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December 10, 2021

Christopher Burmeister
Division Director, Health Improvement
New Mexico Department of Health
2040 S. Pacheco
Santa Fe, New Mexico 87505

Re: Proposed Rule, 7.1.32 NMAC, "Long-Term Care Facility Dementia Training"

Dear Director Burmeister,

Thank you for your work facilitating comments on the proposed rules for the Long-Term Care Facility Dementia Training Act. I am submitting the following comments in my capacity as a state Representative and sponsor of the enabling legislation related to dementia care training in long-term care facilities.

As the Long-Term Care Facility Dementia Training Act (Act) moved through the 2021 legislative process, there was extensive collaboration and discussion between stakeholders. Stakeholders included myself, the New Mexico Aging and Long Term Services Department, New Mexico Department of Health (DOH), long-term care providers, the New Mexico Health Care Association/New Mexico Center for Assisted Living (NMHCA/NMCAL), and the New Mexico Alzheimer's Association.

It was understood amongst stakeholders that the primary purpose of the Act was to educate certain health care workers in long-term and facility-based care settings on recognizing dementia in residents and learning to care for those individuals. The understanding also included exempting certain facilities and their staff from the reach of the Act and limiting the scope of the training curriculum.

The Department of Health's proposed dementia training rule (Rule) goes far beyond stakeholder understanding of the training curriculum. Instead, many of the objectives outlined in the proposed Rule are geared towards higher-level professionals and non-facility-based providers, resulting in the proposed training being outside of the scope of practice of most facility-based caregivers. The Act specified, "Each long-term care facility and long-term care facility contractor"¹ and should focus on those facilities.

The proposed training curriculum should be streamlined so that it is appropriate for the scope of work of non-clinical health care workers. As it stands, health care providers and nurses who serve long-term care facilities receive training in dementia and Alzheimer's Disease, specifically in communication strategies, understanding behaviors, recognizing signs and symptoms, and knowing best practice activities for person-centered general care. They should not be required to take repetitive courses.

¹ "An Action Related to Public Health; Establishing Long-Term Care Facility Staff Dementia Training Requirements and Certificates; Providing for Oversight and Rulemaking by the Department of Health" (2021) pg. 2 lines 4-5

Stakeholders agreed that enabling legislation and eventual administrative rule should focus on health workers in long-term facilities that don't already mandate dementia training. Health care workers employed by long-term care facilities that are mandated, either by the state or federally, to provide staff with dementia related training should be exempted from this statute. Such facilities include nursing facilities a.k.a. nursing homes, and assisted living facilities with memory care units that provide extensive training in dementia and Alzheimer's Disease care. Additionally, exemptions would include institutional care facilities for individuals with intellectual disabilities (ICF/IID's) as they are non-medical long-term care facilities. I encourage the Department of Health to the proposed dementia training rule should be amended to exempt these specific long-term care facilities.

Thank you once again for your dedication to our state. It is my hope that we can come to an agreement on rules that do not create undue strain on the already exhausted health care field. I also hope that the DOH can postpone publication of the proposed administrative rule related to said dementia training until stakeholders are engaged in the process of developing a proposed rule.

Sincerely,

A handwritten signature in cursive script, appearing to read 'L. Serrato', written in black ink.

State Representative Linda M. Serrato
State of New Mexico House of Representatives
House District 45