

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health (“DOH”) will hold a public hearing on the proposed adoption of rule, 7.1.32 NMAC, “Long-Term Care Facility Dementia Training.” The public hearing will be held on December 10, 2021 at 9:30 am via Cisco Webex online, via telephone, and comments will be received via email through the day of the hearing until 5:00 pm. The hearing is being held via internet, email and telephonic means due to the concerns surrounding Coronavirus and consideration of Governor Michelle Lujan Grisham’s Executive Order 2020-004, Declaration of a Public Health Emergency, and any subsequent executive orders. This hearing will be conducted to receive public comment regarding the adoption of the proposed rule, 7.1.32 NMAC, concerning the creation of a regulation to provide training requirements, continuing education requirements, and certification for all direct care service staff members providing direct care services to long-term care facility residents by in-person, video, audio or telephonic means.

The purpose of the adoption of the proposed rule will be to provide training, education and certification to New Mexico direct care service staff members who are (1) employed by or contracted with a long-term care facility, either directly or through a third-party agreement, to provide in-person direct care services to long-term care facility residents; or (2) contracted with a long-term care facility, either directly or through a third-party agreement, to provide at least ten hours per week in direct care services by video, audio or telephonic means; fulfilling the DOH’s legislative obligations in 24-17B-1 NMSA 1978.

By adopting this rule, DOH proposes to establish a statewide department-approved training and certification program which will provide standardized knowledge to all direct care service staff members who provide direct care services to long-term care facility residents by in-person, video, audio or telephonic means. The training may be provided online or in person. By adopting this rule, all direct care staff service members in New Mexico will be required to take a minimum four hours of training initially, followed by a division-approved written examination, before receiving a training certificate; and then four hours of training every year thereafter as a continuing education requirement on specific topics set forth in the regulation covering the care of long-term care facility residents with Alzheimer’s disease and dementia. Long-term care facilities or long-term care contractors will be responsible for maintaining documentation regarding completed long-term care facility dementia training, evaluation and continuing education for each direct care service staff member.

The purpose of the regulation will also be to provide an exemption of the training requirement under this rule for those direct care staff service members who are hired prior to January 1, 2022, and who received training within the past 24 months equivalent to the requirements set forth in the regulation. The facilities will be required by the regulation to attest to the equivalent training of the direct care staff service members hired prior to January 1, 2022, and, upon receipt of the attestation, the department will issue such an employee the required certificate.

The purpose of the regulation will be to provide a timeline for a DOH review and evaluation of the topic training areas set out in the proposed regulation for every two years or as determined necessary by the department based upon current research and best practices.

The legal authority authorizing the proposed amendment of the rule by the Department is at Subsection E of Section 9-7-6, and the Long-Term Care Facility Dementia Training Act, 24-17B-1 et seq. NMSA 1978. A free copy of the full text of the proposed rule can be obtained from the Department’s website at <https://nmhealth.org/publication/regulation/>.

Any interested member of the public may attend the hearing and offer public comments on the proposed rule during the hearing. To access the hearing by telephone: please call 1-408-418-9388. Your telephone comments will be recorded. To access the hearing via internet: please go to Webex.com; click the “Join” button; click the “Join a meeting” button; enter the following meeting number and password where indicated on screen—Meeting number (access code): 24888018510#, Meeting password: mFpTkCge958; click the “OK” button. You may also provide comment via Chat during the live streaming.

Written public comments may also be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rule to the attention of:

Christopher Burmeister
Division Director, Health Improvement
New Mexico Department of Health
2040 S. Pacheco
Santa Fe, NM 87505
Christopher.Burmeis@state.nm.us
505-476-9074

Or preferably by e-mailing the comment to the e-mail address: Christopher.Burmeis@state.nm.us

Written comments must be received by the close of the public rule hearing on December 10, 2021. All written comments will be published on the agency website at <http://nmhealth.org/about/asd/cmo/rules/> within three (3) days of receipt and will be available at the New Mexico Department of Health Division of Health Improvement for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Sheila Apodaca by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

The foregoing are summaries of the proposed rule. The proposed rule includes various additional substantive revisions not identified here. Free copies of the full text of the proposed rule may be obtained online from the Department's website at <https://nmhealth.org/publication/regulation/>