

2009 DRAFTING REQUEST

Bill

Received: **05/18/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian Moran**

This file may be shown to any legislator: **NO**

Drafter: **tdodge**

May Contact:

Addl. Drafters:

Subject: **Health - long-term care**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State certification for completion of dementia specialist program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 06/29/2009	kfollett 07/07/2009		_____			
/P1	tdodge 08/18/2009	kfollett 09/01/2009	mduchek 07/07/2009	_____	sbasford 07/07/2009		S&L
/1			phenry 09/01/2009	_____	lparisi 09/01/2009		S&L
/2	tdodge	kfollett	jfrantze	_____	cduerst	cduerst	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/04/2009	12/07/2009	12/07/2009 _____		12/07/2009	01/15/2010	

FE Sent For: *1/2" @intro 1/22/10

<END>

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/1		12 kf 12 M	phenry 09/01/2009	_____	lparisi 09/01/2009		

J6 12/17 *[Signature] 12/17*

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State certification for completion of dementia specialist program

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/?	tdodge 06/29/2009	kfollett 07/07/2009		_____			
/P1		<i>11kf</i> <i>9/11</i>	mduchek 07/07/2009	_____	sbasford 07/07/2009		
FE Sent For:			<i>pk</i> <i>9/11</i>	<i>tdodge</i> <i>9/11</i>			

<END>

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1/?	tdodge	1P/1G/f 7/9	M 7/11	M _____			

FE Sent For:

<END>

Dodge, Tamara

From: Ryan, Robin
Sent: Monday, May 18, 2009 1:32 PM
To: Dodge, Tamara
Subject: FW: bill drafting request: Dementia Specialist program

From: Moran, Christian
Sent: Friday, May 15, 2009 1:57 PM
To: Ryan, Robin
Subject: bill drafting request: Dementia Specialist program

Hi Robin,

Could you please draft a bill to direct the Department of Health Services (DHS) to create a state certification process for individuals who have completed an approved Dementia Specialist program. Please include the following provisions.

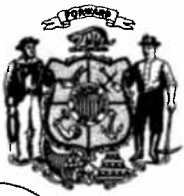
1. DHS shall design a Dementia Specialist Certification curriculum not less than 40 hours (*classroom and clinical*) to include but not be limited to the following:
 - Dementia: Understanding the symptoms and related differences in care needs of the various forms of dementia.
 - Methods of determining if a person with dementia is experiencing pain.
 - Understanding the needs of the patient and how to develop a relationship within the challenges of the effects of the disease and how to avoid catastrophic reactions.
 - How to approach, observe, listen to and communicate with a person with dementia.
 - Communication skills and words necessary to communicate and advocate effectively with co-workers, professionals and families regarding people with dementia.
 - How to use care plans to assist people with dementia in experiencing as normal and interactive a day as the individual's condition allows for.
 - Dementia problem solving: Learn the techniques for effective problem solving when the challenges of the disease go beyond dementia care best practices.
2. Certification would follow the certified nursing assistant process.
3. Certification would be voluntary.
4. The Alzheimer's Association or the Technical Colleges could perform the training.
5. Certification would be aimed at certified nursing assistants, nurses and assisted living Administrators.

Thanks for your help. Just let me know if you have any questions.

-Christian

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733

5/18/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2907?

TJD: kjf

In 6/29/09

RMMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Fix request sheet please

D-note

Gen

and

1

AN ACT ...; relating to: dementia specialist certification program; requiring the

2

exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3

SECTION 1. 146.43 of the statutes is created to read:

4

146.43 Dementia specialist certification. (1) ELIGIBILITY FOR

5

CERTIFICATION. The department shall certify as a dementia specialist any of the

6

following who attends an instructional program under sub. (3) and successfully

7

completes a competency evaluation program under sub. (4):

8

(a) A nurse aide, as defined in s. 146.40 (1) (d).

9

(b) A nurse who is licensed under ch. 441.

10

(c) A nursing home administrator, as defined in s. 456.01 (3).

****NOTE: Do you want only nurse aides, nurses, and nursing home administrators to become certified?

1 (2) PROGRAM CURRICULUM. (a) The department shall promulgate rules
2 establishing standards for the curriculum of an instructional program that shall
3 include instruction on all of the following:

4 1. Understanding the symptoms of the various forms of dementia and the
5 differences in care needs among individuals who have the various forms of dementia.

