

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 22-079

BY SENATOR(S) Kolker and Ginal, Moreno;
also REPRESENTATIVE(S) Young and McLachlan, Burnett, Bird,
Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez,
Herod, Hooton, Jodeh, Kennedy, Lindsay, Lontine, McCluskie, Sullivan.

CONCERNING REQUIRED DEMENTIA TRAINING FOR DIRECT-CARE STAFF OF
SPECIFIED FACILITIES THAT PROVIDE SERVICES TO CLIENTS LIVING
WITH DEMENTIA.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) In 2022, an estimated seventy-six thousand Coloradans are living with Alzheimer's disease, and that number is predicted to rise by more than twenty-one percent by 2025;

(b) As dementia progresses, individuals living with the disease increasingly rely on direct-care staff to help them with activities of daily living, such as bathing, dressing, and eating, among others, and are dependent on staff for their health, safety, and welfare;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) Direct-care staff in particular settings are more likely to encounter people with dementia, as evidenced by the following data:

(I) Forty-eight percent of nursing facility residents have dementia;

(II) Forty-two percent of residents in residential care facilities, including assisted living residences, have dementia; and

(III) Thirty-one percent of individuals using adult day care services have dementia;

(d) During the COVID-19 pandemic, when families were restricted from visiting their loved ones with dementia who live in nursing or other residential facilities, the critical need for direct-care staff to be adequately trained in dementia care was highlighted;

(e) Training has the dual benefit of supporting direct-care staff and increasing the quality of care provided to residents or program participants to whom they provide care;

(f) Staff turnover presents a major challenge to direct-care employers across the country, especially given that recruitment and training is often costly and time consuming;

(g) Dementia training can more adequately prepare direct-care staff for the responsibilities of these jobs, potentially reducing stress, staff burnout, and turnover; and

(h) The single most important determinant of quality dementia care across all care settings is direct-care staff.

SECTION 2. In Colorado Revised Statutes, **add** 25-1.5-118 as follows:

25-1.5-118. Training for staff providing direct-care services to residents with dementia - rules - definitions. (1) BY JANUARY 1, 2024, THE STATE BOARD OF HEALTH SHALL ADOPT RULES REQUIRING COVERED FACILITIES TO PROVIDE DEMENTIA TRAINING FOR DIRECT-CARE STAFF MEMBERS. THE RULES MUST SPECIFY THE FOLLOWING, AT A MINIMUM:

(a) THE DATE ON WHICH THE DEMENTIA TRAINING REQUIREMENT IS EFFECTIVE;

(b) THE LENGTH AND FREQUENCY OF THE DEMENTIA TRAINING, WHICH MUST BE COMPETENCY-BASED AND MUST REQUIRE A COVERED FACILITY TO PROVIDE:

(I) AT LEAST FOUR HOURS OF INITIAL DEMENTIA TRAINING FOR:

(A) ALL DIRECT-CARE STAFF MEMBERS HIRED BY OR WHO START PROVIDING DIRECT-CARE SERVICES AT A COVERED FACILITY ON OR AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES, UNLESS AN EXCEPTION ESTABLISHED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION APPLIES, WHICH TRAINING MUST BE COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE START OF EMPLOYMENT OR THE PROVISION OF DIRECT-CARE SERVICES, AS APPLICABLE; AND

(B) ALL DIRECT-CARE STAFF MEMBERS HIRED BY OR PROVIDING DIRECT-CARE SERVICES AT A COVERED FACILITY BEFORE THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES, UNLESS AN EXCEPTION ESTABLISHED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION APPLIES, WHICH TRAINING MUST BE COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES; AND

(II) AT LEAST TWO HOURS OF CONTINUING EDUCATION ON DEMENTIA TOPICS FOR ALL DIRECT-CARE STAFF MEMBERS EVERY TWO YEARS. THE CONTINUING EDUCATION MUST INCLUDE CURRENT INFORMATION ON BEST PRACTICES IN THE TREATMENT AND CARE OF PERSONS LIVING WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

(c) THE CONTENT OF THE INITIAL DEMENTIA TRAINING, WHICH MUST BE CULTURALLY COMPETENT AND INCLUDE THE FOLLOWING TOPICS:

(I) DEMENTIA DISEASES AND RELATED DISABILITIES;

(II) PERSON-CENTERED CARE;

(III) CARE PLANNING;

(IV) ACTIVITIES OF DAILY LIVING; AND

(V) DEMENTIA-RELATED BEHAVIORS AND COMMUNICATION;

(d) THE METHOD OF DEMONSTRATING COMPLETION OF THE REQUIRED DEMENTIA TRAINING AND CONTINUING EDUCATION AND OF EXEMPTING A DIRECT-CARE STAFF MEMBER FROM THE REQUIRED DEMENTIA TRAINING IF THE DIRECT-CARE STAFF MEMBER MOVES TO A DIFFERENT COVERED FACILITY THAN THE COVERED FACILITY THROUGH WHICH THE DIRECT-CARE STAFF MEMBER RECEIVED THE TRAINING. FOR PURPOSES OF THIS SUBSECTION (1)(d), "COVERED FACILITY" INCLUDES AN ADULT DAY CARE FACILITY AS DEFINED IN SECTION 25.5-6-303 (1).

