



SPONSOR: Sen. Mantzavinos & Sen. Pettyjohn & Rep. K. Johnson &  
Rep. Dorsey Walker  
Sens. Buckson, Hansen, Hoffner, Huxtable, Lockman,  
Sokola, Townsend, Walsh; Reps. Griffith, Hilovsky,  
Longhurst, Morrison, Wilson-Anton

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 150

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DEMENTIA CARE SERVICES IN  
LONG-TERM CARE FACILITIES.

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

Section 1. Amend Chapter 11, Title 16 of the Delaware Code by making deletions as shown by strike through and  
insertions as show by underline as follows:

Subchapter X. Dementia Care Services

§ 1192. Definitions.

For the purposes of this subchapter:

(a) "Assisted Living Facility" means as defined in § 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:

a. Administering medications or medical treatments.

b. Conducting physical or psychosocial assessments.

c. Planning the treatment of, or care for, a resident.

d. Supporting activities of daily living, including bathing, dressing, transferring, toileting, and eating.

e. Coordinating resident-focused activities.

20 f. Supervising residents.

21 (e) "Memory Care Services" means ongoing specialized care for residents who demonstrate symptoms of  
22 memory-impacting conditions, including traumatic brain injuries, Alzheimer's disease, or other dementias, to an extent that  
23 such symptoms interfere with activities of daily living. Such care is designed to manage the behavioral and psychological  
24 symptoms of memory-impacting conditions, including traumatic brain injuries, Alzheimer's disease, or other dementias.  
25 Such care includes planned group and individual programming and person-centered care practices to support activities of  
26 daily living for residents living with memory-impacting conditions, including traumatic brain injuries, Alzheimer's disease,  
27 or other dementias. Memory care services may be provided in a facility that is not or does not include a secured memory  
28 care unit. Memory care services includes dementia care services.

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

30 (g) "Secured Memory Care Unit" means a designated area or setting designed for individuals who demonstrate  
31 symptoms of memory-impacting conditions, including traumatic brain injury, Alzheimer's disease, or other dementias, that  
32 is secured to prevent a resident from exiting, or to limit a resident's ability to exit, the secured area or setting. A secured  
33 memory care unit is not solely an individual resident's personal living area. A secured memory care unit does not include  
34 all facilities that provide memory care services.

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

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

40 § 1193. Dementia Care Staffing in Secured Memory Care Units in Assisted Living Facilities

41 (a) An assisted living facility that provides dementia care services in a secured memory care unit must develop a  
42 staffing plan for determining its staffing level that does all of the following:

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

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

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

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

(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.

§ 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

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

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.

§ 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.

137 (c) Prior to providing non-direct care to residents receiving dementia care services in a secured memory care unit,  
138 an individual employed by a temporary staffing agency and providing non-direct care to residents receiving dementia care  
139 services in a secured memory care unit must complete a minimum of 2 hours of dementia care services training. Training  
140 must be provided by the temporary staffing agency, be approved by the Department, and include all of the following topics:

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

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

145 (d) In addition to initial dementia care services training, an individual employed by a temporary staffing agency  
146 that provides direct care for residents receiving dementia care services in a secured memory care unit must complete a  
147 minimum of 4 hours of annual dementia care services training. Training must be provided by the temporary staffing  
148 agency, be approved by the Department, and include all of the following topics:

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

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

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

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

156 (e) In addition to initial dementia care services training, an individual employed a temporary staffing agency that  
157 provides non-direct care for residents receiving dementia care services in a secured memory care unit must complete a  
158 minimum of 2 hours of annual dementia care services training. Training must be provided by the temporary staffing  
159 agency, be approved by the Department, and include all of the following topics:

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

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

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

166 (g) Upon an individual's completion of a training defined in this section, a temporary staffing agency must provide  
167 the individual proof of completion of the training within 10 business days of the individual's completion of the training.

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

170 § 1196. Transferability of Training.

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

175 § 1197. Enforcement.

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

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

181 § 1198. Authority to Develop Rules and Regulations.

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

184 Section 2. This Act is effective immediately and is to be implemented upon notice by the Secretary of Health and  
185 Social Services published in the Register of Regulations that final regulations to implement this Act have been  
186 promulgated.

187  
188 d) In addition to initial dementia care services training, an individual employed by a temporary staffing agency  
189 that provides direct care for residents receiving dementia care services in a secured memory care unit must complete a  
190 minimum of 6 hours of annual dementia care services training. Training must be approved by the Department and include  
191 all of the following topics:

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

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

195 (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 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.

(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 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.

#### § 1196. Transferability of Training.

If an individual was previously employed by another assisted living facility or a temporary staffing agency and has previously completed training defined in this section, 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.

#### § 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.

#### § 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.



226           Section 2. This Act is effective immediately and is to be implemented upon notice by the Secretary of Health and  
227 Social Services published in the Register of Regulations that final regulations to implement this Act have been  
228 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.

Author: Senator Mantzavinos