6 2. Methods of determining if an individual with dementia is experiencing pain.

7 3. Understanding the needs of the individual with dementia, how to develop
8 a relationship within the challenges of the effects of the disease, and how to avoid
9 detrimental behaviors by the individual.

10 4. How to approach, observe, listen to, and communicate with an individual
11 with dementia.

12 5. Communication skills and words necessary to communicate and advocate
13 effectively with coworkers, professionals, and families regarding individuals with
14 dementia.

15 6. How to use care plans to assist individuals with dementia in experiencing
16 the highest quality of life as the condition of the individual allows.

17 7. Techniques for effective problem solving when the challenges of the disease
18 surpass the experiences of a caregiver who is using standard practices in dementia
19 care.

****NOTE: I changed the wording of some of the curriculum items. Is that okay?

20 (b) The curriculum under par. (a) shall be no less than 40 hours of instruction,
21 including both classroom and clinical instruction.

1 (3) INSTRUCTION PROGRAM APPROVAL. (a) The department shall approve
2 instructional programs for dementia specialists that apply for approval and that
3 satisfy the standards promulgated by rule under sub. (2).

4 (b) The department shall review the curriculum of each approved instructional
5 program at least once every 24 months following the date of approval to determine
6 whether the program continues to satisfy the standards for approval.

7 (c) The department may, after providing notice, suspend or revoke the approval
8 of an instructional program or impose a plan of correction on the program if the
9 program fails to satisfy the standards for approval or operates under conditions that
10 are other than those contained in the application approved by the department.

11 (4) COMPETENCY EVALUATION PROGRAM APPROVAL. (a) The department shall
12 promulgate rules to establish standards for approval of competency evaluation
13 programs for dementia specialists.

14 (b) The department shall approve competency evaluation programs that apply
15 for approval and that satisfy the standards for approval promulgated by rule under
16 par. (a).

17 (c) The department may, after providing notice, suspend or revoke approval of
18 a competency evaluation program or impose a plan of correction on the program if
19 the competency evaluation program fails to satisfy the standards for approval or
20 operates under conditions that are other than those contained in the application
21 approved by the department.

****NOTE: Is this what you want for the competency examination or do you want
the department to create and administer the examination?

1 **(5) PROHIBITIONS ON USE OF TITLE.** No person may use the title “dementia
2 specialist” or “certified dementia specialist” unless he or she holds a certification
3 under sub. (1). ✓

******NOTE:** This provision is similar to provisions in the emergency services laws,
which prohibits the use of a specific title without having the required training and
certification. Do you want this provision?

4 **(END)**

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2907/Edn

TJD:...

P1
K

Date

To Christian Moran:

Please review this preliminary draft. Please pay special attention to the embedded notes in the draft. I have drafted this dementia specialist certification program using the nurse aide certification as a model.

Do you want DHS to certify a dementia specialist or do you want DHS to create a registry of dementia specialists who have completed the evaluation program? Do you want DHS to both certify dementia specialists and maintain a registry? As written, this draft requires DHS to certify a dementia specialist but does not require DHS to maintain a registry.

X The drafting request referred to the Alzheimer's Association or the technical colleges as entities that could perform the training. I did not include this in the draft because I am unsure what this instruction means. Do you want only the Alzheimer's Association and the technical colleges to be able to perform training? In that instance, a four-year college's program would be prohibited from approval by DHS. Alternatively, do you want to allow DHS to approve programs offered by the Alzheimer's Association and the technical colleges. The draft, as written, would allow DHS to approve any program that meets its criteria regardless of who offers the program. Please let me know how you would like to handle this.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2907/P1dn
TJD:kjf:md

July 7, 2009

To Christian Moran:

Please review this preliminary draft. Please pay special attention to the embedded notes in the draft. I have drafted this dementia specialist certification program using the nurse aide certification as a model.

Do you want DHS to certify a dementia specialist or do you want DHS to create a registry of dementia specialists who have completed the evaluation program? Do you want DHS to both certify dementia specialists and maintain a registry? As written, this draft requires DHS to certify a dementia specialist but does not require DHS to maintain a registry.

