



Division of Provider Services & Quality Assurance
P.O. Box 1437, Slot S530, Little Rock, AR 72203-1437
P: 501.682.2441 F: 501.682.8155

Memorandum

To: Psychiatric Residential Treatment Facilities (PRTFs)
From: Division of Provider Services and Quality Assurance
Date: June 27, 2025
Subject: Advisory Memo – Changes as a Result of Act 636

During the regular legislative session for 2025, [Act 636](#) moved licensing and regulation of Psychiatric Residential Treatment Facilities (PRTF) from the Child Welfare Agency Review Board to the Division of Provider Services and Quality Assurance's Office of Long-Term Care. The Act also set new standards for the licensing and regulating of Psychiatric Residential Treatment Facilities.

Act 636 of 2025 defines a Psychiatric Residential Treatment Facility as a long-term care facility and implements the following key changes:

- Requires survey and certification reviews conducted by the Office of Long-Term Care (OLTC), or their contractor, to include all residents receiving services at the facility, regardless of residency or payment source;
- Creates facility administrator requirements for a PRTF, and includes administrator training and licensure requirements;
- Changes reporting requirements;
- Updates the certification of need for services requirements to treat the condition of residents; and
- Makes changes to bed capacity, uses, and fees for licensed facilities.

The Division of Provider Services and Quality Assurance (DPSQA) is responsible for the inspection, regulation, and licensure of long-term care facilities and the regulation and licensure of long-term care facility administrators pursuant to [Title 20 Public Health and Welfare](#). As we implement changes pursuant to the new legislation and the promulgation of Emergency Rules, we would like you to know how these changes will impact your facility.

Existing Facility Licensure Merger

As of June 20, 2025, your placement and residential licensing unit records have been merged with the Office of Long-Term Care records in Enterprise Licensing System (ELS); however, the Office of Long-Term Care has additional record reporting requirements pursuant to Title 20. **A long-term care license shall be effective without expiration unless the license is revoked, suspended, or terminated by the department.** While each existing facility currently licensed under the placement and residential licensing unit will automatically receive a new long-term care facility license, failure to submit the additional reporting requirements in a timely manner may result in a cause of revocation, suspension, or termination of the license. To expedite this process during the

transition period, OLTC has developed an online submission for this additional information. Existing facilities must complete the online submission form found at the link below, no later than July 11, 2025.

[OLTC Application Information - Formstack](#)

Each facility will need to provide and/or update the following information:

- The facility's full legal name and other information on the person(s), partnership(s), group(s), corporation(s), organization(s), association(s), or other entities or identifiable group of entities having a coordinated ownership, with controlling interest holding the license, and management company information;
- The facility's d.b.a. ("Doing Business As") name, if applicable;
- The facility's physical address;
- The facility's mailing address, if different from the physical address;
- The facility contact person and title;
- The facility contact person's email address and telephone number;
- The ages and maximum number of children that may receive services at your Psychiatric Residential Treatment Facility. Note: Beginning July 1, 2025, no PRTF may admit a child under the age of ten (10);
- Facility Administrator Information, when available;

NOTE: This list is not all inclusive. You may be asked to provide additional information at a later date.

Licensure

The 90 day Transition Period began June 20, 2025, and will end September 18, 2025. The expectation is that you are already CMS federally compliant and following those regulations. We also expect the following regulations to be followed, thus they will not be waived:

- All federal regulations, including:
 - Certificate of Need for Services and Plans of Care (42 CFR §441.152-156)
 - Seclusion and Restraint (42 CFR §483, Subpart G)
 - Attestation Requirements (42 CFR §483.374)
 - Serious Occurrences Reporting (42 CFR § 483.374)
- The Change of Ownership process
- Posting of License
- The imposition of remedies and the plan of correction process
- An individual designated as responsible for the facility
- Policies for the facility (ex. Employee, confidentiality, administering medications, reporting, dietary management, educational services, etc.), but all policies should be updated within 90 days to conform to the new regulations
- Employee Records
- Reporting Incidents
- Transportation Safety Requirements
- Emergency Preparedness Plan
- Interim Corrective Action Agreements/Plans will not be approved

- Certain regulations in the Minimum Licensing Standards, including medication storage/administration, the old supervision/ratio standards, and unprofessional conduct/abuse/neglect/exploitation regulations.

The remainder of the regulations will be waived for the next 90 days. DPSQA will issue you Provisional OLTC Licenses which will expire on September 18, 2025. Permanent Licenses will be issued on September 19, 2025.

ELS Incident Reporting

As PRTFs have become long-term care facilities, this requires that PRTFs complete incident reports as required for long-term care facilities such as nursing facilities and assisted living facilities. PRLU referred to these reports as provider reported incidents (PRI); however, OLTC refers to these reports as incidents and accidents or facility reported incident (FRI for federal incidents). The incident module is now available in ELS for PRTFs to complete. The OLTC incident module does require more information than facilities previously completed for PRLU.

