

EXHIBIT G

DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES

SUBJECT: Home Caregiver Training in Arkansas

DESCRIPTION: These rules outline training requirements for compensated home caregivers to become qualified as trained in-home assistants as required by Act 1410 of 2013. Specifically, 40 hours of core training is required: body mechanics and safety precautions; communication skills; dementia and Alzheimer's diseases; emergency situations, including recognition of conditions and proper procedures; household safety and fire prevention; infection control and prevention, including maintaining a safe and clean working environment; ethical considerations and state law regarding delegation of nursing tasks to unlicensed personnel; and nutrition. Further, at least 16 hours of the 40 required hours covering physical skills and competent demonstration of such skills for ambulation; basic housekeeping procedures, including laundry skills; bathing, shampooing, and shaving; dressing and undressing; meal preparation and clean up; oral hygiene; range of motion; toileting; transfer techniques; recordkeeping and documentation of activities; role of caregiver in a healthcare team; and nail and skin care.

PUBLIC COMMENT: A public hearing was held on this rule on December 20, 2013. The public comment period expired December 20, 2013. The Department received the following comments:

D. Widdifield

Caring Hearts In-home Senior Care

COMMENT: Thinks neither Act nor regulations apply to current employees, asks Agency's opinion. **RESPONSE:** Agency interprets Act and regulations to apply to both current employees and applicants.

Sam Sellers, President

Home Helpers

COMMENT: Did not support Act, but does not object to regulations as proposed.
RESPONSE: None.

Larry Wright, MD

COMMENT: Training requirement should apply to individuals hired directly by a family or client. **RESPONSE:** Act was specific to in-home services agency and does not include regulation of personal agreement between two individuals such as an individual hired directly by a family or client.

COMMENT: Rules do not specify trainer qualifications or validation of certification.
RESPONSE: Rules are identical to Act §20-77-2103 as to training & certification requirements.

COMMENT: No provision for maintaining registry enforcement or funding.
RESPONSE: None provided by Act.

The proposed effective date for the rule is April 1, 2014.

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CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: Training requirements were imposed by Act 1410 of 2013. The act requires compensated home caregivers to become qualified as trained in-home assistants through 40 hours of core training and it requires the Department of Health to adopt rules to implement it. No costs are imposed by the rules. Private trainers (advertised) charge \$250; the Health Department offers free training.

The estimated cost for the next fiscal year is \$800.

LEGAL AUTHORIZATION: This rule implements Acts 2013, No. 1410. Act 1410 created § 20-77-2101 et seq., and requires individuals who provide in-home caregiver services to the elderly to undergo training before providing those services for compensation. Ark. Code Ann. § 20-77-2105 directs the Department of Health to promulgate rules to implement Act 1410.

Act 1410 becomes effective April 1, 2014.

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QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Health
DIVISION Health Facility Services
DIVISION DIRECTOR Connie Melton, Section Chief
CONTACT PERSON Reginald Rogers, Deputy General Counsel
ADDRESS 4815 W. Markham St., Slot 31, Little Rock AR 72205
PHONE NO. 501.661.2609 FAX NO. 501.661.2357 E-MAIL reginald.rogers@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Connie Melton
PRESENTER E-MAIL connie.melton@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Rules and Regulations for Home Caregiver Training in Arkansas
2. What is the subject of the proposed rule? training requirements for compensated home caregivers to become "Trained in-Home Assistants"
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. Act 1410 of 2013, Ark. Code Ann. § 20-77-2301 et seq., requires compensated home caregivers to become qualified as Trained In-Home Assistants through 40 hours of core training and requires the Department of Health to adopt rules implementing same.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. § 20-77-2305.

7. What is the purpose of this proposed rule? Why is it necessary? Act 1410 of 2013, Ark. Code Ann. § 20-77-2301 et seq., requires compensated home caregivers to become qualified as Trained In-Home Assistants through 40 hours of core training and requires the Department of Health to adopt rules implementing same.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.healthy.arkansas.gov "Rules and Regs" link

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: December 20, 2013

Time: 9:00 am

Freeway Medical Building,
5800 W. 10th St., Room 801

Place: Little Rock, AR 72204

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

December 20, 2013 at 10:00 am

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

April 1, 2014

12. Do you expect this rule to be controversial? Yes No

If yes, please requirements are statutory

explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known.

unknown

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Health
DIVISION Health Facility Services
PERSON COMPLETING THIS STATEMENT Connie Melton, Section Chief
TELEPHONE NO. 501.661.2201 **FAX NO.** 501.661.2165 **EMAIL:** connie.melton@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations for Home Caregiver Training in Arkansas

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

(b) The reason for adoption of the more costly rule;

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0 _____

\$ 0 _____

Training requirements were imposed by Act 1410 of 2013, Ark. Code Ann. § 20-77-2301 et seq. The Act requires compensated home caregivers to become qualified as Trained In-Home Assistants through 40 hours of core training and requires the Department of Health to adopt rules implementing same. No costs are imposed by the rules. Private training available (advertised) for \$250. Health Department offers free training.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ 800 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.