

1 State of Arkansas As Engrossed: S3/6/13 S3/26/13 S3/28/13

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

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For An Act To Be Entitled

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

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Subtitle

15 TO ESTABLISH TRAINING REQUIREMENTS FOR
16 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:

23 Subchapter 21 – Home Caregiver Training

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25 20-77-2101. Findings – Intent.

26 (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.

34 (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.

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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.

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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) Has successfully completed a caregiver training course
33 addressing the following core competencies approved by the department
34 including not less than forty (40) hours of training in:

35 (i) Body functions;

36 (ii) Body mechanics and safety precautions;

- 1 (iii) Communication skills;
2 (iv) Dementia and Alzheimer's diseases;
3 (v) Emergency situations, including recognition of
4 conditions and proper procedures;
5 (vi) Household safety and fire prevention;
6 (vii) Infection control and prevention, including
7 maintaining a safe and clean working environment;
8 (viii) Ethical considerations and state law
9 regarding delegation of nursing tasks to unlicensed personnel;
10 (ix) Nutrition;
11 (x) At least sixteen (16) hours of the forty (40)
12 required hours covering physical skills and competent demonstration of such
13 skills for:
14 (a) Ambulation;
15 (b) Basic housekeeping procedures, including
16 laundry skills;
17 (c) Bathing, shampooing, and shaving;
18 (d) Dressing and undressing;
19 (e) Meal preparation and clean up;
20 (f) Oral hygiene;
21 (g) Range of motion;
22 (h) Toileting; and
23 (i) Transfer techniques;
24 (xi) Record keeping and documentation of activities;
25 (xii) Role of caregiver in a healthcare team; and
26 (xiii) Nail and skin care.

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

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30 20-77-2104. Exemptions.

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

- 33 (1) Certified Nursing Assistant;
34 (2) Licensed practical nurse;
35 (3) Parent, grandparent, child, grandchild, or sibling of the
36 recipient of the services;

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

11 20-77-2105. Rules.

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

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

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/s/Bledsoe