



SPONSOR: Sen. Mantzavinos & Sen. Pettyjohn & Rep. 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. 2
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:

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

3 Subchapter X. Dementia Care Services

4 § 1192. Definitions.

5 For the purposes of this subchapter:

6 (a) “Assisted Living Facility” means as defined in § 1102 of this title.

7 (b) “Dementia Care Services” means ongoing specialized care for residents who have been diagnosed with
8 Alzheimer’s disease or other dementias. Such care is designed to manage the behavioral and psychological symptoms of
9 Alzheimer’s disease or other dementias. Such care includes planned group and individual programming and person-
10 centered care practices to support activities of daily living for residents living with Alzheimer’s disease or other dementias.
11 Dementia care services may be provided in a facility that is not or does not include a secured memory care unit. Dementia
12 care services are a type of memory care services.

13 (c) “Department” means the Department of Health and Social Services.

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

15 (1) Administering medications or medical treatments.

16 (2) Conducting physical or psychosocial assessments.

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

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

19 (5) Coordinating resident-focused activities.

20 (6) 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.

49 (5) Ensures that the facility is prepared to respond promptly and effectively to individual resident
50 emergencies and to emergency, life safety, and disaster situations affecting staff or residents in the facility.

51 (b) The Department shall review the facility's staffing plan during each annual inspection and during any other
52 inspection in which the Department determines that a review of the staffing plan is relevant. The Department shall review
53 the facility's staffing plan to ensure all of the following:

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

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

56 § 1194. Dementia Care Services Training for Staff Employed by Assisted Living Facilities

57 (a) Within 180 days of the implementation of this Act, an individual directly employed by an assisted living
58 facility who provides direct care to residents receiving dementia care services in a secured memory care unit must complete
59 a minimum of 4 hours of dementia care services training. Training must be provided by the facility, approved by the
60 Department, and include all of the following topics:

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

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

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

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

68 (b) Within 180 days of the implementation of this Act, an individual directly employed by an assisted living
69 facility who provides non-direct care to residents receiving dementia care services in a secured memory care unit must
70 complete a minimum of 2 hours of dementia care services training. Training must be provided by the facility, be approved
71 by the Department, and include all of the following topics:

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

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

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

78 dementia care services training. Training must be provided by the facility, approved by the Department, and include all of
79 the following topics:

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

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

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

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

87 (d) Within 60 days of hiring, an individual directly employed by an assisted living facility who provides non-direct
88 care to residents receiving dementia care services in a secured memory care unit must complete a minimum of 2 hours of
89 dementia care services training. Training must be provided by the facility, be approved by the Department, and include all
90 of the following topics:

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

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

95 (e) In addition to the initial dementia care services training required by this section, an individual directly
96 employed by an assisted living facility that provides direct care for residents receiving dementia care services in a secured
97 memory care unit must complete annually a minimum of 4 hours of dementia care services training. Training must be
98 provided by the facility, be approved by the Department, and include all of the following topics:

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

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

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

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

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

108 care unit must complete annually a minimum of 2 hours of dementia care services training. Training must be provided by
109 the facility, be approved by the Department, and include all of the following topics:

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

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

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

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

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

120 § 1195. Dementia Care Services Training for Staff Employed by a Temporary Staffing Agency

121 (a) If an individual employed by a temporary staffing agency is contracted by an assisted living facility to provide
122 either direct or non-direct care to residents receiving dementia care services in a secured memory care unit, the assisted
123 living facility must, prior to the individual providing either direct or non-direct care to residents receiving dementia care
124 services in a secured memory care unit, obtain proof from the temporary staffing agency that the individual has completed
125 the training required in this section.

126 (b) Prior to providing direct care to residents receiving dementia care services in a secured memory care unit, an
127 individual employed by a temporary staffing agency and providing direct care to residents receiving dementia care services
128 in a secured memory care unit must complete a minimum 4 hours of dementia care services training. Training must be
129 provided by the temporary staffing agency, be approved by the Department, and include all of the following topics:

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

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

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

134 (4) Safety measures necessary for individuals with Alzheimer's disease or other dementias, including
135 preventing and responding to a resident's unauthorized exit from either the secured memory care unit or the
136 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.

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