**Part 2**

**TRAINING AND ORIENTATION REQUIREMENTS**

**IN THE HOME CARE LAW**

**These training and orientation requirements apply to ALL staff working for**

**home care agencies licensed by the Minnesota Department of Health. Licensees**

**should check that licensed staff have a current license. More details about training requirements for unlicensed staff are in the chart that follows.**

**HOME CARE STAFF ORIENTATION REQUIREMENTS**

The home care orientation requirements apply to both licensed and unlicensed home care staff. The additional training requirements for unlicensed staff under 144A.4795, subd. 7, (b) and (c) are described separately. Under MN Statute144A.4796, subd 1 and 2, all staff providing and supervising direct home care services must complete and orientation on the following topics before providing home care services to clients:

* An overview of the home care law (MN Statute 144A.43 to 144A.4798)
* Introduction and review of all the provider’s policies and procedures related to the provision of home care services;
* Handling of emergencies and use of emergency services;
* Compliance with and reporting of the maltreatment of minors or vulnerable adults under sections 626.556 and 626.557 (this should focus on the population your agency serves—either minors or adults or both)
* Home care bill of rights (section 144A.44, and assisted living providers need to cover the assisted living home care bill of rights addendum in 144A.441)
* Handling of clients’ complaints, reporting of complaints and where to report complaints, including information on the Office of Health Facility Complaints and the Common Entry Point
* Consumer advocacy services of the Office of Ombudsman for Long-Term Care, Office of Ombudsman for Mental Health and Developmental Disabilities, Managed Care Ombudsman at the Department of Human Services, county managed care advocates, or other relevant advocacy services, and
* Review of the types of home care services the employee will be providing and the provider’s scope of licensure.

In addition, 144A.4796, subd. 4 requires that “Staff providing home care services must be oriented specifically to each individual client and the services to be provided. This orientation may be provided in person, orally, in writing, or electronically.”

**REQUIRED ANNUAL TRAINING REQUIREMENTS FOR BASIC AND COMPREHENSIVE HOME CARE STAFF**

Under 144A.4796, subd. 6, the annual in-service training for **all staff that perform direct home care services** [licensed AND unlicensed staff] must include at least 8 hours of training for each 12 months of employment. The training must include:

* Training on reporting of maltreatment of minors under section 626.556 and maltreatment of vulnerable adults under section 626.557, whichever is applicable to the services provided;
* Review of the home care bill of rights in section 144A.44;
* Review of infection control techniques used in the home and implementation of infection control standards, including:
  + A review of hand-washing techniques
  + The need for and use of protective gloves, gowns and masks
  + Appropriate disposal of contaminated materials and equipment, such as dressings, needles, syringes and razor blades
  + Disinfecting reusable equipment
  + Disinfecting environmental surfaces, and
  + Reporting of communicable diseases, and
* A review of the provider’s policies and procedures relating to the provision of home care services and how to implement those policies and procedures.

**DEMENTIA CARE TRAINING REQUIREMENTS FOR HOME CARE AGENCIES**

Under MN Stat. 144A.4796, subd. 5, Basic and Comprehensive home care agencies that provide services for persons with dementia must provide dementia training to all direct care staff and supervisors working with those clients. The law specifies the topics that must be covered, but not the amount of time the training must take. However, 2014 amendments to MN Stat. 144D.065 include much more specific requirements that affect home care agencies that provide services in assisted living programs or in special dementia care units.

The new dementia training requirements in 144D.065 become effective on January 1, 2016, for home care staff working in housing-with-services establishments that either (1) have special dementia care units as define under MN Stat. 325F.72 or (2) have assisted living programs under 144G.

The training topics included in the 2014 changes to 144D.065 (effective in 2016) for home care staff working in certain housing-with-services establishments are slightly different from the topics in the 2013 home care law. Although many home care staff will be covered by the more stringent dementia training requirements in 144D, other home care staff not working in a special care unit or in an assisted living program must have some dementia training if the agency serves any clients with dementia, although no minimum number of hours or annual in-service is required in the law. Practically speaking, this means that any home care agency that serves older adults must train staff working with clients with dementia on the dementia topics in Minnesota Statute §144A.4796, subd. 5. For agencies serving older adults, it is probably most efficient just to provide dementia training on the required topics to all staff who will provide home care services.

Here’s a comparison of the training topics under the two different laws:

|  |  |
| --- | --- |
| **Required Dementia Care Training Topics for Staff** | |
| **A. HWS Establishments with Special Care Units and/or that Provide Assisted Living and Home Care Providers working in these HWS Settings (MN Stat. 144D.065)** | **B. Home Care agencies Serving Persons with Dementia but not providing services within a HWS Establishments with Special Care Units or an Assisted Living Program**  **(MN Stat. 144A.4796, subd. 5)** |
| Areas of required training include:  (1) an explanation of Alzheimer's disease and related disorders;  (2) assistance with activities of daily living;  (3) problem solving with challenging behaviors; and  (4) communication skills. | Required training must cover:  (1) a current explanation of Alzheimer's disease and related disorders,  (2) effective approaches to use to problem-solve when working with a client's challenging behaviors, and  (3) how to communicate with clients who have Alzheimer's or related disorders. |

For home care staff working in housing-with-services establishments that have special care units under 325F.72 or that have assisted living programs under 144G, here is a summary of the training requirements:

|  |  |
| --- | --- |
| **Type of Employee\*\*** | **Dementia Training Requirements** |
| **Home Care Staff Working in Special Dementia Care Units under 325F.72** | |
| Supervisors of direct care staff\* | at least **8 hours** of training on the above topics within 120 working hours of the employment start date and at least **2 hours** of annual training on topics related to dementia care for each 12 months of employment (in-service topics not specified) |
| Direct care\* employees | at least **8 hours** of training on topics specified above within 160 working hours of the employment start date and at least **2 hours** of training on topics related to dementia care for each 12 months of employment (in-service topics not specified) Until this initial training is complete, **direct care employees** may not provide direct care unless there is another employee on site who has completed the eight hours of training and who can act as a resource and assist if issues arise. A person who provides the required training, or a supervisor who has had the initial training must be available for consultation until a new direct care employee has completed the eight hours of training. |
| **Home Care Staff Working in Assisted Living Programs under 144G (but not in Special Care Units)** | |
| Supervisors of direct care\* staff | at least **4 hours** of training on the above topics within 120 working hours of the employment start date and at least **2 hours** of annual training on topics related to dementia care for each 12 months of employment. (the annual in-service topics are not specified) |
| Direct care\* employees | at least **4 hours** of training on the specified topics within 160 working hours of the employment start date and at least **2 hours** of training on topics related to dementia care for each 12 months of employment (the annual in-service topics are not specified). Until the initial training is complete, **direct care employees** may not provide direct care unless there is another employee on site who has completed the four hours of training and who can act as a resource and assist if issues arise. A person who provides the required training, or a supervisor who has had the initial training must be available for consultation until a new direct care employee has completed the four hours of training. |

\* The HHS Omnibus Bill (SF 1458) defines “**direct care**” staff as those that provide Basic or Comprehensive home care services.

\*\* **New employees**,may satisfy the initial dementia care training requirements if they have documentation of having completed the required training within the previous 18 months.