The drafting request referred to the Alzheimer's Association or the technical colleges as entities that could perform the training. I did not include this in the draft because I am unsure what this instruction means. Do you want only the Alzheimer's Association and the technical colleges to be able to perform training? In that instance, a four-year college program would be prohibited from approval by DHS. Alternatively, do you want to allow DHS to approve programs offered by the Alzheimer's Association and the technical colleges. The draft, as written, would allow DHS to approve any program that meets its criteria regardless of who offers the program. Please let me know how you would like to handle this.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Moran, Christian
Sent: Thursday, July 30, 2009 11:28 AM
To: Dodge, Tamara
Subject: LRB-2907/P1 (dementia specialist certification program)
Attachments: Dementia spec legis Krusick v 1 1.doc

Tamara:

Please make the attached revisions to LRB-2907/P1 and convert the draft to an introducible form.

Thanks for your help. Please let me know if you have any questions.

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
(608) 266-1733

AN ACT *to create* 146.43 of the statutes; **relating to:** dementia specialist certification program and requiring the exercise of rule-making authority.

SECTION 1. 146.43 of the statutes is created to read:

146.43 Dementia specialist certification.

(1) ELIGIBILITY FOR CERTIFICATION. The department shall certify as a dementia specialist any of the following who attends an instructional program under sub. (3) and successfully completes a competency evaluation program under sub. (4):

(a) A nurse aide, as defined in s. 146.40 (1) (d).

~~(b) A nurse who is licensed under ch. 441.~~

~~(c) A nursing home administrator, as defined in s. 456.01 (3).~~

(b) A residential assistant.

(c) A person designated by a care provider as an Activity Professional.

(2) PROGRAM CURRICULUM. (a) The department shall promulgate rules establishing standards for the curriculum of an instructional program that shall, at a minimum, include instruction on all of the following:

1. Understanding the signs and symptoms of the various forms of dementia and the differences possible variations in care needs among individuals who have affected by the various forms of dementia.

2. How to approach, observe, listen to, and communicate with an individual with dementia.

~~3. Methods of determining if Recognition of pain in an individual with dementia is experiencing pain.~~

4. Skills and techniques for encouraging purposeful activities to provide holistic care intended to promote optimal life experiences for persons with dementia.

5. Understanding the needs of the individual with dementia, how to develop a trusting relationship within the challenges of the effects of the disease, and how to avoid detrimental and manage behaviors by which may be harmful to the individual or others.

6. Communication skills ~~and words~~ necessary to communicate with and advocate effectively with coworkers, professionals, and families regarding individuals with dementia.

7. Skills necessary to effectively advocate for the needs and interests of persons with dementia.

8. How to Development and use of care plans to assist individuals with dementia in experiencing to experience the highest possible quality of life as the condition of the individual allows.

~~9. Techniques for effective problem solving when the challenges of the disease surpass the experiences of a caregiver who is using standard practices in dementia care.~~

(b) The curriculum under par. (a) shall be no less than 40 hours of instruction, including both classroom and clinical instruction.

(3) INSTRUCTION PROGRAM APPROVAL. (a) The department shall approve instructional programs for dementia specialists that apply for approval and that satisfy the standards promulgated by rule under sub. (2).

(b) The department shall review the curriculum of each approved instructional program at least once every 24 months following the date of approval to determine whether the program continues to satisfy the standards for approval.

(c) The department may, after providing notice, suspend or revoke the approval of an instructional program or impose a plan of correction on the program if the program fails to satisfy the standards for approval or operates under conditions that are other than those contained in the application approved by the department.

(4) COMPETENCY EVALUATION PROGRAM APPROVAL. (a) The department shall promulgate rules to establish standards for approval of competency evaluation programs for dementia specialists.

Insert (

(b) The department shall approve competency evaluation programs that apply for approval and that satisfy the standards for approval promulgated by rule under par. (a).

(c) The department may, after providing notice, suspend or revoke approval of a competency evaluation program or impose a plan of correction on the program if the competency evaluation program fails to satisfy the standards for approval or operates under conditions that are other than those contained in the application approved by the department.

(5) PROHIBITIONS ON USE OF TITLE. No person may use the title "dementia specialist" or "certified dementia specialist" unless he or she holds a certification under sub. (1).

Dodge, Tamara

From: Moran, Christian
Sent: Thursday, August 13, 2009 9:16 AM
To: Dodge, Tamara
Subject: RE: LRB-2907/P1 (dementia specialist certification program)

Tami,

Thanks for your suggested language clarifying Activity Professional. We'd like to go with your language with the following underlined language added.

