

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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Introduced by M. of A. GOTTFRIED, GUNTHER, JAFFEE, LIFTON, PAULIN, ROBINSON, ENGLEBRIGHT, ROSENTHAL, ORTIZ, HOOPER, ABINANTI, PERRY, BRONSON -- Multi-Sponsored by -- M. of A. ARROYO, CLARK, COLTON, DINOWITZ, FINCH, LUPARDO, MARKEY, SEPULVEDA -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to the adult care facilities training program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 461-p of the social services law, as added by chap-  
2     ter 462 of the laws of 1996, is amended to read as follows:  
3     S 461-p. Adult care facilities DIRECT CARE STAFF training program. 1.  
4     The department [may] SHALL, within the amounts as appropriated for such  
5     purpose, establish an adult care facility DIRECT CARE STAFF training  
6     program [that shall assist in the development of training materials  
7     and/or the provision of staff training activities. In developing such  
8     training program, the department shall determine the feasibility of  
9     providing such training on a statewide basis] TO BE REQUIRED FOR DIRECT  
10    CARE STAFF IN ADULT CARE FACILITIES. The department may contract with  
11    [organizations representing adult care facilities] APPROPRIATE ENTITIES  
12    to provide such training. [Such contracts shall require that funding  
13    made available through this program shall be used to enhance the skills  
14    of staff of adult care facilities and may include, but not be limited to  
15    training activities regarding medication management, safety and security  
16    procedures, rights of residents, behavioral management techniques, and  
17    any other training initiatives identified by the department.]  
18    2. THE DEPARTMENT SHALL ESTABLISH A WORKGROUP, COMPOSED OF INDIVIDUALS  
19    WITH RELEVANT EXPERTISE IN THE FIELD OF ADULT CARE, CONSUMER REPRESENTATIVES,  
20    WORKER REPRESENTATIVES, AND PROVIDERS, TO DEVELOP A STANDARD,  
21    UNIFORM CURRICULUM TO BE MANDATED IN TRAINING DIRECT CARE STAFF IN ADULT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 CARE FACILITIES. THE WORKGROUP SHALL IDENTIFY BEST PRACTICES IN DIRECT  
2 CARE AND DEVELOP A CURRICULUM FOR DIRECT CARE STAFF BASED ON THESE PRAC-  
3 TICES. THE CURRICULUM SHALL PROMOTE THE VALUES OF RESIDENT AUTONOMY AND  
4 DIGNITY.

5 3. THE CURRICULUM SHALL INCLUDE THE FOLLOWING COMPONENTS:

6 (A) AT LEAST FORTY TOTAL HOURS OF INSTRUCTION, DIVIDED BETWEEN CLASS-  
7 ROOM AND HANDS-ON LEARNING;

8 (B) AT LEAST EIGHT HOURS OF TRAINING, INCLUDING AT LEAST FOUR HOURS OF  
9 HANDS-ON TRAINING, DEVOTED TO MEDICATION MANAGEMENT AND ADMINISTRATION,  
10 WITH EMPHASIS ON HOW TO SAFELY AND LEGALLY ASSIST RESIDENTS WITHOUT  
11 VIOLATING RESTRICTIONS ON SCOPE OF PRACTICE; AND

12 (C) ANY FURTHER INSTRUCTION DEEMED NECESSARY BY THE COMMISSIONER.

13 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT CURRICULAR  
14 REQUIREMENTS THAT EXCEED THE CURRICULAR REQUIREMENTS DESCRIBED IN PARA-  
15 GRAPHS (A) AND (B) OF THIS SUBDIVISION.

16 4. (A) COMPLETING THE TRAINING CURRICULUM AND PASSING A WRITTEN AND  
17 PRACTICAL EXAM SHALL BE A REQUIREMENT FOR EMPLOYMENT AS FULL-TIME DIRECT  
18 CARE STAFF IN ANY ADULT CARE FACILITY.

19 (B) TRAINING SHALL COMMENCE AS SOON AS AN INDIVIDUAL IS HIRED FOR A  
20 DIRECT CARE POSITION. INDIVIDUALS SHALL BE EXEMPT FROM THIS REQUIREMENT  
21 IF THEY HAVE COMPLETED A TRAINING PROGRAM AT ANOTHER ADULT CARE FACILITY  
22 WITHIN THE PRIOR THREE YEARS.

23 (C) THE INDIVIDUAL CONDUCTING THE TRAINING SHALL, AT A MINIMUM, BE  
24 CERTIFIED AS A LICENSED PRACTICAL NURSE. THE INDIVIDUAL SHALL POSSESS  
25 TRAINING AND EXPERIENCE IN ADULT EDUCATION. IF THE FACILITY DOES NOT  
26 HAVE A QUALIFIED INSTRUCTOR ON STAFF, THE FACILITY WILL CONTRACT WITH AN  
27 OUTSIDE SOURCE.

28 (D) STAFF SHALL NOT PERFORM ANY DIRECT CARE SERVICES WITHOUT SUPER-  
29 VISION UNTIL COMPLETION OF THE RELEVANT SECTION OF THE TRAINING CURRIC-  
30 ULUM, EXCEPT THAT STAFF WHO ARE EMPLOYED BY AN ADULT CARE FACILITY IN A  
31 DIRECT CARE POSITION AS OF THE DAY THIS SUBDIVISION TAKES EFFECT ARE NOT  
32 SUBJECT TO THIS REQUIREMENT UNTIL ONE YEAR AFTER THAT DATE.

33 S 2. This act shall take effect immediately, except that subdivision 4  
34 of section 461-p of the social services law as added by section one of  
35 this act shall take effect one year after it shall have become a law,  
36 provided that any rules and regulations, and any other actions necessary  
37 to implement the provisions of such subdivision on its effective date  
38 are authorized and directed to be completed on or before such date.