



Arkansas Department of Human Services
Division of Provider Services and Quality Assurance
Rules for Licensure of Nursing Home Administrators

July 1, 2024

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07/01/2024

Authority

The following Rules for the Licensure of Nursing Home Administrators are duly adopted and promulgated by the Arkansas Department of Human Services, Division of Provider Services and Quality Assurance, pursuant to the authority expressly conferred by Arkansas Code § 20-10-203 (b).

07/01/2024

Preface

These rules have been prepared for the purpose of establishing nursing home administrator competency as well as criterion for the licensure of nursing home administrators. There exists a relationship between the quality of care and quality of life for residents in a nursing home and the knowledge, skills, and abilities of the nursing home's administrator. This relationship becomes increasingly apparent as nursing home administrators attempt to implement new and often complex standards of resident care services so that the facilities can participate in the full continuum of care.

The rules are subject to periodic revision as new knowledge becomes available that will more fully establish the level of competency necessary for effective nursing home administration.

Rules are limited in their ability to set forth all the attributes necessary for quality administration. Administrators of nursing homes have a responsibility beyond the minimum standards detailed here to continue to enhance their education, experience, and professional growth.

Such enhancement will support the achievement of optimal nursing home resident care.

Section I — Definitions

The following terms are defined for the purpose of these rules:

A. NURSING HOME

“Nursing home” shall mean a skilled nursing facility (SNF) or a nursing facility (NF) which meets the requirements of 1819 or 1919 of the Social Security Act or meets State licensure requirements for a long-term care facility.

A nursing home usually provides skilled nursing care, medical services, rehabilitation services, or health-related services (or both rehabilitation and health related services) to frail elderly, injured, disabled, or sick persons who require such services on an extended or continuous basis.

B. NURSING HOME ADMINISTRATOR

“Nursing home administrator” shall mean a person who administers, manages, supervises, or is in general administrative charge of a nursing home whether such individual has an ownership interest in such home and whether their function and duties are shared with one (1) or more individuals.

C. LICENSE

For the purposes of these rules, “license” shall mean a nursing home administrator's license issued to a qualified individual.

Section II — Applicant's Qualifications

A. CHARACTER

Applicant for licensure as a nursing home administrator shall abide by the [Code of Ethics adopted by the American College of Health Care Administrators](#). The Division of Provider Services and Quality Assurance may deny an applicant if they fail to comply with these rules or for any of the reasons listed under Disciplinary Proceedings of these rules.

B. AGE

An applicant for licensure as a nursing home administrator shall be at least twenty-one (21) years of age.

C. HEALTH

Applicant shall be physically and mentally capable of performing the full-time duties of an administrator of a nursing home (Arkansas Code § 20-10-403). If there are factors that indicate that an individual may not be capable of performing such duties, a physician's certification of health would be required.

D. EDUCATION

1. A qualified applicant for licensure as a nursing home administrator shall possess the following education and experience in order to be eligible for testing:
 - a. For an applicant who holds a baccalaureate degree (Bachelor of Science or Bachelor of Arts) or higher in health care administration (HCA) or long-term care administration (LTCA) with an internship in a nursing home: No additional experience required.
 - b. For an applicant who holds a baccalaureate degree (Bachelor of Arts or Bachelor of Science) in HCA or LTCA without internship: Three (3) months internship or experience in a nursing home is required.
 - c. For an applicant who holds a baccalaureate degree (Bachelor of Arts or Bachelor of Science) or higher in nursing or business which included basic core requirements noted under D.2: Three (3) months internship or experience in a nursing home is required.
 - d. For an applicant who holds a baccalaureate degree (Bachelor of Arts or Bachelor of Science) or higher in other field which included basic core requirements noted under D.2: Three (3) months internship or experience in a nursing home is required.
 - e. For an applicant who holds an Associate's degree in HCA or LTCA or a registered nurse with an associate degree or diploma which included basic core requirements noted under D.2: Six (6) months internship or experience in a nursing home is required.
 - f. For an applicant who holds an Associate's degree in other field which included basic core requirements noted under D.2: One (1) year internship or experience in a nursing home is required.

2. A minimum of fifteen equivalent semester hours must be satisfied in these basic core requirement areas (three (3) hours per topic): accounting, management, personnel, writing, and resident care. Experience and continuing education credits will be accepted in lieu of education as follows:
 - a. College or vocational courses (per credit hour or equivalent);
 - b. Work experience (six (6) weeks of work experience equals one (1) credit hour);
 - c. Credit by examination (CLEP) (credit received);
 - d. Continuing education credits (ten (10) contact hours equals one (1) credit hour); or
 - e. Any combination of the above.