146.43(1)(c) A person designated by an entity licensed or certified in ch. 50 to coordinate and supervise resident-centered activities for the entity.

Thanks for your help.

Christian

From: Dodge, Tamara
Sent: Friday, July 31, 2009 9:44 AM
To: Moran, Christian
Subject: RE: LRB-2907/P1 (dementia specialist certification program)

Christian,

Thanks. (I just didn't want the d-note to be overlooked.)

Thanks for the guidance on "residential assistant," that was going to be my next question. Do you have any insight into "a person designated by a care provider as an activity professional"? My first concern is "care provider." I don't describe any facilities in the draft so I think this is too vague to be left as "care provider". I am thinking that "care provider" may translate to "an entity licensed or certified in ch. 50." This would encompass all nursing homes and assisted living as well as hospitals (for swing beds) and hospice. Let me know if you have a preference as to how I deal with "care provider."

My second concern is "activity professional." If I draft it with that language, it looks like "activity professional" must be the person's title. I have heard of activity directors and activity coordinators. My suspicion is that these are the groups that "activity professional" seeks to encompass, but I am not sure.

Here is an option: "a person designated by an entity licensed or certified in ch. 50 to coordinate and supervise activities for the entity." Let me know your thoughts.

Thanks.
Tami

Tamara J. Dodge
Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

8/13/2009

From: Moran, Christian
Sent: Thursday, July 30, 2009 4:09 PM
To: Dodge, Tamara
Subject: RE: LRB-2907/P1 (dementia specialist certification program)

Tami,

Sorry I didn't address your questions. Yes, the draft is OK with regards to those issues mentioned in your d-note.

As for adding "residential assistants," can we please use the definition in DHS 83.02 (47)?

Thanks,

Christian

From: Dodge, Tamara
Sent: Thursday, July 30, 2009 2:35 PM
To: Moran, Christian
Subject: RE: LRB-2907/P1 (dementia specialist certification program)

Christian,

I see that the redraft instructions did not address the issues in my drafter's note. Shall I assume that the draft is okay as written with regards to those issues in the drafter's note?

Tami

Tamara J. Dodge
Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

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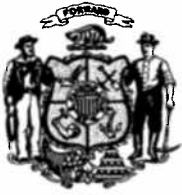
Tamara:

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Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
(608) 266-1733

8/13/2009



In: 8/18/09
State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2907/P1
TJD:kjf:md

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Regen

1 AN ACT to create 146.43 of the statutes; relating to: dementia specialist
2 certification program and requiring the exercise of rule-making authority.

INSA

Analysis by the Legislative Reference Bureau

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: Successfully completes INS1-4

3 SECTION 1. 146.43 of the statutes is created to read:
4 146.43 Dementia specialist certification. (1) ELIGIBILITY FOR
5 CERTIFICATION. The department shall certify as a dementia specialist any of the
6 following persons who attends an instructional program under sub. (3) and successfully
7 completes a competency evaluation program under sub. (4): (5)

persons

INS1-9

- 8 (a) A nurse aide, as defined in s. 146.40 (1) (d).
- 9 (b) A nurse who is licensed under ch. 441.
- 10 (c) A nursing home administrator, as defined in s. 456.01 (3).

****NOTE: Do you want only nurse aides, nurses, and nursing home administrators to become certified?

(3)

(2)

PROGRAM CURRICULUM. (a) The department shall promulgate rules establishing standards for the curriculum of an instructional program that shall include instruction on all of the following:

ENS 2-4

1. Understanding the symptoms of the various forms of dementia and the differences in care needs among individuals who have the various forms of dementia.
2. Methods of determining if an individual with dementia is experiencing pain.
3. Understanding the needs of the individual with dementia, how to develop a relationship within the challenges of the effects of the disease, and how to avoid detrimental behaviors by the individual.
4. How to approach, observe, listen to, and communicate with an individual with dementia.
5. Communication skills and words necessary to communicate and advocate effectively with coworkers, professionals, and families regarding individuals with dementia.
6. How to use care plans to assist individuals with dementia in experiencing the highest quality of life as the condition of the individual allows.
7. Techniques for effective problem solving when the challenges of the disease surpass the experiences of a caregiver who is using standard practices in dementia care.

