

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 755

5 By: Senators Bledsoe, J. English, J. Hendren, Hester, B. Pierce
6 By: Representatives S. Malone, E. Armstrong, J. Burris, Leding, McLean
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH TRAINING REQUIREMENTS FOR
10 COMPENSATED IN-HOME CAREGIVERS; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

14 TO ESTABLISH TRAINING REQUIREMENTS FOR
15 COMPENSATED IN-HOME CAREGIVERS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 20, Chapter 77, is amended to add an
22 additional subchapter to read as follows:

Subchapter 21 – Home Caregiver Training

20-77-2101. Findings – Intent.

(a) The General Assembly finds that:

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

32 (2) Beginning January 1, 2012, and continuing until January 1,
33 2027, approximately ten thousand (10,000) persons a day turn sixty-five (65)
34 years of age in the United States.

(b) This subchapter is intended to:

35 (1) Assure disabled citizens and the constantly expanding
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1 population of senior citizens in Arkansas that a direct-care worker is
2 properly and consistently trained in core competencies and has a continuing
3 education requirement for annual license renewal; and

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

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8 20-77-2102. Definitions.

9 As used in this subchapter:

10 (1) "Caregiver services" are services provided to an individual
11 in the State of Arkansas to assist the recipient of the services in the
12 activities of daily living, and the recipient of services is either:

13 (A) Fifty (50) years of age or older at the time the
14 services are provided; or

15 (B) Regardless of age, suffering from a physical or mental
16 incapacitation that prevents the individual from caring for himself or
17 herself;

18 (2) "Certified Personal Care Assistant" means an individual who
19 has met the requirements of this subchapter and provides caregiver services;

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

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

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27 20-77-2103. Training requirement.

28 (a) A person who applies for employment to provide caregiver services
29 in this state for compensation shall provide documentation to a home health
30 services agency of successful completion of training as a Certified Personal
31 Care Assistant under this subchapter.

32 (b) The Department of Human Services may issue documentation of
33 successful completion of training as a Certified Personal Care Assistant
34 under this subchapter to a person if the person:

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

36 (2) Has not been convicted of a felony unless the conviction has

1 been expunged or pardoned;

2 (3) Has passed a drug test for illegal drug use within fifteen
3 (15) days before initial licensure and passes a drug test for illegal drug
4 use within fifteen (15) days before renewal of license; and

5 (4)(A) Has successfully completed a caregiver training course
6 addressing the following core competencies approved by the department
7 including not less than forty (40) hours of training in:

8 (i) Bodily functions;

9 (ii) Behavioral issues, including changes in
10 physical, mental, or psychological conditions;

11 (iii) Body mechanics and safety precautions;

12 (iv) Communication skills;

13 (v) Dementia and Alzheimer’s diseases;

14 (vi) Emergency situations, including recognition of
15 conditions and proper procedures;

16 (vii) Household safety and fire prevention;

17 (viii) Infection control and prevention, including
18 maintaining a safe and clean working environment;

19 (ix) Law and ethics;

20 (x) Nutrition;

21 (xi) Personal care;

22 (xii) At least sixteen (16) hours covering physical
23 skills and competent demonstration of such skills for:

24 (a) Ambulation;

25 (b) Basic housekeeping procedures, including
26 laundry skills;

27 (c) Bathing, shampooing, and shaving;

28 (d) Dressing and undressing;

29 (e) Meal preparation and clean up;

30 (f) Oral hygiene;

31 (g) Range of motion;

32 (h) Toileting; and

33 (i) Transfer techniques;

34 (xiii) Record keeping and documentation of
35 activities;

36 (xiv) Role of caregiver in health care team

1 skin and nail care; and

2 (xv) Vital signs.

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

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7 20-77-2104. Exemptions.

8 An individual may provide caregiver services without licensure under
9 this subchapter if the person is a:

10 (1) Certified Nursing Assistant;

11 (2) Licensed practical nurse;

12 (3) Parent, grandparent, child, grandchild, or sibling of the
13 recipient of the services;

14 (4) Physician;

15 (5) Registered nurse; or

16 (6) Service provider who does not receive compensation for his
17 or her services.

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19 20-77-2105. Rules.

20 The Department of Human Services shall adopt rules to implement this
21 subchapter.

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