

Arkansas

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Licensure Term Assisted Living Facilities

Definition An assisted living facility is a building or buildings, section or distinct part of a building, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes, through its ownership or management, responsibility to provide assisted living services for a period exceeding 24 hours to more than three adult residents of the facility who are not relatives of the owner or administrator. A.C.A. 20-10-1703(1)(A). Assisted living services may be provided either directly or through contractual arrangement. An assisted living facility provides, at a minimum, services to assist residents in performing all activities of daily living (ADLs) on a 24-hour basis. Assisted living services means housing, meals, laundry, socialization, transportation, one or more personal services, and limited nursing services.

Regulatory and Legislative Update Department of Human Services, Division of Provider Services and Quality Assurance, licenses and regulates assisted living facilities (ALFs). Facilities are designated as Level I or Level II Assisted Living. Unlike Level I facilities, Level II facilities must employ or have a registered nurse (RN) on staff. ALF requirements for the two levels are the same unless otherwise noted.

There have been no regulatory or legislative changes in the past year.

Facility Scope of Care The facility may supervise and assist with ADLs; provide 24-hour staff supervision by awake staff; assistance in obtaining emergency care 24 hours a day; assistance with social, recreational, and other activities; assistance with transportation; linen service; three meals a day; and medication assistance.

Level II facilities offer services that directly help a resident with certain routines and ADLs and assistance with medication only to the extent permitted by the Arkansas law, applicable

regulation, and the Nurse Practice Act. The assessment for residents with health needs must be completed by a registered nurse (RN). In contrast, Level I facilities may not provide such services, and must ensure that the resident receives health care services under the direction of a licensed home health agency when they are needed on a short-term basis.

Limitations of Services

The facility must not admit or retain residents whose needs are greater than the facility is licensed to provide. Level I facilities may not provide services to residents who:

- (1) Need 24-hour nursing services except as certified by a licensed home health agency for a period of 60 days with one 30-day extension;
- (2) Are bedridden;
- (3) Have transfer assistance needs that the facility cannot meet with current staffing; or
- (4) Present a danger to self or others or engage in criminal activities.

Level II facilities may not provide services to residents who:

- (1) Need 24-hour nursing services;
- (2) Are bedridden;
- (3) Have a temporary (no more than 14 consecutive days) or terminal condition unless a physician or advanced practice nurse certifies the resident's needs may be safely met by a service agreement developed by the attending physician or advanced practice nurse and the resident;
- (4) Have transfer assistance needs that the facility cannot meet with current staffing; or
- (5) Present a danger to self or others or engage in criminal activities.

Move-in Requirements Including Required Disclosures/Notifications

Assisted living facilities must provide each prospective resident or the prospective resident's representative with a comprehensive consumer disclosure statement before the prospective resident signs an admission agreement. The state specifies a variety of information that must be included in the occupancy agreement provided to the resident or his or her responsible party, such as the basic core services to be provided, a current statement of all fees and charges, and conditions or events resulting in termination of the occupancy admission agreement. Facilities that have an Alzheimer's Special Care Unit have additional disclosure requirements; see "Unit and Staff Requirements for Serving Persons with Dementia."

Resident Assessment Requirements and Frequency

Each resident must have an initial evaluation completed by the assisted living residence prior to admission to determine whether the resident's needs can be met by the assisted living facility,

and the resident's needs are not greater than the facility is licensed to provide. The assessment covers the resident's degree or level of family support, level of activities of daily living functioning, cognitive level, behavioral impairment, and that identifies the resident's strengths and weaknesses. Subsequent needs assessment or evaluation is to be completed on each resident at least annually and more often as changes occur. There is no required standard form.

Medication Management

Level I facility staff must provide assistance to enable residents to self-administer medications. However, facility personnel, staff, and employees are prohibited from administering medication.

In Level II facilities licensed nursing personnel may administer medication.

Staffing Requirements

Level I and II facilities may have an Alzheimer's special care unit. There are additional requirements in the areas of assessments, individual support plans for the residents, physical design, egress control, staffing, staff training, and therapeutic activities.

Facilities that have an Alzheimer's Special Care Unit must provide a facility-prepared statement to individuals or their families or responsible parties prior to admission that discloses the form of care, treatment, and related services especially applicable to or suitable for residents of the special care unit.