****NOTE: I changed the wording of some of the curriculum items. Is that okay?

(b) The curriculum under par. (a) shall be no less than 40 hours of instruction, including both classroom and clinical instruction.

1 (4) (3) INSTRUCTION PROGRAM APPROVAL. (a) The department shall approve
 2 instructional programs for dementia specialists that apply for approval and that
 3 satisfy the standards promulgated by rule under sub. (2). (3)

4 (b) The department shall review the curriculum of each approved instructional
 5 program at least once every 24 months following the date of approval to determine
 6 whether the program continues to satisfy the standards for approval.

7 (c) The department may, after providing notice, suspend or revoke the approval
 8 of an instructional program or impose a plan of correction ^{for} on the program if the
 9 program fails to satisfy the standards for approval or operates under conditions that
 10 are other than those contained in the application approved by the department.

11 (5) (4) COMPETENCY EVALUATION PROGRAM APPROVAL. (a) The department shall
 12 promulgate rules to establish standards ^{the} for approval of competency evaluation
 13 programs for dementia specialists.

14 (b) The department shall approve competency evaluation programs that apply
 15 for approval and that satisfy the standards for approval promulgated by rule under
 16 par. (a).

17 (c) The department may, after providing notice, suspend or revoke approval of
 18 a competency evaluation program or impose a plan of correction ^{for} on the program if
 19 the competency evaluation program fails to satisfy the standards for approval or
 20 operates under conditions that are other than those contained in the application
 21 approved by the department.

****NOTE: Is this what you want for the competency examination or do you want the department to create and administer the examination?

1 ~~(B)~~ ~~(6)~~ ^e(5) PROHIBITIONS ON USE OF TITLE. No person may use the title "dementia
2 specialist" or "certified dementia specialist" unless he or she holds a certification
3 under sub. ~~(1)~~ ^e(1) ~~(2)~~ ^e is certified

****NOTE: This provision is similar to provisions in the emergency services laws, which prohibits the use of a specific title without having the required training and certification. Do you want this provision?

4

(END)

D-note

1 INSERT A

This bill creates a dementia specialist certification program. If a nurse aide, residential assistant, or a person designated by a care provider to coordinate and supervise resident activities attends an appropriate instructional program and completes a competency evaluation, then the department of health services (DHS) certifies him or her as a dementia specialist. No person may use the title "dementia specialist" or "certified dementia specialist" unless he or she holds this certification from DHS.

The bill requires the DHS to establish standards for a curriculum for the instructional program, which include certain instructional topics. The instructional program must be at least 40 hours and must include both classroom and clinical instruction. DHS approves instructional programs that meet the standards DHS established and reviews each program at least once every two years. DHS may suspend or revoke an instructional program that fails to satisfy the standards.

Under the bill, DHS approves competency evaluations that meet its standards, and may suspend or revoke a competency evaluation program that fails to meet the standards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2

3 INSERT 1-4

4 ~~no~~ DEFINITIONS. In this section:

5 (a) "Residential assistant" means the licensee or certification holder of an
6 entity ^{licensed or certified} under ch. 50 and all employees of the entity who have one or more of the
7 following responsibilities:

- 8 1. Supervising the activities or whereabouts of a resident of the entity.
- 9 2. Managing or administering a resident's medications.
- 10 3. Providing personal care or treatments for a resident.
- 11 4. Planning or conducting training or activity programming for a resident.

12 (b) "Residential assistant" does not include a volunteer or employee of the
13 entity who works exclusively in the food service, maintenance, laundry service,

1 housekeeping, transportation, ^eor security, ^{or} or clerical areas, and an employee who
2 does not work on the premises of the care facility ^{e or}

entity

3 INSERT 1-9

4 (b) A residential assistant.

5 (c) A person designated by an entity licensed or certified ^{under} in ch. 50 to coordinate
6 and supervise resident-centered activities for the entity.

7 INSERT 2-4

8 1. Understanding the signs and symptoms of the various forms of dementia and
9 the possible variations in care needs among individuals affected by the various forms
10 of dementia.

11 2. How to approach, observe, listen to, and communicate with an individual
12 with dementia.

13 3. Recognizing pain in an individual with dementia.

14 4. Skills and techniques for encouraging purposeful activities to provide
15 holistic care intended to promote optimal life experiences for persons with dementia.

