Health Regulation Division, Minnesota Department of Health

Dementia Care Training Standards Proposed Language to Enforce Requirements, 12/04/14

**144D.01 DEFINITIONS.**

Subdivision 1.Scope. As used in sections [144D.01](https://www.revisor.mn.gov/statutes/?id=144D.01) to [144D.06](https://www.revisor.mn.gov/statutes/?id=144D.06), the following terms have the meanings given them.

Subd. 2.Adult. "Adult" means a natural person who has attained the age of 18 years.

Subd. 2a.Arranged home care provider. "Arranged home care provider" means a home care provider licensed under Minnesota Rules, chapter 4668, that provides services to some or all of the residents of a housing with services establishment and that is either the establishment itself or another entity with which the establishment has an arrangement.

Subd. 3.Commissioner. "Commissioner" means the commissioner of health or the commissioner's designee.

Subd. 4. Direct-Care staff. “Direct-care staff” means staff who provide home care services described in sec. 144A.471,subdivisions 6 and 7.

Subd. ~~4~~5.Housing with services establishment or establishment.

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Subd. ~~5~~.6Supportive services.

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Subd. ~~6~~ 7.Health-related services.

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Subd. ~~7~~.8 Family adult foster care home.

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**144D.065 TRAINING IN DEMENTIA CARE REQUIRED.**

(a) If a housing with services establishment registered under this chapter has a special program or special care unit for residents with Alzheimer's disease or other dementias or advertises, markets, or otherwise promotes the establishment as providing services for persons with Alzheimer's disease or other dementias, whether in a segregated or general unit, employees of the establishment and of the establishment's arranged home care provider must meet the following training requirements:

(1) supervisors of direct-care staff must have at least eight hours of initial training on topics specified under paragraph (b) within 120 working hours of the employment start date, and must have at least two hours of training on topics related to dementia care for each 12 months of employment thereafter;

(2) direct-care employees must have completed at least eight hours of initial training on topics specified under paragraph (b) within 160 working hours of the employment start date. Until this initial training is complete, an employee must not provide direct care unless there is another employee on site who has completed the initial eight hours of training on topics related to dementia care and who can act as a resource and assist if issues arise. A trainer of the requirements under paragraph (b), or a supervisor meeting the requirements in clause (1), must be available for consultation with the new employee until the training requirement is complete. Direct-care employees must have at least two hours of training on topics related to dementia for each 12 months of employment thereafter;

(3) staff who do not provide direct care, including maintenance, housekeeping, and food service staff, must have at least four hours of initial training on topics specified under paragraph (b) within 160 working hours of the employment start date, and must have at least two hours of training on topics related to dementia care for each 12 months of employment thereafter; and

(4) new employees may satisfy the initial training requirements by producing written proof of previously completed required training within the past 18 months.

(b) Areas of required training include:

(1) an explanation of Alzheimer's disease and related disorders;

(2) assistance with activities of daily living;

(3) problem solving with challenging behaviors; and

(4) communication skills.

(c) The establishment shall provide to consumers in written or electronic form a description of the training program, the categories of employees trained, the frequency of training, and the basic topics covered. This information satisfies the disclosure requirements of section [325F.72, subdivision 2](https://www.revisor.mn.gov/statutes/?id=325F.72#stat.325F.72.2), clause (4).

(d) Housing with services establishments not included in paragraph (a) that provide assisted living services under chapter 144G must meet the following training requirements:

(1) supervisors of direct-care staff must have at least four hours of initial training on topics specified under paragraph (b) within 120 working hours of the employment start date, and must have at least two hours of training on topics related to dementia care for each 12 months of employment thereafter;

(2) direct-care employees must have completed at least four hours of initial training on topics specified under paragraph (b) within 160 working hours of the employment start date. Until this initial training is complete, an employee must not provide direct care unless there is another employee on site who has completed the initial four hours of training on topics related to dementia care and who can act as a resource and assist if issues arise. A trainer of the requirements under paragraph (b) or supervisor meeting the requirements under paragraph (a), clause (1), must be available for consultation with the new employee until the training requirement is complete. Direct-care employees must have at least two hours of training on topics related to dementia for each 12 months of employment thereafter;

(3) staff who do not provide direct care, including maintenance, housekeeping, and food service staff, must have at least four hours of initial training on topics specified under paragraph (b) within 160 working hours of the employment start date, and must have at least two hours of training on topics related to dementia care for each 12 months of employment thereafter; and

(4) new employees may satisfy the initial training requirements by producing written proof of previously completed required training within the past 18 months.

