512 CHARGE NURSE

512.4 The Director of Nursing Services shall not serve as charge nurse in a Skilled Nursing Facility with an average daily total occupancy of seventy-one (71) or more patients. Waivered Licensed Practical Nurses shall not serve as charge nurse unless they have passed the State Pool Examination or Public Health Proficiency Examination.

520.4 EXCEPTIONS TO MINIMUM STAFFING RATIOS

520.4.1 Upon an increase in a facility’s resident census, the facility shall be exempt from any corresponding increase in staffing ratios for a period of nine (9) consecutive shifts beginning with the first shift following the midnight census for the date of the expansion of the resident census.

520.4.2 When residents are relocated or transferred from facilities due to natural disaster, emergency or as a result of state or federal action, the Department of Human Services may waive, for a period of no more than three (3) months from the date of transfer, some or all of any required increase in direct-care staff for the facility or facilities to whom the residents are relocated or transferred. Waivers will only be granted for good cause shown, and upon telephone, facsimile or written request. A grant of a waiver is within the sole discretion of the Office of Long Term Care. Facilities may apply for a waiver by writing the Director of the Office of Long Term Care. The written request should state, at a minimum:

a. The date of the transfer for each resident;

b. The number of residents transferred for each date in which residents were received from another facility;

c. The anticipated date by which the facility will be able to meet the increased number of minimum staff for the total number of residents of the entire facility, including all residents received in transfer;

d. The name of the facility from which the residents were transferred; and,

e. A brief explanation as to why the facility’s staffing cannot be increased prior to the anticipated increase date set out in c, above.
B. Restrictions

1. The Department shall not approve a program offered by or in a nursing facility which, in the previous two years:

   (A) has operated under a waiver of the nurse staffing requirements in excess of 48 hours during the week;

A. Transition

The initial implementation of these training and testing requirements have covered three basic phases:

1. Deemed Equivalence Waivers -

A nursing assistant shall be deemed to have satisfied the requirement of completing a training and competency evaluation program approved by the State if the nursing assistant:

   a. Completed a program that offered a minimum of 60 hours of nursing assistant training before July 1, 1989 and if such received before July 1, 1989 up to 15 hours of supervised and practical nursing assistant training or regular in-service nursing assistant education (initial training must be at least 75 hours); or

   b. Completed a course of at least 100 hours of nursing assistant training and was found competent (whether or not by the State) before January 1, 1989; or

   c. Has served as a nursing assistant at one or more facilities of the same employer in the State for at least 24 consecutive months before December 19, 1989.

Individuals will not qualify for these waivers if they have not provided nursing or nursing-related services for a period of 24 months or longer since completing training. They will be required to complete a new training program and state test to obtain current certification.

Facilities who wish to obtain certification for the above described individuals should submit to OLTC Form DMS-798, Exemption/Reciprocity Request Form, with attached copies of documents/certificates verifying course completion, number of hours in course, etc.

NURSING ASSISTANT TRAINING PROGRAM (NATP) APPLICATION INSTRUCTIONS

1. Review Rules and Regulations for the Arkansas Long Term Care Facility Nursing Assistant Training Program. Pay special attention to Section IV. B. Implementation Requirements, C. Nursing Assistant Trainee Activities, and Section V.

2. Respond to all application items in compliance with the standards (above) and as required within instructions for each item.
3. Obtain agreements from any and all nursing facilities that will be used as clinical training or testing sites and attach a copy of each agreement. Agreements must either (a) be current, i.e. signed by facility authority within the past six months, or (b) specify the time period for which the agreement is valid. Facility authority is the facility administrator or corporate officer who is a designated authority.

4. Mail application with original notarized signatures along with attachments to:
Arkansas Department of Health and Human Services
Division of Medical Services
Office of Long Term Care
Nursing Assistant Training Program
Slot S405
P.O. Box 8059
Little Rock, AR 72203-8059
You Need to Know:
_ Incomplete applications will be returned, which will delay the approval of your program
_ If the application contains errors or discrepancies, you will be notified within 15 days of Department's receipt of the application and you will be given an opportunity to make corrections. This may delay the date of approval of your program.
_ You should allow AT LEAST 20 DAYS from the date you mail your application before inquiring about the status of the application.
_ Training shall not be conducted until approval for instructors, classrooms and/or clinical sites has been received by the training program.
_ Programs offered in or by nursing facilities that have been subject to one or more of the following actions will not be approved as per Arkansas Code 20-70-01 et seq.:
(1) Waiver for nurse staffing requirements in excess of 48 hours during the week;
(2) Extended or partial extended survey*;
(3) Assessment of civil money penalty in excess of $5000;
(4) Denial of payment for new admissions for Medicare/Medicaid;
(5) Appointment of temporary management;
(6) Transfer of residents;
(7) Termination from Medicare/Medicaid;
(8) Closure of facility.

Nursing facilities that are prohibited due to one of the actions above will not be approved as a clinical training or testing site for any nursing assistant training program. Sanctioned nursing facilities may apply for a training waiver by submitting a written request to this office.