16 5. Understanding the needs of the individual with dementia, how to develop
17 a trusting relationship within the challenges of the effects of dementia, and how to
18 avoid and manage behaviors that may be harmful to the individual or others.

19 6. Communication skills necessary to communicate with coworkers,
20 professionals, and families regarding individuals with dementia.

21 7. Skills necessary to effectively advocate for the needs and interests of persons
22 with dementia.

1 8. Developing and using care plans to assist individuals with dementia in
2 experiencing the highest possible quality of life.

3 9. Techniques for effective problem solving.

4 (END)

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2907/1dn

TJD: *fyf*

Date

To Christian Moran:

I redrafted this request so it is in introducible form, but I had couple of questions on items you may want to include in the draft. I apologize for not thinking of these questions sooner.

First, do you want some provision for expiration or renewal of certification? Does a person receive a dementia specialist certification and then keep it for life, like the earning of a degree?

Second, do you want DHS to be able to charge a fee for certification? If so, do you want to specify the charge or have DHS set the fee by rule.

If you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2907/1dn

TJD:kjf:ph

September 1, 2009

To Christian Moran:

I redrafted this request so it is in introducible form, but I had couple of questions on items you may want to include in the draft. I apologize for not thinking of these questions sooner.

First, do you want some provision for expiration or renewal of certification? Does a person receive a dementia specialist certification and then keep it for life, like the earning of a degree?

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If you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Moran, Christian
Sent: Tuesday, December 01, 2009 9:40 AM
To: Dodge, Tamara
Subject: revision request LRB-2907/1 (Dementia care specialist certification)

Tami,

In your Sept. 1 drafter's note on LRB-2907/1, you asked two questions on items you thought we may want to include in the draft. Below are your questions and our answers in blue. Please revise the draft accordingly.

First, do you want some provision for expiration or renewal of certification? Does a person receive a dementia specialist certification and then keep it for life, like the earning of a degree?

Please include a provision requiring a dementia care specialist to have 4 hours of continuing education, as defined by DHS through rule, every two years in order to maintain their certification.

Second, do you want DHS to be able to charge a fee for certification? If so, do you want to specify the charge or have DHS set the fee by rule.

Yes, please include a provision permitting DHS to charge a fee for certification. For now, let DHS set the fee by rule. I'll ask the department today what fee it believes will be necessary to administer this new program and we may specify that amount in the bill, depending on what DHS says.

Thanks for your help. Just let me know if you have any questions.

Christian

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
(608) 266-1733

Dodge, Tamara

From: Moran, Christian
Sent: Thursday, December 03, 2009 12:29 PM
To: Dodge, Tamara
Subject: RE: revision request LRB-2907/1 (Dementia care specialist certification)

Tami,

Sorry, I have more revision request. Please delete 146.43(2)(b). We no longer want residential assistants to be eligible for a dementia specialist certification.

Thanks again,

Christian

From: Moran, Christian
Sent: Tuesday, December 01, 2009 9:40 AM
To: Dodge, Tamara
Subject: revision request LRB-2907/1 (Dementia care specialist certification)

Tami,

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Thanks for your help. Just let me know if you have any questions.

Christian

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
(608) 266-1733



In. 12/4/09

RMR

2009 BILL

A certificate as a dementia specialist is valid for two years. To renew the certificate, a person must provide proof to DHS of four hours of continuing education.

and pays a certification fee

Reger

- 1 AN ACT to create 146.43 of the statutes; relating to: dementia specialist
- 2 certification program and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill creates a dementia specialist certification program. If a nurse aide, residential assistant, or a person designated by a care provider to coordinate and supervise resident activities attends an appropriate instructional program, and completes a competency evaluation, the Department of Health Services (DHS) must certify him or her as a dementia specialist. No person may use the title "dementia specialist" or "certified dementia specialist" unless he or she holds this certification from DHS.

The bill requires DHS to establish standards for a curriculum for the instructional program, which includes certain instructional topics. The instructional program must consist of at least 40 hours and must include both classroom and clinical instruction. DHS approves instructional programs that meet the standards DHS established and reviews each program at least once every two years. DHS may suspend or revoke an instructional program that fails to satisfy the standards.

Under the bill, DHS approves competency evaluations that meet its standards, and may suspend or revoke a competency evaluation program that fails to meet the standards.

is certified by

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 146.43 of the statutes is created to read:

2 **146.43 Dementia specialist certification.** (1) DEFINITIONS. In this section:

3 (a) "Residential assistant" means the licensee or certification holder of an
4 entity licensed or certified under ch. 50 and all employees of the entity who have one
5 or more of the following responsibilities:

- 6 1. Supervising the activities or whereabouts of a resident of the entity.
- 7 2. Managing or administering a resident's medications.
- 8 3. Providing personal care or treatments for a resident.
- 9 4. Planning or conducting training or activity programming for a resident.

10 (b) "Residential assistant" does not include a volunteer or employee of the
11 entity who works exclusively in the food service, maintenance, laundry service,
12 housekeeping, transportation, security, or clerical areas, or an employee who does
13 not work on the premises of the entity.

14 (2) ELIGIBILITY FOR CERTIFICATION. The department shall certify as a dementia
15 specialist any of the following persons who successfully completed an instructional
16 program under sub. (4) and successfully completed a competency evaluation program
17 under sub. (5): ¹ and pay a fee set by the department by rule

18 (a) A nurse aide, as defined in s. 146.40 (1) (d).

19 (b) A residential assistant.

20 (c) A person designated by an entity, ^{that is} licensed or certified under ch. 50, to
21 coordinate and supervise resident-centered activities for the entity.

BILL

Insert 3-1

1 (3) PROGRAM CURRICULUM. (a) The department shall promulgate rules
2 establishing standards for the curriculum of an instructional program that shall
3 include instruction ^{e in} on all of the following:

4 1. Understanding the signs and symptoms of the various forms of dementia and
5 the possible variations in care needs among individuals affected by the various forms
6 of dementia.

7 2. How to approach, observe, listen to, and communicate with, an individual
8 with dementia.

9 3. Recognizing pain in an individual with dementia.

10 4. Skills and techniques for encouraging purposeful activities to provide
11 holistic care intended to promote optimal life experiences for persons with dementia.

12 5. Understanding the needs of ^{e an} the individual with dementia, how to develop
13 a trusting relationship within the challenges of the effects of dementia, and how to
14 avoid and manage behaviors that may be harmful to the individual or others.

15 6. Communication skills necessary to communicate with coworkers,
16 professionals, and families regarding individuals with dementia.

17 7. Skills necessary to effectively advocate for the needs and interests of persons
18 with dementia.

19 8. Developing and using care plans to assist individuals with dementia in
20 experiencing the highest possible quality of life.

21 9. Techniques for effective problem solving.

22 (b) The curriculum under par. (a) shall be no less than 40 hours of instruction,
23 including both classroom and clinical instruction.

BILL

1 (4) INSTRUCTION PROGRAM APPROVAL. (a) The department shall approve
2 instructional programs for dementia specialists that apply for approval and that
3 satisfy the standards promulgated by rule under sub. (3).

4 (b) The department shall review the curriculum of each approved instructional
5 program at least once every 24 months following the date of approval to determine
6 whether the program continues to satisfy the standards for approval.

7 (c) The department may, after providing notice, suspend or revoke the approval
8 of an instructional program or impose a plan of correction for the program if the
9 program fails to satisfy the standards for approval or operates under conditions that
10 are other than those contained in the application approved by the department.

11 (5) COMPETENCY EVALUATION PROGRAM APPROVAL. (a) The department shall
12 promulgate rules to establish standards for the approval of competency evaluation
13 programs for dementia specialists.

14 (b) The department shall approve competency evaluation programs that apply
15 for approval and that satisfy the standards for approval promulgated by rule under
16 par. (a).

17 (c) The department may, after providing notice, suspend or revoke ^{the} approval of
18 a competency evaluation program or impose a plan of correction for the program if
19 the competency evaluation program fails to satisfy the standards for approval or
20 operates under conditions that are other than those contained in the application
21 approved by the department.

22 (6) PROHIBITIONS ON USE OF TITLE. No person may use the title "dementia
23 specialist" or "certified dementia specialist" unless he or she is certified under sub.

24 (2) ✓
25 (1)

Duerst, Christina

From: Moran, Christian
Sent: Friday, January 15, 2010 4:04 PM
To: LRB.Legal
Subject: please jacket LRB-2907/2 for introduction in the Assembly

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
(608) 266-1733