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
AS AMENDED BY
SENATE AMENDMENT NO. 1

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:

(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.

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(5) Coordinating resident-focused activities.

(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 § 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 for the purpose of preventing a resident from exiting, or for the purpose of limiting 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.

§ 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.

(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.

(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.

(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.

§ 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.

§ 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.

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.