**144D.10 MANAGER REQUIREMENTS.**

(a) The person primarily responsible for oversight and management of a housing with services establishment, as designated by the owner of the housing with services establishment, must obtain at least 30 hours of continuing education every two years of employment as the manager in topics relevant to the operations of the housing with services establishment and the needs of its tenants. Continuing education earned to maintain a professional license, such as nursing home administrator license, nursing license, social worker license, and real estate license, can be used to complete this requirement.

(b) For managers of establishments identified in section [325F.72](https://www.revisor.mn.gov/statutes/?id=325F.72), this continuing education must include at least eight hours of documented training on the topics identified in section [144D.065](https://www.revisor.mn.gov/statutes/?id=144D.065), paragraph (b), within 160 working hours of hire, and two hours of training on these topics for each 12 months of employment thereafter.

(c) For managers of establishments not covered by section [325F.72](https://www.revisor.mn.gov/statutes/?id=325F.72), but who provide assisted living services under chapter 144G, this continuing education must include at least four hours of documented training on the topics identified in section [144D.065](https://www.revisor.mn.gov/statutes/?id=144D.065), paragraph (b), within 160 working hours of hire, and two hours of training on these topics for each 12 months of employment thereafter.

(d) A statement verifying compliance with the continuing education requirement must be included in the housing with services establishment's annual registration to the commissioner of health. The establishment must maintain records for at least three years demonstrating that the person primarily responsible for oversight and management of the establishment has attended educational programs as required by this section.

(e) New managers may satisfy the initial dementia training requirements by producing written proof of previously completed required training within the past 18 months.

(f) This section does not apply to an establishment registered under section [144D.025](https://www.revisor.mn.gov/statutes/?id=144D.025) serving the homeless.

144D.XXX COMMISSIONER ENFORCEMENT OF DEMENTIA CARE TRAINING REQUIREMENTS.

Subdivision 1. Beginning January 1, 2016, the commissioner shall enforce the dementia care training standards for staff working in housing with services settings and for housing managers as follows:

1. For dementia care training requirements in section 144D.065 for direct-care staff and supervisors of direct care staff, the commissioner shall review training records as part of the home care provider survey process pursuant to Minn. Stat. 144A.474. The commissioner may also request and review training records at any time during the year;
2. For dementia care training standards in sections 144D.10 for maintenance, housekeeping, and food service staff and other staff not providing direct care working in housing with services settings, the commissioner shall review training records as part of the housing with services registration application and renewal application process pursuant to Minn. Stat. sec. 144D.03. The commissioner may also request and review training records at any time during the year.
3. For housing managers, the commissioner shall review the statement verifying compliance with the required training as described in sec. 144D.10 (d) through the housing with services registration application and renewal application process pursuant to Minn. Stat. sec. 144D.03. The commissioner may also request and review training records at any time during the year.
4. For (a) through (c), the commissioner shall specify the required forms and what are sufficient training records.

Subdivision 2. Fines for noncompliance. Beginning January 1, 2017, the commissioner may impose a $200 fine for every staff person required to obtain the training who does not have training records to show compliance. For violations of subdivision 1(a) in this section, the fine will be imposed upon the home care provider and may be appealed as per the contested case procedures in Minn. Stat. sec. 144A.475, subd. 3a, 4 and 7. For violations of subdivision 1(b) and (c), the fine will be imposed on the housing with services registrant and may be appealed as per the contested case procedures in Minn. Stat. 144A.475, subd. 3a, 4 and 7. Prior to imposing the fine, the commissioner will allow two weeks to complete the required training.

Subdivision 3. Technical assistance. From January 1, 2016, to December 31, 2016, the commissioner will provide technical assistance instead of imposing fines for noncompliance with the training requirements. During the year of technical assistance, the commissioner shall review the training records to determine if the records meet the requirements and inform the provider. The commissioner will also provide information about available training resources.