88R19131 EAS-F

By:  Capriglione H.B. No. 1673

Substitute the following for H.B. No. 1673:

By:  Klick C.S.H.B. No. 1673

A BILL TO BE ENTITLED

AN ACT

relating to training requirements for staff members of certain assisted living facilities that provide care to persons with Alzheimer's disease and related disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.0291 to read as follows:

Sec. 247.0291.  TRAINING REQUIREMENTS FOR STAFF MEMBERS OF ASSISTED LIVING FACILITIES PROVIDING CARE TO RESIDENTS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS. (a) In this section:

(1)  "Assisted living manager" means an individual who is in a senior personnel position at an assisted living facility, including a facility administrator or manager who directly supervises direct service staff members.

(2)  "Direct service staff member" means a staff member whose work involves extensive contact with residents, including a certified nursing assistant, nurse aide, personal care assistant, home health or personal care aide, licensed practical nurse, licensed vocational nurse, registered nurse, social worker, activity director, licensed dietitian, physician assistant, nurse practitioner, physical therapist, speech language pathologist, and occupational therapist.

(3)  "Staff member" means a full- or part-time employee of an assisted living facility.

(b)  This section applies only to an assisted living facility that:

(1)  provides personal care services to residents with Alzheimer's disease or related disorders; and

(2)  does not hold a license classified under Section 247.029 to provide those services.

(c)  An assisted living facility shall require each facility staff member to complete training on Alzheimer's disease and related disorders in accordance with this section.

(d)  An assisted living facility shall require each direct service staff member to successfully complete four hours of training and pass a competency-based evaluation on:

(1)  Alzheimer's disease and related disorders;

(2)  the provision of person-centered care;

(3)  assessment and care planning;

(4)  daily life activities of residents with Alzheimer's disease or related disorders; and

(5)  common behaviors and communications associated with residents with Alzheimer's disease and related disorders.

(e)  A direct service staff member may not provide any direct care to a resident with Alzheimer's disease or related disorders until the staff member successfully completes the training and passes the evaluation required under Subsection (d).

(f)  An assisted living facility shall require each assisted living manager employed by the facility to successfully complete four hours of training and pass a competency-based evaluation on:

(1)  the topics listed under Subsection (d);

(2)  administrative support services related to information for comorbidities management, care planning, and the provision of medically appropriate education and support services and resources in the community, including person-centered care, to residents with Alzheimer's disease or related disorders and their families;

(3)  staffing requirements to facilitate collaboration and cooperation among facility staff members and to ensure each staff member obtains appropriate informational materials and training to properly care for and interact with residents with Alzheimer's disease or related disorders based on the staff member's position;

(4)  the establishment of a supportive and therapeutic environment for residents with Alzheimer's disease or related disorders to enhance the sense of community among the residents and within the facility; and

(5)  the transition of care and coordination of services for residents with Alzheimer's disease or related disorders.

(g)  An assisted living facility shall require each staff member who is not required to complete the training or pass the evaluation under Subsection (d) or (f), including housekeeping staff, front desk staff, maintenance staff, and other staff members with incidental but recurring contact with residents with Alzheimer's disease or related disorders, to successfully complete training and pass a competency-based evaluation on the topics listed under Subsections (d)(1), (2), and (5).

(h)  An assisted living facility shall provide a certificate of completion to and maintain records of each certificate, in accordance with applicable records retention policies the commission prescribes, for each staff member who successfully completes the training and passes the evaluation required under Subsection (d), (f), or (g).

(i)  Each direct service staff member and assisted living manager who successfully completes the training and passes the evaluation required under Subsection (d) or (f) must annually complete two hours of continuing education on best practices related to the treatment of and provision of care to residents with Alzheimer's disease or related disorders.

(j)  Except as provided by Subsection (k), an assisted living facility staff member who successfully completes the training and passes the evaluation required under Subsection (d), (f), or (g) and who transfers to another facility is not required to complete those requirements for the other facility.

(k)  An assisted living facility may require a staff member who has had a lapse of employment with facilities to which this section applies for a period of two years or more to successfully complete the training and pass the evaluation required under Subsection (d), (f), or (g) even if the staff member previously completed those requirements.

(l)  Each assisted living facility staff member who successfully completes the training, including continuing education requirements, and passes an evaluation required under this section must maintain documentation regarding the training and evaluation.

(m)  The executive commissioner shall adopt rules necessary to implement this section.

SECTION 2.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary to implement the changes in law made by this Act.

SECTION 3.  Notwithstanding Section 247.0291, Health and Safety Code, as added by this Act, an assisted living facility staff member to which that section applies is not required to complete the training or pass the competency-based evaluation required under that section until December 31, 2024.

SECTION 4.  This Act takes effect September 1, 2023.