E. ADMINISTRATOR-IN-TRAINING PROGRAM QUALIFICATIONS

Applicants who do not meet the educational and experience requirements noted in D.1. and D.2. must meet the qualifications for and complete the requirements of the Administrator-In-Training Program as administered by the Department of Human Services.

F. EQUIVALENT QUALIFICATIONS

An administrator who holds a current active license on the effective date of these rules shall be deemed to have met qualifications equivalent to those required for new applicants for licensure.

An administrator who holds an inactive license on the effective date of these rules must either a) activate their license by July 2, 1998, OR b) meet the qualifications required for new applicants for licensure at the time that active status is desired. Reexamination would not be required.

Applicants who are approved for testing prior to the effective date of these rules shall be deemed to have met qualifications equivalent to those for new applicants for licensure.

Section III — Licensure

A. LICENSURE REQUIREMENT

No person shall administer, manage, supervise, or be in general administrative charge of a nursing home unless they are a licensed nursing home administrator in active status. No nursing home within the State shall operate except under the supervision of a licensed administrator. No administrator shall manage more than one (1) nursing home.

B. APPLICATION FOR LICENSURE

Applicants for licensure shall file applications under oath with the Department of Human Services, upon forms prescribed by the Department of Human Services and shall pay the required licensure fee, as outlined in Arkansas Code Annotated §20-10-404. The application and fee shall be mailed to the Department of Human Services at the address provided by the Department of Human Services or through the means provided by the Department of Human Services. The application must be accompanied by the applicant's criminal background check results; the applicant's criminal background must be completed by the Arkansas State Police. The applicant is responsible for all costs related to obtaining the criminal background check results. If the application is approved, the applicant has eighteen (18) months from the date of approval to become licensed. Half of the licensure fee shall be refunded to the applicant if the Department of Human Services denies licensure because (a) the application is not approved, (b) the applicant does not pass the exams, or (c) any other reason deemed appropriate by the Department of Human Services.

Pursuant to Arkansas Code § 17-5-104, individuals may be granted a licensing fee waiver if they have been receiving assistance through the Arkansas Medicaid Program, the Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Temporary Assistance for Needy Families Program, or the Lifeline Assistance Program; or if they were approved for unemployment within the last twelve (12) months; or they have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

The waiver of the initial fee does not include fees for:

- A criminal background check;
- An examination or a test; or
- A medical or drug test.

A signed consent form from the applicant may be required for verification of eligibility.

Administrator applicants must submit proof of completing an Administrator in Training program that is approved by the Department of Human Services with their application.

C. LICENSURE FOR MILITARY PERSONNEL, VETERANS, AND THEIR SPOUSES

1. Pursuant to Arkansas Code § 17-4-101 et seq., this rule applies to licensure for

uniformed service members, uniformed service veterans, and their spouses as defined below:

- 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; and
 - c. The spouse of:
 - i. A uniformed service member stationed in the State of Arkansas;
 - ii. A uniformed service veteran who resides in or establishes residency in the State of Arkansas;
 - iii. 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
 - iv. A uniformed service member who is killed or succumbs to their injuries or illness in the line of duty if the spouse establishes residency in the state.
2. Automatic NHA licensure will be provided to current license holders 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 the following:
 - i. Completion of an application, prescribed by the Department of Human Services, with all required forms;
 - ii. Submission of DD214-DD 214 Separation Documents;
 - iii. Submission of DMS-7790 Application for Nursing Home Administrators;
 - iv. Submission of an image or copy of individual's social security card;
 - v. Submission of an image or 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 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 NHA in another state, territory, or district of the United States that meets federal guidelines; and
 - ii. A holder in good standing with NHA licensure within a similar scope of practice by another state, territory, or district of the United States.
3. Temporary or Provisional Certified Nursing Home Administrator (NHA) Licensure
- a. A temporary or provisional NHA license will be granted to a uniformed service member, or uniformed service veteran, or their spouse while expediting full licensure. The Department of Human Services will take

into consideration the education, training, national certification, experience, and service issued credentials of uniformed service members and uniformed service veterans, or their spouse that are applying for initial NHA licensure.

