Lockman, Sokola, Townsend, Walsh;

Reps.

Griffith, Harris, Hensley, Hilovsky, Longhurst, Minor-Brown, Morrison, Parker Selby, Wilson-Anton

DELAWARE STATE SENATE 152nd GENERAL ASSEMBLY SENATE SUBSTITUTE NO.

150 AN ACT TO AMEND ~~Senate~~TITLE ~~Substitute~~16 No. OF THE DELAWARE CODE RELATING TO DEMENTIA CARE SERVICES IN LONG-TERM CARE FACILITIES.

2BE forIT ~~Senate~~ENACTED BillBY No. THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

150Section by1. deleting line 32 in its entirety and inserting in lieu thereof the following:

"is Amend securedChapter for11, theTitle purpose16 of preventingthe aDelaware residentCode fromby exiting,making ordeletions foras theshown purposeby ofstrike limitingthrough aand resident'sinsertions abilityas toshow exit,by theunderline securedas areafollows:-or setting-

ASubchapter secured"-X.

SYNOPSIS Dementia ThisCare amendmentServices clarifiesSec. the1192. -definition of secured memory care unit-

Author:Definitions.

For the purposes of this subchapter:

(a) "Assisted Living Facility" means as defined in Sec. 1102 of this title.

(b) "Dementia Care Services" means ongoing specialized care for residents who have been diagnosed with Alzheimer's disease or other dementias.

Such care is designed to manage the behavioral and psychological symptoms of Alzheimer's disease or other dementias.

Such care includes planned group and individual programming and person- centered care practices to support activities of daily living for residents living with Alzheimer's disease or other dementias.

Dementia care services may be provided in a facility that is not or does not include a secured memory care unit.

Dementia care services are a type of memory care services.

(c) "Department" means the Department of Health and Social Services.

(d) "Direct Care" means the provision of medical care services or personal care services to a resident, including:

(1) Administering medications or medical treatments.

(2) Conducting physical or psychosocial assessments.

(3) Planning the treatment of, or care for, a resident.

(4) Supporting activities of daily living, including bathing, dressing, transferring, toileting, and eating.

(5) Coordinating resident-focused activities.

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05/14/2024 03:49 PM (6) Supervising residents.

(e) "Memory Care Services" means ongoing specialized care for residents who demonstrate symptoms of memory-impacting conditions, including traumatic brain injuries, Alzheimer's disease, or other dementias, to an extent that such symptoms interfere with activities of daily living.

Such care is designed to manage the behavioral and psychological symptoms of memory-impacting conditions, including traumatic brain injuries, Alzheimer's disease, or other dementias.

Such care includes planned group and individual programming and person-centered care practices to support activities of daily living for residents living with memory-impacting conditions, including traumatic brain injuries, Alzheimer's disease, or other dementias.

Memory care services may be provided in a facility that is not or does not include a secured memory care unit.

Memory care services includes dementia care services.

(f) "Resident" means as defined in Sec. 1102 of Title 16.

(g) "Secured Memory Care Unit" means a designated area or setting designed for individuals who demonstrate symptoms of memory-impacting conditions, including traumatic brain injury, Alzheimer's disease, or other dementias, that is secured to prevent a resident from exiting, or to limit a resident's ability to exit, the secured area or setting.

A secured memory care unit is not solely an individual resident's personal living area.

A secured memory care unit does not include all facilities that provide memory care services.

(h) "Service Agreement" means a written document developed with each resident or their authorized representative that describes what services will be provided, who will provide the services, when the services will be provided, how the services will be provided, and the expected outcome from the services.

(i) "Temporary staffing agency" means a business entity or subdivision that provides temporary staff to a long-term care facility within this State.

Sec. 1193.

Dementia Care Staffing in Secured Memory Care Units in Assisted Living Facilities (a) An assisted living facility that provides dementia care services in a secured memory care unit must develop a staffing plan for determining its staffing level that does all of the following:

(1) Meets the scheduled needs of each resident in the secured memory care unit as required by the resident's most recent assessment and service agreement on a 24-hour per day basis.