(e) AN EXCEPTION TO THE INITIAL DEMENTIA TRAINING REQUIREMENTS FOR:

(I) A DIRECT-CARE STAFF MEMBER HIRED BY OR WHO STARTS PROVIDING DIRECT-CARE SERVICES AT A COVERED FACILITY ON OR AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES WHO HAS:

(A) COMPLETED AN EQUIVALENT DEMENTIA TRAINING PROGRAM WITHIN THE TWENTY-FOUR MONTHS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES; AND

(B) PROVIDED PROOF OF SATISFACTORY COMPLETION OF THE TRAINING PROGRAM; AND

(II) A DIRECT-CARE STAFF MEMBER HIRED BY OR PROVIDING DIRECT-CARE SERVICES AT A COVERED FACILITY BEFORE THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES WHO HAS:

(A) RECEIVED EQUIVALENT TRAINING, AS DEFINED IN THE RULES, WITHIN THE TWENTY-FOUR MONTHS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES; AND

(B) PROVIDED PROOF OF SATISFACTORY COMPLETION OF THE

TRAINING PROGRAM;

(f) MINIMUM REQUIREMENTS FOR INDIVIDUALS CONDUCTING THE DEMENTIA TRAINING;

(g) A PROCESS FOR THE DEPARTMENT TO VERIFY COMPLIANCE WITH THIS SECTION AND THE RULES ADOPTED BY THE STATE BOARD OF HEALTH PURSUANT TO THIS SECTION;

(h) A REQUIREMENT THAT COVERED FACILITIES PROVIDE THE DEMENTIA TRAINING AND CONTINUING EDUCATION PROGRAMS TO DIRECT-CARE STAFF MEMBERS AT NO COST TO THE STAFF MEMBERS; AND

(i) ANY OTHER MATTERS THE STATE BOARD OF HEALTH DEEMS NECESSARY TO IMPLEMENT THIS SECTION.

(2) THE DEPARTMENT SHALL ENCOURAGE COVERED FACILITIES AND DEMENTIA TRAINING PROVIDERS TO EXPLORE AND APPLY FOR AVAILABLE GIFTS, GRANTS, AND DONATIONS FROM STATE AND FEDERAL PUBLIC AND PRIVATE SOURCES TO SUPPORT THE DEVELOPMENT AND IMPLEMENTATION OF DEMENTIA TRAINING PROGRAMS.

(3) AS USED IN THIS SECTION:

(a) "COVERED FACILITY" MEANS A NURSING CARE FACILITY OR AN ASSISTED LIVING RESIDENCE LICENSED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

(b) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME MEANING AS SET FORTH IN SECTION 25-1-502 (2.5).

(c) "DIRECT-CARE STAFF MEMBER" MEANS A STAFF MEMBER CARING FOR THE PHYSICAL, EMOTIONAL, OR MENTAL HEALTH NEEDS OF RESIDENTS IN A COVERED FACILITY AND WHOSE WORK INVOLVES REGULAR CONTACT WITH RESIDENTS WHO ARE LIVING WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

(d) "STAFF MEMBER" MEANS AN INDIVIDUAL, OTHER THAN A VOLUNTEER, WHO IS EMPLOYED BY A COVERED FACILITY.

SECTION 3. In Colorado Revised Statutes, **add 25.5-6-314** as follows:

25.5-6-314. Training for staff providing direct-care services to clients with dementia - rules - definitions. (1) AS USED IN THIS SECTION:

(a) "COVERED FACILITY" MEANS A NURSING CARE FACILITY OR AN ASSISTED LIVING RESIDENCE LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

(b) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME MEANING AS SET FORTH IN SECTION 25-1-502 (2.5).

(c) "DIRECT-CARE STAFF MEMBER" MEANS A STAFF MEMBER CARING FOR THE PHYSICAL, EMOTIONAL, OR MENTAL HEALTH NEEDS OF CLIENTS OF AN ADULT DAY CARE FACILITY AND WHOSE WORK INVOLVES REGULAR CONTACT WITH CLIENTS WHO ARE LIVING WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

(d) "STAFF MEMBER" MEANS AN INDIVIDUAL, OTHER THAN A VOLUNTEER, WHO IS EMPLOYED BY AN ADULT DAY CARE FACILITY.

