

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 581

Short Title: Establish Mandatory Dementia Care Training. (Public)

Sponsors: Senators Woodard (Primary Sponsor); Bryant, Smith-Ingram, Van Duyn, and Waddell.

Referred to: Rules and Operations of the Senate

April 4, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING ADULT CARE HOMES, NURSING HOMES, AND  
3 COMBINATION HOMES THAT PROVIDE SPECIAL CARE FOR PERSONS WITH  
4 ALZHEIMER'S DISEASE OR OTHER DEMENTIAS TO PROVIDE DEMENTIA CARE  
5 TRAINING TO DIRECT CARE STAFF, ADMINISTRATIVE STAFF, AND  
6 NON-DIRECT CARE STAFF AND ESTABLISHING MINIMUM STANDARDS FOR  
7 SUCH TRAINING.

8 The General Assembly of North Carolina enacts:

9 SECTION 1.(a) Article 1 of Chapter 131D of the General Statutes is amended by  
10 adding a new section to read:

11 "**§ 131D-4.5D. Adult care home staff; dementia care training requirements.**

12 (a) Definitions. – As used in this section, the following definitions apply:

13 (1) Administrative staff. – Includes the senior management of an adult care  
14 home, including the administrator and the managerial staff that directly  
15 supervise direct care staff.

16 (2) Direct care staff. – Any staff person of an adult care home whose work  
17 involves extensive contact with facility residents, including medication  
18 aides, nurses aides, personal care assistants, home health aides, personal care  
19 aides, licensed practical nurses, registered nurses, nurse practitioners,  
20 physician assistants, social workers, activity directors, dietary staff, and  
21 physical, speech, and occupational therapy staff.

22 (3) Non-direct care staff. – Any staff person who has incidental contact on a  
23 recurring basis with adult care home residents, including housekeeping staff,  
24 front desk staff, maintenance staff, other administrative staff, and other  
25 individuals who have such incidental contact.

26 (4) Staff person. – Includes full-time and part-time employees of the adult care  
27 home and independent contractors and consultants of the adult care home.

28 (b) Deadline for Completing Initial Dementia Care Training. – Within 60 days from the  
29 date of hire, each adult care home must provide, and each staff person hired shall complete, the  
30 initial dementia care training described in subsection (c) of this section.

31 (c) Contents of Initial Dementia Care Training. –

32 (1) The curriculum used to provide initial dementia care training to direct care  
33 staff and administrative staff shall provide instruction in at least all of the  
34 following topics:



- a. Dementia, including the progression of the disease, memory loss, and psychiatric and behavioral symptoms.
- b. Strategies for providing person-centered care.
- c. Communication issues.
- d. Techniques for understanding and approaching behavioral symptoms, including alternatives to physical and chemical restraints.
- e. Strategies for addressing social needs and providing meaningful activities.
- f. Information on how to address specific aspects of care and safety, such as pain, food, fluid, and wandering.

(2) The curriculum used to provide initial dementia care training to non-direct care staff shall provide instruction in at least all of the following topics:

- a. Dementia, including the progression of the disease, memory loss, and psychiatric and behavioral symptoms.
- b. Communication issues.

Initial dementia care training shall be considered complete only after the staff person has taken and passed an evaluation instrument designed to test his or her competence in the topics described in this subsection.

(d) Continuing Education. – Adult care homes shall provide continuing dementia care education to its direct care staff, administrative staff, and non-direct care staff. The Department shall adopt rules specifying the frequency and content of this continuing dementia care education. The rules shall include a provision requiring that continuing dementia care education for direct care staff and administrative staff includes new information on best practices in the treatment and care of persons with dementia.

(e) Approval of Dementia Care Training Programs. – The Division of Health Service Regulation shall identify and designate standardized training programs, including online training programs, that meet the requirements of subsections (c) and (d) of this section and shall also establish a process for determining whether other nonstandardized training programs meet the requirements of subsections (c) and (d) of this section. The Division of Health Service Regulation shall not identify or designate a training program as having met the requirements of subsection (c) or (d) of this section unless the training program meets the following minimum criteria:

- (1) Whether online or in-person, all training modules, presentations, materials, and evaluation instruments must reflect current standards and best practices in the care and treatment of persons with dementia.
- (2) Programs for initial dementia care training must include an evaluation component that includes a demonstration of skill competency and knowledge in the topics identified in subsection (c) of this section and may include written or oral evaluations and care recipient and family surveys.

