

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0213.01 Christy Chase x2008

SENATE BILL 22-079

SENATE SPONSORSHIP

Kolker and Ginal,

HOUSE SPONSORSHIP

Young,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of public health and environment, with regard to nursing care facilities and assisted living residences, and the medical services board in the department of health care policy and financing, with regard to adult day care facilities, to adopt rules requiring these facilities to provide dementia training for staff providing direct-care

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

services to clients and residents of the facilities.

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

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

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

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

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

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

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

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

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

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

25 (f) Staff turnover presents a major challenge to direct-care

1 employers across the country, especially given that recruitment and
2 training is often costly and time consuming;

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

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

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

10 **25-1.5-118. Training for staff providing direct-care services to**
11 **residents with dementia - rules - definitions.** (1) BY JANUARY 1, 2024,
12 THE STATE BOARD OF HEALTH SHALL ADOPT RULES REQUIRING COVERED
13 FACILITIES TO PROVIDE DEMENTIA TRAINING FOR DIRECT-CARE STAFF
14 MEMBERS. THE RULES MUST SPECIFY THE FOLLOWING, AT A MINIMUM:

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

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

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

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

1 APPLICABLE; AND

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

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

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

16 (I) DEMENTIA DISEASES AND RELATED DISABILITIES;

17 (II) PERSON-CENTERED CARE;

18 (III) ASSESSMENT AND CARE PLANNING;

19 (IV) ACTIVITIES OF DAILY LIVING; AND

20 (V) DEMENTIA-RELATED BEHAVIORS AND COMMUNICATION;

21 (d) THE METHOD OF DEMONSTRATING COMPLETION OF THE
22 REQUIRED DEMENTIA TRAINING AND CONTINUING EDUCATION AND OF
23 EXEMPTING A DIRECT-CARE STAFF MEMBER FROM THE REQUIRED
24 DEMENTIA TRAINING IF THE DIRECT-CARE STAFF MEMBER MOVES TO A
25 DIFFERENT COVERED FACILITY THAN THE COVERED FACILITY THROUGH
26 WHICH THE DIRECT-CARE STAFF MEMBER RECEIVED THE TRAINING. FOR
27 PURPOSES OF THIS SUBSECTION (1)(d), "COVERED FACILITY" INCLUDES AN

1 ADULT DAY CARE FACILITY AS DEFINED IN SECTION 25.5-6-303 (1).

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

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

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

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

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

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

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

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

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

1 HEALTH PURSUANT TO THIS SECTION;

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

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

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

12 (3) AS USED IN THIS SECTION:

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

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

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

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

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

27 **25.5-6-314. Training for staff providing direct-care services to**

1 **clients with dementia - rules - definitions.** (1) AS USED IN THIS
2 SECTION:

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

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

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

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

15 (2) BY JANUARY 1, 2024, THE STATE BOARD SHALL ADOPT RULES
16 REQUIRING ADULT DAY CARE FACILITIES TO PROVIDE DEMENTIA TRAINING
17 FOR DIRECT-CARE STAFF MEMBERS. THE RULES MUST SPECIFY THE
18 FOLLOWING, AT A MINIMUM:

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

21 (b) THE LENGTH AND FREQUENCY OF THE DEMENTIA TRAINING,
22 WHICH MUST BE COMPETENCY-BASED AND MUST REQUIRE AN ADULT DAY
23 CARE FACILITY TO PROVIDE:

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

25 (A) ALL DIRECT-CARE STAFF MEMBERS HIRED BY OR WHO START
26 PROVIDING DIRECT-CARE SERVICES AT AN ADULT DAY CARE FACILITY ON
27 OR AFTER THE EFFECTIVE DATE OF THE DEMENTIA TRAINING REQUIREMENT

1 SPECIFIED IN THE RULES, UNLESS AN EXCEPTION ESTABLISHED PURSUANT
2 TO SUBSECTION (2)(e) OF THIS SECTION APPLIES, WHICH TRAINING MUST
3 BE COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE START OF
4 EMPLOYMENT OR THE PROVISION OF DIRECT-CARE SERVICES, AS
5 APPLICABLE; AND

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

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

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

21 (I) DEMENTIA DISEASES AND RELATED DISABILITIES;

22 (II) PERSON-CENTERED CARE;

23 (III) ASSESSMENT AND CARE PLANNING;

24 (IV) ACTIVITIES OF DAILY LIVING; AND

25 (V) DEMENTIA-RELATED BEHAVIORS AND COMMUNICATION;

26 (d) THE METHOD OF DEMONSTRATING COMPLETION OF THE
27 REQUIRED DEMENTIA TRAINING AND CONTINUING EDUCATION AND OF

1 EXEMPTING A DIRECT-CARE STAFF MEMBER FROM THE REQUIRED
2 DEMENTIA TRAINING IF THE DIRECT-CARE STAFF MEMBER MOVES TO A
3 DIFFERENT ADULT DAY CARE FACILITY THAN THE ADULT DAY CARE
4 FACILITY THROUGH WHICH THE DIRECT-CARE STAFF MEMBER RECEIVED
5 THE TRAINING OR MOVES TO A COVERED FACILITY AFTER RECEIVING THE
6 TRAINING THROUGH AN ADULT DAY CARE FACILITY;

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

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

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

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

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

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

27 (B) PROVIDED PROOF OF SATISFACTORY COMPLETION OF THE

1 TRAINING PROGRAM;

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

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

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

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

12 (3) THE STATE DEPARTMENT SHALL ENCOURAGE ADULT DAY CARE
13 FACILITIES AND DEMENTIA TRAINING PROVIDERS TO EXPLORE AND APPLY
14 FOR AVAILABLE GIFTS, GRANTS, AND DONATIONS FROM STATE AND
15 FEDERAL PUBLIC AND PRIVATE SOURCES TO SUPPORT THE DEVELOPMENT
16 AND IMPLEMENTATION OF DEMENTIA TRAINING PROGRAMS.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.