

Occupational Authorizations

Department of Human Services

Department of Human Services

NURSING ASSISTANT (CERTIFIED)

Authorization Type: Certification # of Individuals Regulated: 175145

Entity Division Name: Division of Provider Services, Office of Long Term Care

Scope of Practice: The scope of practice requiring certification includes any individual who provides nursing or nursing-related services to residents in a long-term care facility unless the individual is a licensed health professional or volunteers to provide such services without monetary compensation. R & Reg. Ark. Long-term Care Facility Nursing Ass't Training Prog. § 3, p. 4–5.

Statutory Requirement(s): Sections 20-10-701 to 705 requires the Office of Long-term Care to establish a training program to be completed by all nursing assistants in long-term care facilities who provide personal care to residents.

Federal law and rules require states to implement and enforce standards for nursing assistants in long-term care facilities. Title 18, Section 1819 of the Social Security Act (42 U.S.C 1395i-3(e)(1)–(e)(2)) and associated federal regulations.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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 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?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Fee to take nursing assistant competency exam.	\$125.00	Once

Administrative Rules Documents

Document Type	Document
Rules	Rules-for-the-AR-LTCF-NA-Training-Program-07012024.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY ADMINISTRATOR

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: DHS-Division of Provider Services and Quality Assurance

Scope of Practice: The scope of practice requiring licensure includes anyone who acts or serves in the capacity of an administrator. Ark. Code Ann. § 20-10-402(a).

It shall be unlawful for any person to act or serve in the capacity of a Psychiatric Residential Treatment Facility Administrator in this state unless the person has been licensed as outlined in the manual. No person shall administer, manage, supervise, or be in general administrative charge of a Psychiatric Residential Treatment Facility unless they are a licensed Psychiatric Residential Treatment Facility Administrator in active status. See Psychiatric Residential Treatment Facility Regulations, 20 CAR 417-205.

Statutory Requirement(s): Act 636 of the 2025 Regular Session required psychiatric residential treatment facilities to have licensed administrators to administer, manage, supervise, and be in general administrative charge of a Psychiatric Residential Treatment Facility. No Psychiatric Residential Treatment Facility within the state shall operate except under the supervision of a licensed Psychiatric Residential Treatment Facility Administrator. See Psychiatric Residential Treatment Facility Regulations, 20 CAR 417-205.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Penalty	Penalty for operating without a license	\$100.00	Once

Administrative Rules Documents

Document Type	Document
Rules	PRTF_Regulations.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

NURSING HOME ADMINISTRATOR

Authorization Type:	Licensure	# of Individuals Regulated:	713
Entity Division Name:	Division of Provider Services and Quality Assurance, Office of Long Term Care		
Scope of Practice:	<p>The scope of practice requiring licensure includes anyone who acts or serves in the capacity of a nursing home administrator. Ark. Code Ann. § 20-10-402(a).</p> <p>A nursing home administrator means a person who administers, manages, supervises, or is in general administrative charge of a nursing home whether he or she has an ownership in the home and whether his or her functions and duties are shared with one or more individuals. R. & Reg. Licensure of Nursing Home Admins § 1.C.</p>		
Statutory Requirement(s):	<p>Sections 20-10-401 to -408 of the Arkansas Code requires the licensure of nursing home administrators and provides that OLTC may prescribe minimum qualifications for nursing home administrators.</p> <p>Federal law requires states to implement and enforce standards for nursing home administrators. Title 18, Section 1819 of the Social Security Act (42 U.S.C 1395i-3 (d)(1)(C), (e)(4), (f)(4)) and associated federal regulations.</p>		
<p>Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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 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?</p>			

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License fee for nursing home administrators	\$100.00	Once
Fee	Renewal fee for nursing home administrators (annual)	\$100.00	Annually
Penalty	Penalty for serving as a nursing home administrator without a license: Misdemeanor subject to fine of \$100 to \$1000, 10 to 90 days imprisonment, or both	\$100.00	Once
Penalty	Penalty for Late Renewal	\$50.00	Once

Administrative Rules Documents

Document Type	Document
Rules	Rules-for-Licensure-of-Nursing-Home-Admin.-in-AR-07012024.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire
DHS - NHA

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes.** What instances of specific and substantial harm have been documented in the past year? **Instances include injuries to residents, misappropriation of resident funds, and failure to follow treatment plans.**
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **No reports were received regarding unauthorized practitioners.** What specific action was taken by the occupational entity? **Not applicable.**
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **One.** What specific action was taken by the occupational entity? **The Division revoked the individual's Nursing Home Administrator license.**
4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No.** If so, why? **Not applicable.**
5. How much does the occupational entity collect annually in fees, and what are annual expenses? **The Nursing Home Administrator program collected \$61,820.00 in fees in FY25. The Nursing Home Administrator program pays an annual fee of \$2,000 to the National Association of Long-Term Care Administrator Boards for national licensure and testing.**
6. How much money does the occupational entity have in reserves? **The Nursing Home Administrator program currently has \$799,587.29 in reserves.**
7. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **April 14, 2025.** For what purpose? **The Department has a contract with the Arkansas Health Care Association to provide Administrator in Training (AIT) classes for individuals seeking Nursing Home Administrator licensure. \$26,000 was transferred from the NHA reserve to the Arkansas Health Care Association for providing the training.**
8. Does the occupational entity have any other sources of revenue? **No.** Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

The funds set aside for the nursing home administrator fees can only be used for training as stated in Arkansas Code Annotated §20-10-408.