The Division of Health Service Regulation may approve independent evaluation instruments or itself develop evaluation instruments for these programs.

(f) Portability of Initial Dementia Care Training. – Upon completion of initial dementia care training, the adult care home or training program shall cause to be issued to each staff person who successfully completes the training a certificate of completion, which shall be portable between settings. Direct care staff is not required to repeat initial dementia care training as long as there is no lapse of dementia-related direct care or administrative service or employment for 24 consecutive months or more. All staff persons are responsible for maintaining their own certificates of completion for initial dementia care training.

(g) Requirements for Dementia Care Trainers. – Any person who conducts in-person dementia care training for an adult care home to satisfy the requirements of this section must meet all of the following minimum qualifications:

1           (1) Have at least two years of work experience related to Alzheimer's disease or  
2           other dementias, or two years of work experience in health care,  
3           gerontology, or another related field.

4           (2) Have completed training equivalent to the requirements specified in  
5           subdivision (c)(1) of this section and successfully passed an evaluation  
6           component that includes a demonstration of skill competency and  
7           knowledge in the topics identified in subdivision (c)(1) of this section.

8           (h) Training Cost. – Adult care homes shall bear the entire cost of the training required  
9           by this section. Staff persons shall not be required to bear any of the cost of initial dementia  
10           care training programs, continuing dementia care education programs, or attending these  
11           programs and shall receive their normal compensation when attending any of these required  
12           programs.

13           (i) Relationship to Other Laws. – This section is designed to address gaps in current  
14           dementia care training for staff persons of adult care homes and to improve the quality of  
15           dementia care training. If other applicable State or federal laws contain more stringent training  
16           requirements, those laws shall apply. Where there is overlap between the requirements of this  
17           section and other applicable State or federal laws, the Department shall interpret this statute to  
18           avoid duplication of requirements while ensuring that the minimum requirements specified in  
19           this section are met."

20           **SECTION 1.(b)** G.S. 131D-2.11(a) reads as rewritten:

21           "(a) State Inspection and Monitoring. – The Department shall ensure that adult care  
22           homes required to be licensed by this Article are monitored for licensure compliance on a  
23           regular basis. All facilities licensed under this Article and adult care units in nursing homes are  
24           subject to inspections at all times by the Secretary. Except as provided in subsection (a1) of this  
25           section, the Division of Health Service Regulation shall inspect all adult care homes and adult  
26           care units in nursing homes on an annual basis.

27           Beginning ~~July 1, 2012,~~ January 1, 2018, the Division of Health Service Regulation shall  
28           include as part of its inspection of all adult care homes a review of (i) the facility's compliance  
29           with G.S. 131D-4.4A(b) and safe practices for injections and any other procedures during  
30           which bleeding typically ~~occurs~~-occurs and (ii) the facility's compliance with G.S. 131D-4.5D,  
31           which shall include a review of at least all of the following:

32           (1) Whether the adult care home utilizes Department-approved initial dementia  
33           care training programs to meet the requirements of G.S. 131D-4.5D.

34           (2) Whether the adult care home provides appropriate continuing education  
35           opportunities that meet the requirements of G.S. 131D-4.5D.

36           (3) The training evaluation instrument utilized by the adult care home to assess  
37           skill competency and knowledge in the topics described in G.S. 131D-4.5D.

38           (4) Proficiencies of direct care staff by direct observation and assessment.

39           (5) Compliance with all other requirements specified in G.S. 131D-4.5D.

40           In addition, the Department shall ensure that adult care homes are inspected every two  
41           years to determine compliance with physical plant and life-safety requirements."

42           **SECTION 1.(c)** G.S. 131E-114.5(b), as enacted by subsection (a) of this section,  
43           applies to staff persons hired on or after October 1, 2017. By December 1, 2017, adult care  
44           homes shall provide to staff persons hired before October 1, 2017, who are unable to  
45           demonstrate proof of having completed, within the 24-month period preceding October 1,  
46           2017, training equivalent to the initial dementia care training described in G.S. 131E-114.5(c),  
47           as enacted by this act, initial dementia care training that meets the requirements of  
48           G.S. 131E-114.5(c), as enacted by this act.

49           **SECTION 2.(a)** Part 1 of Article 6 of Chapter 131E of the General Statutes is  
50           amended by adding a new section to read:

51           "**§ 131E-114.5. Dementia care training requirements.**

1       (a)     Definitions. – As used in this section, the following definitions apply:

2           (1)     Administrative staff. – Includes the senior management of a covered facility,  
3                 including the administrator and the managerial staff that directly supervise  
4                 direct care staff.

5           (2)     Covered facility. – Includes nursing homes and combination homes licensed  
6                 under this Part that provide special care for persons with Alzheimer's disease  
7                 or other dementias.

8           (3)     Direct care staff. – Any staff person of a covered facility whose work  
9                 involves extensive contact with facility residents, including medication  
10                aides, nurses aides, personal care assistants, home health aides, personal care  
11                aides, licensed practical nurses, registered nurses, nurse practitioners,  
12                physician assistants, social workers, activity directors, dietary staff, and  
13                physical, speech, and occupational therapy staff.

14          (4)     Non-direct care staff. – Any staff person who has incidental contact on a  
15                 recurring basis with a covered facility's residents, including housekeeping  
16                 staff, front desk staff, maintenance staff, other administrative staff, and other  
17                 individuals who have such incidental contact.

18          (5)     Staff person. – Includes full-time and part-time employees of the covered  
19                 facility and independent contractors and consultants of the facility.

20       (b)     Deadline for Completing Initial Dementia Care Training. – Within 60 days from the  
21                 date of hire, each covered facility must provide, and each staff person hired shall complete, the  
22                 initial dementia care training described in subsection (c) of this section.

23       (c)     Contents of Initial Dementia Care Training. –

24           (1)     The curriculum used to provide initial dementia care training to direct care  
25                 staff and administrative staff shall provide instruction in at least all of the  
26                 following topics:

27                a.     Dementia, including the progression of the disease, memory loss, and  
28                         psychiatric and behavioral symptoms.

29                b.     Strategies for providing person-centered care.

30                c.     Communication issues.

31                d.     Techniques for understanding and approaching behavioral  
32                         symptoms, including alternatives to physical and chemical restraints.

33                e.     Strategies for addressing social needs and providing meaningful  
34                         activities.

35                f.     Information on how to address specific aspects of care and safety,  
36                         such as pain, food, fluid, and wandering.

37          (2)     The curriculum used to provide initial dementia care training to non-direct  
38                 care staff shall provide instruction in at least all of the following topics:

39                a.     Dementia, including the progression of the disease, memory loss, and  
40                         psychiatric and behavioral symptoms.

41                b.     Communication issues.

42       Initial dementia care training shall be considered complete only after the staff person has  
43       taken and passed an evaluation instrument designed to test his or her competence in the topics  
44       described in this subsection.

45       (d)     Continuing Education. – Covered facilities shall provide continuing dementia care  
46                 education to its direct care staff, administrative staff, and non-direct care staff. The Department  
47                 shall adopt rules specifying the frequency and content of this continuing dementia care  
48                 education. The rules shall include a provision requiring that continuing dementia care education  
49                 for direct care staff and administrative staff includes new information on best practices in the  
50                 treatment and care of persons with dementia.

1       (e) Approval of Dementia Care Training Programs. – The Division of Health Service  
2 Regulation shall identify and designate standardized training programs, including online  
3 training programs, that meet the requirements of subsections (c) and (d) of this section and shall  
4 also establish a process for determining whether other nonstandardized training programs meet  
5 the requirements of subsections (c) and (d) of this section. The Division of Health Service  
6 Regulation shall not identify or designate a training program as having met the requirements of  
7 subsection (c) or (d) of this section unless the training program meets the following minimum  
8 criteria:

- 9           (1) Whether online or in-person, all training modules, presentations, materials,  
10 and evaluation instruments must reflect current standards and best practices  
11 in the care and treatment of persons with dementia.  
12           (2) Programs for initial dementia care training must include an evaluation  
13 component that includes a demonstration of skill competency and  
14 knowledge in the topics identified in subsection (c) of this section and may  
15 include written or oral evaluations and care recipient and family surveys.