(2) BY JULY 1, 2024, THE STATE BOARD SHALL ADOPT RULES REQUIRING ALL DIRECT-CARE STAFF MEMBERS TO OBTAIN DEMENTIA TRAINING PURSUANT TO CURRICULUM PRESCRIBED OR APPROVED BY THE STATE DEPARTMENT IN COLLABORATION WITH STAKEHOLDERS THAT IS CONSISTENT WITH THE RULES ADOPTED PURSUANT TO THIS SUBSECTION (2). THE RULES MUST SPECIFY THE FOLLOWING, AT A MINIMUM:

(a) THE DATE ON WHICH THE DEMENTIA TRAINING REQUIREMENT IS EFFECTIVE;

(b) THE LENGTH AND FREQUENCY OF THE DEMENTIA TRAINING, WHICH MUST BE COMPETENCY-BASED AND MUST REQUIRE ALL DIRECT-CARE STAFF TO OBTAIN:

(I) AT LEAST FOUR HOURS OF INITIAL DEMENTIA TRAINING, WHICH MUST BE COMPLETED AS FOLLOWS:

(A) FOR ALL DIRECT-CARE STAFF MEMBERS HIRED BY OR WHO START

PROVIDING DIRECT-CARE SERVICES AT AN ADULT DAY CARE FACILITY ON OR AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES, UNLESS AN EXCEPTION ESTABLISHED PURSUANT TO SUBSECTION (2)(e) OF THIS SECTION APPLIES, THE TRAINING MUST BE COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE START OF EMPLOYMENT OR THE PROVISION OF DIRECT-CARE SERVICES, AS APPLICABLE; AND

(B) FOR ALL DIRECT-CARE STAFF MEMBERS HIRED BY OR PROVIDING DIRECT-CARE SERVICES AT AN ADULT DAY CARE FACILITY BEFORE THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES, UNLESS AN EXCEPTION ESTABLISHED PURSUANT TO SUBSECTION (2)(e) OF THIS SECTION APPLIES, THE TRAINING MUST BE COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES; AND

(II) AT LEAST TWO HOURS OF CONTINUING EDUCATION ON DEMENTIA TOPICS EVERY TWO YEARS. THE CONTINUING EDUCATION MUST INCLUDE CURRENT INFORMATION ON BEST PRACTICES IN THE TREATMENT AND CARE OF PERSONS LIVING WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

(c) THE CONTENT OF THE INITIAL DEMENTIA TRAINING, WHICH MUST BE CULTURALLY COMPETENT AND INCLUDE THE FOLLOWING TOPICS:

(I) DEMENTIA DISEASES AND RELATED DISABILITIES;

(II) PERSON-CENTERED CARE;

(III) CARE PLANNING;

(IV) ACTIVITIES OF DAILY LIVING; AND

(V) DEMENTIA-RELATED BEHAVIORS AND COMMUNICATION;

(d) THE METHOD OF DEMONSTRATING COMPLETION OF THE REQUIRED DEMENTIA TRAINING AND CONTINUING EDUCATION AND OF EXEMPTING A DIRECT-CARE STAFF MEMBER FROM THE REQUIRED DEMENTIA TRAINING IF THE DIRECT-CARE STAFF MEMBER MOVES TO A DIFFERENT ADULT DAY CARE FACILITY THAN THE ADULT DAY CARE FACILITY THROUGH WHICH THE DIRECT-CARE STAFF MEMBER RECEIVED THE TRAINING OR MOVES TO A

COVERED FACILITY AFTER RECEIVING THE TRAINING THROUGH AN ADULT DAY CARE FACILITY;

(e) AN EXCEPTION TO THE INITIAL DEMENTIA TRAINING REQUIREMENTS FOR:

(I) A DIRECT-CARE STAFF MEMBER HIRED BY OR WHO STARTS PROVIDING DIRECT-CARE SERVICES AT AN ADULT DAY CARE FACILITY ON OR AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES WHO HAS:

(A) COMPLETED AN EQUIVALENT DEMENTIA TRAINING PROGRAM WITHIN THE TWENTY-FOUR MONTHS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES; AND

(B) PROVIDED PROOF OF SATISFACTORY COMPLETION OF THE TRAINING PROGRAM; AND

(II) A DIRECT-CARE STAFF MEMBER HIRED BY OR PROVIDING DIRECT-CARE SERVICES AT AN ADULT DAY CARE FACILITY BEFORE THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES WHO HAS:

(A) RECEIVED EQUIVALENT TRAINING, AS DEFINED IN THE RULES, WITHIN THE TWENTY-FOUR MONTHS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT SPECIFIED IN THE RULES; AND

(B) PROVIDED PROOF OF SATISFACTORY COMPLETION OF THE TRAINING PROGRAM;

(f) MINIMUM REQUIREMENTS FOR INDIVIDUALS CONDUCTING THE DEMENTIA TRAINING;

(g) A PROCESS FOR THE STATE DEPARTMENT TO VERIFY COMPLIANCE WITH THIS SECTION AND THE RULES ADOPTED BY THE STATE BOARD PURSUANT TO THIS SECTION; AND

(h) ANY OTHER MATTERS THE STATE BOARD DEEMS NECESSARY TO

IMPLEMENT THIS SECTION.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO