

State of Arkansas *As Engrossed: S3/6/13 S3/26/13 S3/28/13 H4/5/13 H4/11/13*

89th General Assembly

A Bill

Regular Session, 2013

SENATE BILL 755

By: Senators Bledsoe, J. English, J. Hendren, Hester, B. Pierce

By: Representatives S. Malone, E. Armstrong, J. Burris, Leding, McLean

For An Act To Be Entitled

AN ACT TO ESTABLISH TRAINING REQUIREMENTS FOR
COMPENSATED IN-HOME CAREGIVERS; AND FOR OTHER
PURPOSES.

Subtitle

TO ESTABLISH TRAINING REQUIREMENTS FOR
COMPENSATED IN-HOME CAREGIVERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 77, is amended to add an additional subchapter to read as follows:

Subchapter 21 – Home Caregiver Training

20-77-2101. Findings – Intent.

(a) The General Assembly finds that:

(1) Although a direct-care worker in the State of Arkansas who serves a Medicaid reimbursable client must undergo a forty-hour training program, a direct-care worker who serves a client in his or her home and who is not Medicaid reimbursable has no training requirement; and

(2) Beginning January 1, 2012, and continuing until January 1, 2027, approximately ten thousand (10,000) persons a day turn sixty-five (65) years of age in the United States.

(b) This subchapter is intended to:

(1) Assure disabled citizens and the constantly expanding population of senior citizens in Arkansas that a direct-care worker is



properly trained in core competencies; and

(2) Acknowledge the necessity of proper training for all direct-care workers that, in turn, will contribute to a reduction in per capita health care costs for Arkansans.

20-77-2102. Definitions.

As used in this subchapter:

(1) "Caregiver services" are services provided to an individual in the State of Arkansas to assist the recipient of the services in the activities of daily living, and the recipient of services is fifty (50) years of age or older at the time the services are provided;

(2) "Trained In-Home Assistant" means an individual who has met the requirements of this subchapter and provides caregiver services;

(3) "Compensation" means money or another type of property of value received by a provider of caregiver services in exchange for the services of the provider without regard to the source of payment of the money or other type of property; and

(4) "Successful completion" means completion of training in acceptable core competencies in the physical skills under § 20-77-2103.

20-77-2103. Training requirement.

(a) A person who applies for employment to provide caregiver services in this state for compensation shall provide documentation to an in-home services agency of successful completion of training as a Trained In-Home Assistant under this subchapter.

(b) A person qualifies as a Trained In-Home Assistant under this subchapter if the person:

(1) Is eighteen (18) years of age or older;

(2) Has not been convicted of a felony that would prevent the person from working in a long-term care facility under § 20-38-101 et seq. unless the conviction has been expunged or pardoned; and

(3)(A) Except as provided under subsection (e) of this section, has successfully completed a caregiver training course addressing the following core competencies approved by the department including not less than forty (40) hours of training in:

(i) Body functions;

(ii) Body mechanics and safety precautions;
(iii) Communication skills;
(iv) Dementia and Alzheimer's diseases;
(v) Emergency situations, including recognition of conditions and proper procedures;
(vi) Household safety and fire prevention;
(vii) Infection control and prevention, including maintaining a safe and clean working environment;
(viii) Ethical considerations and state law regarding delegation of nursing tasks to unlicensed personnel;
(ix) Nutrition;
(x) At least sixteen (16) hours of the forty (40) required hours covering physical skills and competent demonstration of such skills for:

(a) Ambulation;
(b) Basic housekeeping procedures, including laundry skills;
(c) Bathing, shampooing, and shaving;
(d) Dressing and undressing;
(e) Meal preparation and clean up;
(f) Oral hygiene;
(g) Range of motion;
(h) Toileting; and
(i) Transfer techniques;
(xi) Record keeping and documentation of activities;
(xii) Role of caregiver in a healthcare team; and
(xiii) Nail and skin care.

(c) The department may expand or reduce the topics acceptable for the caregiver course, but the number of hours of training shall not be modified.

(d) The training required under this subchapter may be certified by an employer if that employer maintains records regarding:

- (1) The identification of the employee who received training;
- (2) The topic for which the training was conducted; and
- (3) The amount of time spent on training.

(e)(1) A person is exempt from the provisions of subdivision (b)(3) of this section if the person has at least one (1) year of experience working in

an institutional setting, including without limitation a:

- (A) Home health agency;
- (B) Hospital;
- (C) Hospice; or
- (D) Long-term care facility.

(2) The experience required under subdivision (e)(1) of this section shall be verified by the person's employer during the experience.

20-77-2104. Exemptions.

An individual may provide caregiver services without the training required under this subchapter if the person is a:

- (1) Certified Nursing Assistant;
- (2) Licensed practical nurse;
- (3) Parent, grandparent, child, grandchild, or sibling of the recipient of the services;
- (4) Physician;
- (5) Registered nurse;
- (6) Service provider who does not receive compensation for his or her services;
- (7) Licensed social workers;
- (8) Court-appointed legal guardian of the recipient of the caregiver services; or
- (9) A direct-care worker providing caregiver services to a participant in any program licensed, certified, or administered by the Department of Human Services.

20-77-2105. Rules.

The Department of Health shall adopt rules to implement this subchapter.

SECTION 2. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on and after April 1, 2014.

/s/Bledsoe

APPROVED: 04/22/2013