D. EXTENSION OF LICENSE EXPIRATION AND CONTINUING EDUCATION REQUIREMENTS FOR MILITARY PERSONNEL AND THEIR SPOUSES.

1. The Department of Human Services will extend the expiration date and any continuing education requirements for NHA licensure renewal for a deployed uniformed service member, or their spouse, as follows:
 - a. An extension of the expiration date of a NHA license 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's return from deployment.
2. The Department of Human Services may require evidence of completion of continuing education before granting a subsequent NHA licensure or authorizing the renewal of a NHA licensure to allow full or partial exemption from continuing education requirements.
3. Uniformed service members, veterans, and their spouses who successfully meet the criteria and standards within this provision shall be placed on the NHA registry and issued a state certificate. Information regarding Military Member Licensure can be found on the [Department of Human Services – Division of Provider Services and Quality Assurance – Office of Long Term Care – Nursing Home Administrator – Occupational Licensing website](#).

E. AUTOMATIC OCCUPATIONAL LICENSURE OF OUT OF STATE INDIVIDUALS

1. Pursuant to Arkansas Code Annotated § 17-7-101 et. Seq., a Nursing Home Administrator from another state may qualify as a nursing home administrator in Arkansas if they meet the following criteria and provide documentation that reflects:
 - a. They do not have a disqualifying criminal offense under Arkansas Code Annotated § 17-3-102 or any additional state law relating to the occupational licensure;
 - b. They do not have a complaint, allegation, or investigation pending for their occupational activity; and
 - c. They are in good standing for one (1) year of an occupational licensure of similar scope of practice issued by another state, territory, or district of the United States; or they have worked:
 - i. In another state, territory, or district of the United States that does not use an occupational licensure to regulate an occupation or profession but is regulated by occupational licensure in this state; and
 - ii. At least three (3) years in the occupation.

2. An individual who is granted automatic occupational licensure under these Rules shall meet all other occupational licensure requirements for a resident of this state and all renewal requirements of the occupational licensure, including without limitation a criminal background check and continuing education hours.
3. The Department of Human Services may require an applicant to pass an examination.
4. The Department of Human Services shall require an applicant to furnish a bond, financial statement, or proof of insurance coverage if required by state law.

F. EXAMINATION FOR LICENSURE

All initial applicants for nursing home administrator licensure must pass a two-part written examination which shall be so designed and administered as to prove competence in nursing home administration.

An applicant will be tested as to their knowledge of the current Domains of Practice as published by the National Association of Boards of Examiners of Long-Term Care Administrators through the use of a national examination approved by the Office of Long-Term Care. A scaled score of one hundred thirteen (113) will be required to pass the national examination.

An applicant will also be tested on their knowledge of Arkansas Rules for the operation of nursing homes through the use of an examination developed by the Office of Long-Term Care. A score of seventy (70) will be required to pass the state examination.

If an applicant is unsuccessful on either or both such examinations, they will be entitled to be reexamined one (1) additional time at their expense for such additional examination. After two (2) such successive failures, an applicant must: (a) complete an approved training course in an area proven by test scores to be deficient, (b) be suspended for six (6) months, and (c) reapply before reexamination.

G. CONTINUING EDUCATION AND TRAINING

During each licensure year, active licensed administrators must: (a) participate in twenty (20) clock hours of continuing education at approved workshops, (b) complete six (6) semester hours at an accredited college or university in courses covered by the National Association of Boards of Examiners Domains of Practice, or (c) complete an approved course in nursing home administration as a prerequisite for annual license renewal. Continuing education hours must be applied to the licensure year in which they were obtained and cannot be carried over to the following year.

Workshops and seminars are approved by the Division of Provider Services and Quality Assurance based on criteria established by the National Continuing Education Review Service and the National Association of Boards of Examiners of Long-Term Care Administrators.

An administrator initially licensed after July 2nd will not be required to complete continuing education hours to renew their license during the renewal period

immediately following. Time spent preparing for the examinations will satisfy the education requirements.

H. LICENSURE RENEWAL

All nursing home administrator licenses expire on July 1 and shall be renewable only by the submission of a renewal application and appropriate fees.

- Active licensees who seek to continue in active status shall pay the active license fee and submit verification of compliance with continuing education requirements.
- Active licensees who seek to change to inactive status shall pay the inactive license fee and submit verification of compliance with continuing education requirements.
- Inactive licensees who seek to remain in inactive status shall pay the inactive license fee. (See Section III "Licensure", Item I "Inactive Administrators.")
- Inactive licensees who seek to change to active status must contact the Office of Long-Term Care individually for guidance. (See Section III "Licensure", Item I "Inactive Administrators.")

Applications for annual license renewal shall be post-marked no later than July 1st. Should the renewal be postmarked July 2nd or later, the licensee must pay a designated late charge. Any license not renewed on or before September 1 shall expire effective September 2. The forms are located at the [Department of Human Services – Division of Provider Services and Quality Assurance – Office of Long Term Care – Nursing Home Administrator – Occupational Licensing website](#).