16       The Division of Health Service Regulation may approve independent evaluation  
17 instruments or itself develop evaluation instruments for these programs.

18       (f) Portability of Initial Dementia Care Training. – Upon completion of initial dementia  
19 care training, the covered facility or training program shall cause to be issued to each staff  
20 person who successfully completes the training a certificate of completion, which shall be  
21 portable between settings. Direct care staff is not required to repeat initial dementia care  
22 training as long as there is no lapse of dementia-related direct care or administrative service or  
23 employment for 24 consecutive months or more. All staff persons are responsible for  
24 maintaining their own certificates of completion for initial dementia care training.

25       (g) Requirements for Dementia Care Trainers. – Any person who conducts in-person  
26 dementia care training for a covered facility to satisfy the requirements of this section must  
27 meet all of the following minimum qualifications:

- 28           (1) Have at least two years of work experience related to Alzheimer's disease or  
29 other dementias, or two years of work experience in health care,  
30 gerontology, or another related field.  
31           (2) Have completed training equivalent to the requirements specified in  
32 subdivision (c)(1) of this section and successfully passed an evaluation  
33 component that includes a demonstration of skill competency and  
34 knowledge in the topics identified in subdivision (c)(1) of this section.

35       (h) Training Cost. – Covered facilities shall bear the entire cost of the training required  
36 by this section. Staff persons shall not be required to bear any of the cost of initial dementia  
37 care training programs, continuing dementia care education programs, or attending these  
38 programs and shall receive their normal compensation when attending any of these required  
39 programs.

40       (i) Relationship to Other Laws. – This section is designed to address gaps in current  
41 dementia care training for staff persons of covered facilities and to improve the quality of  
42 dementia care training. If other applicable State or federal laws contain more stringent training  
43 requirements, those laws shall apply. Where there is overlap between the requirements of this  
44 section and other applicable State or federal laws, the Department shall interpret this statute to  
45 avoid duplication of requirements while ensuring that the minimum requirements specified in  
46 this section are met."

47       **SECTION 2.(b)** G.S. 131E-105(a) reads as rewritten:

48       "(a) The Department shall inspect any nursing home and any adult care home operated  
49 as a part of a nursing home in accordance with rules adopted by the Commission. Beginning  
50 January 1, 2018, the Department shall include as part of its inspection of all nursing homes and

1 adult care homes operated as part of a nursing home a review of the facility's compliance with  
2 G.S. 131E-114.5, which shall include a review of at least all of the following:

3 (1) Whether the facility utilizes Department-approved initial dementia care  
4 training programs to meet the requirements of G.S. 131E-114.5.

5 (2) Whether the facility provides appropriate continuing education opportunities  
6 that meet the requirements of G.S. 131E-114.5.

7 (3) The training evaluation instrument utilized by the facility to assess skill  
8 competency and knowledge in the topics described in G.S. 131E-114.5(c).

9 (4) Proficiencies of direct care staff by direct observation and assessment.

10 (5) Compliance with all other requirements specified in G.S. 131E-114.5.

11 **SECTION 2.(c)** G.S. 131E-114.5(b), as enacted by subsection (a) of this section,  
12 applies to staff persons hired on or after October 1, 2017. By December 1, 2017, covered  
13 facilities shall provide to staff persons hired before October 1, 2017, who are unable to  
14 demonstrate proof of having completed, within the 24-month period preceding October 1,  
15 2017, training equivalent to the initial dementia care training described in G.S. 131E-114.5(c),  
16 as enacted by this act, initial dementia care training that meets the requirements of  
17 G.S. 131E-114.5(c), as enacted by this act.

18 **SECTION 3.** This act becomes effective October 1, 2017.