

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Health

Department Division for Health Protection, Licensing and Regulation Branch, Health Facilities Services Section

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**Rule Title:** Rules for Home Caregiver Training in Arkansas

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Laura Shue

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08/26/2024

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Title

08/26/2024

Date

# RULES FOR HOME CAREGIVER TRAINING IN ARKANSAS



## ARKANSAS DEPARTMENT OF HEALTH

**Effective Date: September 5, 2024**

**Arkansas Department of Health  
Renee Mallory, RN, BSN,  
Secretary of Health**

**Jennifer Dillaha, MD  
Director and State Health Officer**

Rules for Home Caregiver Training in Arkansas

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## Rules for Home Caregiver Training in Arkansas

### SECTION 1. Authority.

These Rules and Regulations for Home Caregiver Training in Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 1410 of 2013, Ark. Code Ann. § 20-77-2301 et seq.

SECTION 2. Definitions.

(a) As used in these Rules:

- (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) "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;
- (3) "In-home services agency" means any partnership, association, corporation, or other organization, whether public or private, proprietary, or non-profit, that provides caregiver services for pay in a client's residence and is not otherwise licensed by the Department of Health as a home health agency, private care agency, or hospice agency.
- (4) "Successful completion" means completion of training in acceptable core competencies in the physical skills under§ 20-77-2303 and §3 of these Rules; and
- (5) "Trained In-Home Assistant" means an individual who has met the requirements of Ark. Code Ann. §§ 20-77-2301 et seq. and provides caregiver services.

SECTION 3. 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 these Rules.
- (b) A person qualifies as a Trained In-Home Assistant under these Rules 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 Section 5 of these Rules, 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)At least four (4) hours covering Alzheimer's diseases and other dementia, which shall include:
      - (A)Communication skills;
      - (B) Problem-solving with challenging behaviors;
      - (C) Assistance with daily living; and
      - (D)Explanation of Alzheimer’s Disease and other dementia;
    - (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) of the forty (40) required hours covering physical skills and competent demonstration of such skills for:
      - (A) Ambulation;

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- (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;
- (I) transfer techniques;
- (J) recordkeeping and documentation of activities;
- (K) role of caregiver in a healthcare team; and
- (L) nail and skin care.

SECTION 4. Certification of Training by Employer.

- (a) The training required under these rules 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.



SECTION 5. Exemptions.

(a)

(1) A person is exempt from the training specifications in §3 of these Rules if the person has at least one (1) year of experience working in an institutional setting, including without limitation:

(i) Home health agency;

(ii) Hospital;

(iii) Hospice; or

(iv) Long-term care facility.

(2) (2) The experience required under §5(a) shall be verified by the person's employer during the experience.

(b) An individual may provide caregiver services without the training required by these Rules 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 worker;

(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, administered, or certified by the Department of Human Services.

Rules for Home Caregiver Training in Arkansas

CERTIFICATION

I hereby certify that the foregoing Rules for Home Caregiver Training in Arkansas were duly adopted by the Arkansas State Board of Health on the 25th day of January, 2024.



Jennifer Dillaha, MD

Secretary, Arkansas State Board of Health  
Director, Arkansas Department of Health