

By: Capriglione

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) "Administrative staff member" 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) a full- or part-time employee of an assisted

1 living facility; or

2 (B) an independent consultant, contractor, or
3 subcontractor of an assisted living facility, including an employee
4 of the consultant, contractor, or subcontractor.

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

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

9 (2) does not hold a license classified under Section
10 247.029 to provide those services.

11 (c) An assisted living facility shall require each facility
12 staff member to complete training approved by the commission on
13 Alzheimer's disease and related disorders in accordance with this
14 section.

15 (d) An assisted living facility shall require each direct
16 service staff member to successfully complete four hours of
17 training and pass an examination on:

18 (1) Alzheimer's disease and related disorders;

19 (2) the provision of person-centered care;

20 (3) assessment and care planning;

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

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

25 (e) A direct service staff member may not provide any direct
26 care to a resident with Alzheimer's disease or related disorders
27 until the staff member successfully completes the training and

1 passes the examination required under Subsection (d).

2 (f) An assisted living facility shall require each
3 administrative staff member employed by the facility to
4 successfully complete four hours of training and pass an
5 examination on:

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

7 (2) administrative support services related to
8 medical information management and the provision of medically
9 appropriate education and support services, including holistic
10 person-centered care, to residents with Alzheimer's disease or
11 related disorders and their families;

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

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

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

25 (g) An assisted living facility shall require each staff
26 member who is not required to complete the training or pass the
27 examination under Subsection (d) or (f), including housekeeping

1 staff, front desk staff, maintenance staff, and other staff members
2 with incidental but recurring contact with residents with
3 Alzheimer's disease or related disorders, to successfully complete
4 training and pass an examination on the topics listed under
5 Subsections (d)(1), (2), and (5).

6 (h) An assisted living facility shall provide a certificate
7 of completion to each staff member who successfully completes the
8 training and passes the examination required under Subsection (d),
9 (f), or (g).

10 (i) Each direct service staff member and administrative
11 staff member who successfully completes the training and passes the
12 examination required under Subsection (d) or (f) must annually
13 complete two hours of continuing education on best practices
14 related to the treatment of and provision of care to residents with
15 Alzheimer's disease or related disorders.

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

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

27 (l) Each assisted living facility staff member who

1 successfully completes the training, including continuing
2 education requirements, and passes an examination required under
3 this section must maintain documentation regarding the training and
4 examination.

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

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

11 SECTION 3. Notwithstanding Section 247.0291, Health and
12 Safety Code, as added by this Act, an assisted living facility staff
13 member to which that section applies is not required to complete the
14 training or pass the examination required under that section until
15 September 1, 2024.

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