(2) Meets the reasonably foreseeable unscheduled needs of each resident in the secured memory care unit as dictated by the resident's most recent assessment and service agreement on a 24-hour per day basis.

(3) Meets the evolving needs of each resident in the secured memory care unit on a 24-hour per day basis.

(4) Details the facility's staffing for activity services in its secured memory care unit.

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05/14/2024 03:49 PM (5) Ensures that the facility is prepared to respond promptly and effectively to individual resident emergencies and to emergency, life safety, and disaster situations affecting staff or residents in the facility.

(b) The Department shall review the facility's staffing plan during each annual inspection and during any other inspection in which the Department determines that a review of the staffing plan is relevant.

The Department shall review the facility's staffing plan to ensure all of the following:

(1) The facility has a staffing plan that meets the requirements detailed in this section.

(2) The facility has sufficient staff to meet the requirements specified in its staffing plan.

Sec. 1194.

Dementia Care Services Training for Staff Employed by Assisted Living Facilities (a) Within 180 days of the implementation of this Act, an individual directly employed by an assisted living facility who provides direct care to residents receiving dementia care services in a secured memory care unit must complete a minimum of 4 hours of dementia care services training.

Training must be provided by the facility, approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) The psychological, social, and physical needs of individuals with Alzheimer's disease or other dementias.

(3) The benefits of non-pharmacological approaches to treatment.

(4) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(b) Within 180 days of the implementation of this Act, an individual directly employed by an assisted living facility who provides non-direct care to residents receiving dementia care services in a secured memory care unit must complete a minimum of 2 hours of dementia care services training.

Training must be provided by the facility, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including

preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(c) Within 60 days of hiring, an individual directly employed by an assisted living facility who provides direct care to residents receiving dementia care services in a secured memory care unit must complete a minimum of 4 hours of SD :

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05/14/2024 03:49 PM 78 dementia care services training.

Training must be provided by the facility, approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) The psychological, social, and physical needs of individuals with Alzheimer's disease or other dementias.

(3) The benefits of non-pharmacological approaches to treatment.

(4) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(d) Within 60 days of hiring, an individual directly employed by an assisted living facility who provides non-direct care to residents receiving dementia care services in a secured memory care unit must complete a minimum of 2 hours of dementia care services training.

Training must be provided by the facility, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(e) In addition to the initial dementia care services training required by this section, an individual directly employed by an assisted living facility that provides direct care for residents receiving dementia care services in a secured memory care unit must complete annually a minimum of 4 hours of dementia care services training.

Training must be provided by the facility, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) The psychological, social, and physical needs of individuals with Alzheimer's disease or other dementias.

(3) The benefits of non-pharmacological approaches to treatment.

(4) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(f) In addition to initial dementia care services training required by this section, an individual directly employed by an assisted living facility that provides non-direct care for residents receiving dementia care services in a secured memory SD :

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05/14/2024 03:49 PM care unit must complete annually a minimum of 2 hours of dementia care services training.

Training must be provided by the facility, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(g) The Department, in its sole discretion, may allow other required dementia care services training to satisfy the training requirements in this section.

(h) Upon an individual's completion of a training defined in this section, an assisted living facility must provide the individual proof of completion of the training within 10 business days of the individual's completion of the training.

(i) An assisted living facility must maintain a record of each individual's completion of training required by this section for a minimum of 3 years after the individual has completed the training.

Sec. 1195.

Dementia Care Services Training for Staff Employed by a Temporary Staffing Agency (a) If an individual employed by a temporary staffing agency is contracted by an assisted living facility to provide either direct or non-direct care to residents receiving dementia care services in a secured memory care unit, the assisted living facility must, prior to the individual providing either direct or non-direct care to residents receiving dementia care services in a secured memory care unit, obtain proof from the temporary staffing agency that the individual has completed the training required in this section.

(b) Prior to providing direct care to residents receiving dementia care services in a secured memory care unit, an individual employed by a temporary staffing agency and providing direct care to residents receiving dementia care services in a secured memory care unit must complete a minimum 4 hours of dementia care services training.

Training must be provided by the temporary staffing agency, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) The psychological, social, and physical needs of individuals with Alzheimer's disease or other dementias.

(3) The benefits of non-pharmacological approaches to treatment.

(4) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

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05/14/2024 03:49 PM (c) Prior to providing non-direct care to residents receiving dementia care services in a secured memory care unit, an individual employed by a temporary staffing agency and providing non-direct care to residents receiving dementia care services in a secured memory care unit must complete a minimum of 2 hours of dementia care services training.

Training must be provided by the temporary staffing agency, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(d) In addition to initial dementia care services training, an individual employed by a temporary staffing agency that provides direct care for residents receiving dementia care services in a secured memory care unit must complete a minimum of 4 hours of annual dementia care services training.

Training must be provided by the temporary staffing agency, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) The psychological, social, and physical needs of individuals with Alzheimer's disease or other dementias.

(3) The benefits of non-pharmacological approaches to treatment.

(4) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(e) In addition to initial dementia care services training, an individual employed a temporary staffing agency that provides non-direct care for residents receiving dementia care services in a secured memory care unit must complete a minimum of 2 hours of annual dementia care services training.

Training must be provided by the temporary staffing agency, be approved by the Department, and include all of the following topics:

(1) Communicating and interacting with individuals with Alzheimer's disease or other dementias.

(2) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the facility.

(f) The Department, in its sole discretion, may allow other required dementia care services training to satisfy the training requirements in this section.

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05/14/2024 03:49 PM (g) Upon an individual's completion of a training defined in this section, a temporary staffing agency must provide the individual proof of completion of the training within 10

business days of the individual's completion of the training.

(h) A temporary staffing agency must maintain a record of each individual's completion of training required by this section for a minimum of 3 years after the individual has completed the training.

Sec. 1196.

Transferability of Training.

If an individual was previously employed by another assisted living facility or a temporary staffing agency and has previously satisfied a training requirement defined in this subchapter, the individual may present proof of completion of the training to an assisted living facility or a temporary staffing agency to satisfy the corresponding training required by this subchapter.

Sec. 1197.

Enforcement.

(a) A failure to meet the requirements defined in this subchapter are grounds for enforcement action under this chapter.

(b) The Department may impose additional staffing requirements on any assisted living facility due to unsatisfactory outcomes for residents receiving dementia care services in a secured memory care unit. Such determination is made at the sole discretion of the Department.

Sec. 1198.

Authority to Develop Rules and Regulations.

The Department shall promulgate and adopt rules and regulations to fully and effectively implement the provisions of this subchapter.

Section 2.

This Act is effective immediately and is to be implemented upon notice by the Secretary of Health and Social Services published in the Register of Regulations that final regulations to implement this Act have been promulgated.

SYNOPSIS This Act is a substitute for Senate Bill No.

150.

Like Senate Bill No.

150, this Act requires included facilities have sufficient staff to meet the needs of each resident and requires dementia care services training for staff.

This Act differs from Senate Bill No.

150 in the following ways:

(1) it removes the definition of activity services;

(2) it defines direct care, secured memory care unit, and memory care services;

(3) it requires that assisted living facilities providing dementia care services to residents in a secured memory care unit create a staffing plan that ensures the facility has sufficient staff to meet the scheduled, reasonably foreseeable unscheduled, and evolving needs of residents and;

(4) it charges the Department of Health and Social Services with reviewing the staffing plan during each annual inspection and during any other inspection in which the Department deems it relevant;

(5) it revises initial dementia care services training requirement by limiting the requirement to individuals that provide care in a secured memory care unit of an assisted living facility, creating separate training requirements, both in terms of duration and content, for individuals that provide direct care and non-direct care to residents receiving dementia care services in secured memory care units of assisted living facilities;

(6) it revises the annual dementia care services training requirement to mirror initial dementia services training requirements;

(7) it establishes dementia care services training requirements for individuals employed by temporary staffing agencies;

(8) it gives the Department of Health and Social Services the discretion to accept other required dementia care services training to satisfy the dementia care services training requirements;

(9) it details the transferability of training between facilities and temporary staffing agencies;

and (10) it narrows the scope from all long-term care facilities to only assisted living facilities.

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