

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Provider Services and Quality Assurance

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Statutory Authority for Promulgating Rules Arkansas Code Annotated 20-76-201

Rule Title: Licensure Update Pursuant to Acts 135 and 746

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 01/01/2022
(Must be more than 10 days after filing date.)

Legal Notice Published 10/10/2021

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Reviewed by Legislative Council 12/17/2021

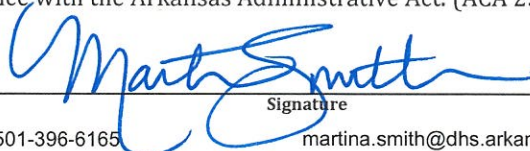
Adopted by State Agency 01/01/2022

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

Jack Tiner jack.tiner@dhs.arkansas.gov 12/17/2021
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

501-396-6165 martina.smith@dhs.arkansas.gov
Phone Number E-mail Address

Director

Title

December 17, 2021

Date

D. Candidate Qualifications

The following is a list of qualifications for the state competency exam.

Note: Individuals listed on the LTCF Employment Clearance Registry with a disqualification status due to a substantiated administrative finding of abuse, neglect, misappropriation of resident property or a disqualifying criminal record in accordance with Ark. Code Ann. § 20-38-101 et seq shall not be eligible to take the competency examination.

1. Nursing assistants who were trained in **approved** non-facility programs (career colleges, Vo-Tech schools, proprietary schools, etc.) after January 1, 1989.
2. Nursing assistants who were trained in **approved** facility (nursing homes) programs after July 1, 1989.
3. Registered nurses or students who have finished the basic nursing course (Introduction to Nursing, Fundamentals of Nursing, etc.). The individual must provide a copy of their school transcript/document showing successful completion of the basic nursing course to qualify for the state competency test.
4. Registered nurses or licensed practical nurses that have had disciplinary action resulting in suspension, revocation, or voluntary surrender of license due to disciplinary action shall not be allowed an exemption to training or be allowed to challenge the state competency examination.
5. Home health aides who have met appropriate federal training and/or testing requirements for HHA certification. Verification must show completion of a minimum of 75 hours training and/or federal testing requirements as a home health aide. This provision does not apply to personal care aides. The training requirements of 40 hours to become a personal care aide does not meet the 90 hour requirement for the LTCF Nursing Assistant Training Program..
6. Individuals from other states who can verify

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completion of a state approved geriatric nursing assistant training program but were not tested and registered. If registered in the other state, see Section VIII for reciprocity transfers without further testing. Verification of course completion rests with the individual and must be submitted to the DHS designated contractor for approval to take the Arkansas competency test.

7. Nursing assistants whose certification has become inactive based on the recertification requirements (see Section VIII, item C). These individuals shall be required to retake the test for recertification. Permission for retesting shall require an admission slip obtained from the testing agency prior to the specified test date.

All other individuals trained in programs that have not received approval from the Department as a training provider shall not qualify and shall not be allowed to take the examination. Such programs may include hospitals, emergency medical technicians, medical assistant programs, personal care aides, correspondence courses, independent study or on-the-job training/in-service training as they are not acceptable in lieu of the approved training program.

Per A.C.A. § 17-1-110, the Department shall grant an occupational or professional license to an individual who fulfills the requirements to practice an occupation or profession in this state and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

E. Certified Nursing Assistant Licensure of Uniformed Service Members, Veterans, and Spouses

To comply with the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021 (Arkansas Code Annotated § 17-4-101, et seq), the following rules apply to:

1. A uniformed service member stationed in the State of Arkansas;
2. A uniformed service veteran who resides in or

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establishes residency in the State of Arkansas and makes an application within one (1) year of his or her discharge from uniformed service; and

3. The spouse of:
 - a. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas;
 - c. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and
 - d. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

Automatic or Expedited Certified Nursing Assistant (CNA) Licensures. Automatic or Expedited CNA licensures will be provided to current license holders in order to expedite their entry into the workforce of this state by means of reciprocity. Reciprocity may be granted without further training or testing.

- a. The process of reciprocity includes completion of the following with the state Vendor:
 - i. Form 9110AR- Out of State Employment Verification for AR Registry Renewal
 - ii. Form DD214-DD 214/Separation Documents
 - iii. Form DMS-798- Interstate Transfer Form/CNA Reg. Exemption/Reciprocity Request.
 - iv. Image/copy of individuals social security card
 - v. Image/copy of valid US government issued photo identification; and
 - vi. Proof of service education, training, experience, and service-issued credentials by means of a Joint

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Service Transcript (JST).

- b. Reciprocity is granted to those who meet the following criteria:
 - i. Completion of a training and competency evaluation program to become registered as a nursing assistant in another state, territory, or district of the United States that meets federal guidelines.
 - ii. A holder in good standings with CNA licensure within a similar scope of practice by another state, territory, or district of the United States.

Temporary or Provisional Certified Nursing Assistant (CNA) Licensures. Temporary or provisional CNA licensures to initial CNA licensure candidates will be provided while expediting full licensure by recognizing uniformed service education, training, experience, and service- issued credentials of uniformed service members and uniformed service veterans applying for initial CNA licensure. The following criteria will be classified as meeting service education, training, experience, and credentials;

- passing the Arkansas Nurse Aide Testing with three (3) given attempts in one hundred eighty (180) days post application.

Extension of License Expiration and Continuing Education Requirements. Extension of license expiration and any continuing education requirements for CNA licensure renewal for a deployed uniformed service member or their spouse will be granted as follows:

- a. An extension of the expiration date of a CNA licensure for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- b. An extension from continuing education requirements for one hundred eighty (180) days following the date of the uniformed service member or spouse's return from deployment.

The Department may require evidence of completion of continuing education before granting a subsequent CNA licensure or authorizing the renewal of a CNA license to allow full or partial exemption from continuing education requirements.

Uniformed service members, veterans and spouses who successfully

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meet the criteria and standards within these provisions shall be placed on the CNA registry and issued a state certificate. Information regarding Military Member Licensure can be found on the DHS-Division of Provider Services and Quality Assurance website at: <http://humanservices.arkansas.gov/about-dhs/dms/office-of-long-term-care>.