9. How many applicants for the occupational authorization fail each year? In FY25, four applicants failed the Nursing Home Administrator state exam. Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? The Department does not track this information.
10. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? No. What percentage of applicants complete apprenticeships? None.
11. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders? Long-term care facility residents could potentially receive direct care from staff who have not been properly trained, per state and federal requirements, subjecting the residents to actual harm from improper care. The administrators are responsible for hiring and training staff and the overall management and supervision of the facility.

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire
DHS - NATP

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes**. What instances of specific and substantial harm have been documented in the past year? **Instances include injuries to residents, misappropriation of resident funds, and failure to follow treatment plans.**
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **No reports were received by unauthorized practitioners.** What specific action was taken by the occupational entity? **Not applicable.**
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **275** What specific action was taken by the occupational entity? **The Division investigates all reports of maltreatment. If a determination is made after an investigation that the allegations meet a preponderance of the evidence to support a maltreatment finding, the Division recommends the offender to be placed on the Adult and Long-Term Care Facility Resident Maltreatment Registry after their appeal rights are exhausted. Certified Nursing Assistants are also disqualified on the Employee Clearance Registry.**
4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No**. If so, why? **Not applicable.**
5. How much does the occupational entity collect annually in fees, and what are annual expenses? **The DHS Nurse Aide Training Program does not collect fees; however, the students must pay \$125.00 to take the Nurse Aide test. That fee is paid directly to the testing entity.**
6. How much money does the occupational entity have in reserves? **Not applicable.**
7. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **Nurse Aide Training Program does not have funds in reserves.** For what purpose? **Does not apply.**

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

8. Does the occupational entity have any other sources of revenue? **No.** Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? **Does not apply.**
9. How many applicants for the occupational authorization fail each year? **In FY25, 1547 persons failed the Knowledge portion of Nurse Aide Training Program testing, and 1520 persons failed the skills portion of Nurse Aide Training Program testing.** Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **The Department does not track this information.**
10. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? **No.** What percentage of applicants complete apprenticeships? **None.**
11. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders? **Long-term care facility residents could potentially receive direct care from Certified Nursing Assistants who have not been properly trained, per state and federal requirements, subjecting the residents to actual harm from improper care.**

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

DHS - PRTF

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? **Yes. Psychiatric Residential Treatment Facility Administrators are responsible for the oversight of Psychiatric Residential Treatment Facilities and the reporting of incidents of maltreatment to the Division.**
2. What instances of specific and substantial harm have been documented in the past year? **Instances include injuries to residents, and failure to follow treatment plans.**
3. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? **No reports were received by unauthorized practitioners.** What specific action was taken by the occupational entity? **Not applicable.**
4. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **None.** What specific action was taken by the occupational entity? **Does not apply.**
5. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? **No.** If so, why? **Not applicable.**
6. How much does the occupational entity collect annually in fees, and what are annual expenses? **The Division does not collect fees from Psychiatric Residential Treatment Facility Administrators. The Psychiatric Residential Treatment Facility Under 21 manual and Arkansas Code Annotated §20-10-401(a) does allow for an individual who oversees one of these facilities without a license to be prosecuted, and if found guilty of a Class A misdemeanor, to be subject to: a fine of not less than one hundred dollars (\$100) and no more than one thousand dollars (\$1,000).**
7. How much money does the occupational entity have in reserves? **The Division does not have any funds in reserve.**
8. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? **Not applicable.** For what purpose? **Not applicable.**

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

9. Does the occupational entity have any other sources of revenue? **No.** Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? **Not applicable.**
10. How many applicants for the occupational authorization fail each year? **This is a new occupational licensing category, effective July 1, 2025. Thus far no one has failed.** Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities? **The Department does not track this information.**
11. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? **No.** What percentage of applicants complete apprenticeships? **None.**
12. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders? **Residents of Psychiatric Residential Treatment Facilities are minors who have current mental health diagnosis and symptoms, other behaviors related to the mental health diagnosis or known other co-occurring conditions subjecting the residents to actual harm from improper care as they are not able to protect themselves. The administrators are responsible for hiring and training staff, ensuring the staff ratios are correct, and that the residents are receiving services that can reasonably be expected to improve the resident's condition or prevent further regression so that the services will no longer be needed.**