

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

2 89th General Assembly

# A Bill

3 Regular Session, 2013

SENATE BILL 755

4  
5 By: Senators Bledsoe, J. English, J. Hendren, Hester, B. Pierce

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

## For An Act To Be Entitled

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

## Subtitle

15 TO ESTABLISH TRAINING REQUIREMENTS FOR  
16 COMPENSATED IN-HOME CAREGIVERS.

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

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 must undergo a forty-hour training  
29 program, a direct-care worker who serves a client in his or her home and who  
30 is not Medicaid reimbursable has no training requirement; and

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

##### (b) This subchapter is intended to:

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



1 properly trained in core competencies; and

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

5  
6 20-77-2102. Definitions.

7 As used in this subchapter:

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

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

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

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

20  
21 20-77-2103. Training requirement.

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

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

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

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

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

36 (i) Body functions;

1 (ii) Body mechanics and safety precautions;  
2 (iii) Communication skills;  
3 (iv) Dementia and Alzheimer's diseases;  
4 (v) Emergency situations, including recognition of  
5 conditions and proper procedures;

6 (vi) Household safety and fire prevention;  
7 (vii) Infection control and prevention, including  
8 maintaining a safe and clean working environment;

9 (viii) Ethical considerations and state law  
10 regarding delegation of nursing tasks to unlicensed personnel;

11 (ix) Nutrition;

12 (x) At least sixteen (16) hours of the forty (40)  
13 required hours covering physical skills and competent demonstration of such  
14 skills for:

15 (a) Ambulation;

16 (b) Basic housekeeping procedures, including  
17 laundry skills;

18 (c) Bathing, shampooing, and shaving;

19 (d) Dressing and undressing;

20 (e) Meal preparation and clean up;

21 (f) Oral hygiene;

22 (g) Range of motion;

23 (h) Toileting; and

24 (i) Transfer techniques;

25 (xi) Record keeping and documentation of activities;

26 (xii) Role of caregiver in a healthcare team; and

27 (xiii) Nail and skin care.

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

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

32 (1) The identification of the employee who received training;

33 (2) The topic for which the training was conducted; and

34 (3) The amount of time spent on training.

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

1 an institutional setting, including without limitation a:

2 (A) Home health agency;

3 (B) Hospital;

4 (C) Hospice; or

5 (D) Long-term care facility.

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

8  
9 20-77-2104. Exemptions.

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

12 (1) Certified Nursing Assistant;

13 (2) Licensed practical nurse;

14 (3) Parent, grandparent, child, grandchild, or sibling of the  
15 recipient of the services;

16 (4) Physician;

17 (5) Registered nurse;

18 (6) Service provider who does not receive compensation for his  
19 or her services;

20 (7) Licensed social workers;

21 (8) Court-appointed legal guardian of the recipient of the  
22 caregiver services; or

23 (9) A direct-care worker providing caregiver services to a  
24 participant in any program licensed, certified, or administered by the  
25 Department of Human Services.

26 20-77-2105. Rules.

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

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

32  
33 /s/Bledsoe

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35  
36 APPROVED: 04/22/2013