Alzheimer's Special Care Units must meet the same staffing ratios specified for Level I facilities, however the census must be determined separately based solely on the number of residents in the Special Care Unit.

All staff must be trained within five months of hiring, with no less than eight hours of training per month during those five months. The following subjects must be covered in the training: facility policies; etiology, philosophy and treatment of dementia; stages of Alzheimer's disease; behavior management; use of physical restraints, wandering, and egress control; medication management; communication skills; prevention of staff burnout; activity programming; ADLs; individual-centered care; assessments; and creation of individual support plans. At least two hours of ongoing in-service training is required every quarter.

A full-time administrator (40 hours per week) must be designated by each assisted living facility. A second administrator must be employed either part-time or full-time depending on the number of beds in the facility.

Level I facilities must have sufficient staff to meet the needs of residents and must meet the staffing ratios specified in regulation. The ratios are based on number of residents and are designated for "day," "evening," and "night."

Level II facilities must employ or contract with at least one RN, licensed practical nurses, certified nursing assistants (CNAs), and personal care aides. The RN does not need to be physically present but must be available to the facility by phone or pager. The facility must have sufficient personnel, staff, or employees available to meet the needs of the residents. The facility must have a minimum of one staff person per 16 residents from 7:00 a.m. to 8:00 p.m. and one staff person per 16 residents from 8:00 p.m. to 7:00 a.m. In no event shall there be fewer than two staff persons on-duty at all times, including at least one CNA on the premises per shift.

**Administrator/Director
Education and Training
Requirements**

The administrator must be at least 21 years of age, have a high school diploma or a GED, have the ability and agree to comply with these rules, successfully complete a state criminal background check pursuant to A.C.A. 20-33-201, et seq., must not have been convicted, or have a substantiated report, of abusing, neglecting, or mistreating persons, or misappropriation of resident property, and be a certified Assisted Living Facility Administrator through a certification program approved by the state or must be enrolled in a certification program with an expected completion date of within twelve (12) months.

**Direct Care Staff Education
and Training Requirements**

All staff, including contracted personnel who provide services to residents (excluding licensed home health agency staff), must receive orientation and training on the following topics:

- (1) Within seven calendar days of hire: building safety and emergency measures; appropriate response to emergencies; abuse, neglect, and financial exploitation and reporting requirements; incident reporting; sanitation and food safety; resident health and related problems; general overview of the job's specific requirements; philosophy and principles of independent living in an assisted living residence; and Residents' Bill of Rights;
- (2) Within 30 calendar days of hire: medication assistance or monitoring; communicable diseases; and dementia and cognitive impairment; and
- (3) Within 180 calendar days of hire: communication skills; review of the aging process, and disability sensitivity training.

All staff must have six hours per year of ongoing education and training.

Quality Requirements

There are no specific quality requirements detailed.

Infection Control Requirements

There are no specific infection control requirements detailed. For both Level I and II facilities, staff must be trained on infection control within 30 days of hire.

Emergency Preparedness Requirements

There are no specific emergency or disaster preparedness requirements detailed.

Life Safety Requirements

Assisted Living Facilities must meet the requirements adopted by local municipalities based on National Fire Protection Association (NFPA) 101, Life Safety Code, 1985, or the 2000 edition of the International Building Code (IBC), and must be in compliance with the Americans with Disabilities Act (1990). If the municipality in which the facility is located has not adopted requirements based on the above standards, or the Office of Long Term Care determines that the regulations adopted by the local municipality are not adequate to protect residents, the facility must meet the provisions of the 2000 Edition of the IBC, including the NFPA requirements referenced by the IBC. As such, all ALFs must be sprinklered.

Medicaid Policy and Reimbursement

Arkansas' Medicaid state plan reimburses for personal care services, including in assisted living facilities. A Level II facility may provide care and services to individuals who are medically eligible for nursing home level-of-care and receive services through the Medicaid Section 1915(c) home and community-based services waiver.

In 2023, cost-reporting requirements to the Department of Human Services was signed into law for ALF participation in the Arkansas Medicaid Program. The Department is in the process of developing and implementing associated regulations.

Citations

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