NOTE: Should either due date fall on a Saturday, Sunday, State of Arkansas holiday or federal holiday, the due date shall be the following business day.

A licensee must notify the Division of Provider Services and Quality Assurance immediately of changes in address, in employment, or in any other pertinent information to ensure that renewal forms and other correspondence will reach the licensee in a timely manner. Non-receipt of renewal forms by the licensee, regardless of the reason, may result in non-renewal of an administrator's license. Responsibility for renewal rests with the licensee and the Division of Provider Services and Quality Assurance assumes no liability. An applicant who has not received renewal notification by June 1 of each year should contact the Division of Provider Services and Quality Assurance at: NHA.Licensure@dhs.arkansas.gov

I. INACTIVE ADMINISTRATORS

A licensed administrator who is not administering or managing a nursing home and who does not wish to maintain an active license may keep their administrator's license current by completing the renewal application section entitled, "Inactive Administrators", and by submission of the required inactive license fee.

Effective July 1, 1998, an inactive license will be granted for no more than two (2) consecutive licensure years during which time continuing education hours will not be required. During the third inactive licensure year, the administrator must either

complete twenty (20) hours of continuing education or complete an approved course of study on current federal regulations governing the operation of nursing homes and submit documentation with their renewal form. The license will automatically expire after three (3) years of inactive status unless such training is completed.

If an inactive administrator chooses to reactivate their license, they must notify the Division of Provider Services and Quality Assurance. An administrator who holds an inactive license on the effective date of these rules must either a) activate their license by July 2, 1998, OR b) meet the qualifications required for new applicants for licensure at the time that the active status is desired. Reexamination would not be required. The required number of continuing education hours must be obtained prior to reactivation. Failure to notify the Division of Provider Services and Quality Assurance or to obtain the required continuing education could result in disciplinary action.

J. DISCIPLINARY PROCEEDINGS

The Division of Provider Services and Quality Assurance may refuse to issue or renew an administrator's license or may take other disciplinary action against a nursing home administrator who fails to perform their duties adequately. Inadequate performance which may lead to the imposition of disciplinary actions include, but are not limited to, the following areas:

1. During the time that the administrator was employed by the facility, the facility was subjected to:
 - a. Involuntary closure and transfer of residents;
 - b. Appointment of a temporary manager or receiver;
 - c. A determination of immediate jeopardy to the health and safety of any resident;
 - d. Civil Money Penalties based on annual or complaint surveys;
 - e. Termination from the Medicare or Medicaid programs;
 - f. An extended or partial extended survey resulting in a determination of substandard quality of care; or
 - g. Denial of payments for new admissions or denial of all payments.
2. Conviction or finding against the administrator of the misconduct listed below. For purposes of this subsection, a conviction or finding against the administrator concerning any facility or resident, past or current, can form the basis of disciplinary action:
 - a. Fraud in the operation of any facility;
 - b. Misappropriation or embezzlement of funds from any facility or resident;
 - c. Abuse or neglect of any resident;
 - d. Purposeful failure to report abuse or neglect of any resident or misappropriation of any resident's property;

- e. Any criminal offense conviction related to the abuse of endangered adults or children;
 - f. Failure to protect any resident's rights; or
 - g. Any criminal offense under Arkansas Code § 17-3-102 or any additional state law relating to the occupational licensure.
3. Failure to meet licensure renewal requirements or to participate in required continuing education.

Disciplinary action may include but is not limited to:

- 1. Letter of concern or reprimand;
- 2. Directed in-service training or plan of correction;
- 3. Probation;
- 4. Suspension of license; or
- 5. Revocation of license.

K. APPEALS

Disciplinary actions by the Division of Provider Services and Quality Assurance which result in suspension or revocation of an administrator's license may be appealed for hearing before the Department of Human Services. Rules for appeals before the Board are available from the following entity:

Office of Appeals and Hearings:
P.O. Box 1437 – Slot S101
Little Rock, AR 72203-1437
501-682-8622
Fax: 501-682-6605
Visit: [Department of Human Services](#)

L. PENALTIES

It shall be unlawful for any person to act or serve in the capacity of a nursing home administrator in this State unless such person has been licensed to do so. Any person who violates this requirement shall be guilty of a Class A misdemeanor and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) or imprisonment for not less than ten (10) days nor more than ninety (90) days or both fine and imprisonment.

Section IV — Severability

If any provisions of these Rules, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these Rules which can be given effect without the invalid provisions or applications, and to this end the provisions hereof are declared to be severable.