Incidents should be reported as follows:

- The Psychiatric Residential Treatment Facility must report each serious occurrence to the Office of Long-Term Care, the PASSE or the Sending State and, unless prohibited by state law, the State-designated Protection and Advocacy system.
- Serious occurrences that must be reported include a Resident's death, a serious injury to a Resident as defined in 42 C.F.R. § 483.352 (2001), a Resident's suicide attempt, any significant impairment of the physical condition of the resident as determined by qualified medical personnel, any incidents of abuse and/or neglect, a pattern of injuries to a resident, elopement for longer than 15 (fifteen) minutes, and physical or sexual acts between residents or residents and staff.
- Staff must report any serious occurrence involving a Resident to the Office of Long-Term Care, the PASSE or the Sending State and the State-designated Protection and Advocacy system by no later than close of business the next business day after a serious occurrence.

Administrator Training

PRTFs will now be required to have an administrator licensed by the Department. PRTF administrators will be required to meet training requirements, as established in the OLTC Psychiatric Residential Treatment Facility Licensure Manual as found in 20 CAR 415-205.

The PRTF Administrator Training will be comprised of a multi-day training. The curriculum will include the OLTC PRTF Licensure Manual, the PRTF Provider Medicaid Manual, reporting requirements, and federal regulations. Upon completion of training, the PRTF Administrator must complete a test and meet all requirements to maintain licensure including continuing education requirements at approved workshops. Continuing education hours must be applied to the licensure year in which they were obtained and cannot be carried over to the following year.

The PRTF Administrator application is available on the DPSQA website at [Psychiatric Residential Treatment Facilities \(PRTF\) - Arkansas Department of Human Services](#). Providers may begin submitting PRTF Administrator applications today to DPSQA.Administrator@dhs.arkansas.gov. Once DPSQA approves the application, the applicant will be notified to register for the multi-day

training. Once the applicant has completed the training, they may register for the examination. The applicant has nine (9) months from the date of approval of the PRTF Administrator application to complete the multi-day training and to take the test to become licensed. The deadline to apply, complete the training, and take the test for the PRTF Administrator license is September 15, 2025, for the initial round of applicants to be licensed by September 18, 2025.

The training dates and testing dates will be listed on the website. The initial multi day training schedule and testing schedule are as follows:

- Training Dates:
 - July 21, 2025 – July 22, 2025 – 8:30 a.m. – 4:30 p.m.
 - August 4, 2025 – August 5, 2025 – 8:30 a.m.– 4:30 p.m.
 - October 6, 2025 – October 7, 2025 – 8:30 a.m.– 4:30 p.m.
 - December 15, 2025 – December 16, 2025 – 8:30 a.m. – 4:30 p.m.
- Testing Dates:
 - August 25, 2025 – 10:00 a.m.
 - September 15, 2025 – 1:00 p.m.
 - November 17, 2025 – 10:00 a.m.
 - January 12, 2026 – 1:00 p.m.

All questions relevant to training, testing, and the application can be emailed to DPSQA.Administrator@dhs.arkansas.gov . All PRTF administrator licenses must be renewed by **January 1** and shall be renewable only by the submission of a renewal application.

Bed Capacity, Usage, and Fees

The total amount of additional beds authorized in the new legislation shall not exceed a cumulative nine hundred (900) beds for the purpose of operating as a psychiatric residential treatment facility. The Health Services Permit Agency will issue you a new Permit of Approval stating the total number of approved beds for your facility. You will provide this new Permit of Approval to OLTC. OLTC will then issue you a new facility license which includes the new total of beds authorized for your facility.

The Health Services Permit Agency shall require prior approval under Arkansas Code § 20-8-109 for any new construction of a psychiatric residential treatment facility and for any renovation project that exceeds two hundred fifty thousand dollars (\$250,000) for an existing psychiatric residential treatment facility. Any increase or decrease in the total number of authorized beds under this section shall be reviewed and approved by the Legislative Council before receiving a permit from the Health Services Permit Agency or a license from the Office of Long-Term Care.

Pursuant to [Ark. Code Ann. § 20-10-224](#), annual PRTF licensure fees shall be tendered with each application for a new license and annually thereafter by the **anniversary of the date the department issued the PRTF license**. Your first payment will be due before June 30, 2026.

Please note:

- Annual licensure fees shall be paid in the amount of ten dollars (\$10) per approved bed and must be payable in one (1) payment sum and cannot be separated into multiple payments.

- You must utilize the electronic licensing system (ELS) for annual fee submission.
- Any fee not paid when due shall be delinquent and shall be subject to assessment of a ten percent (10%) penalty.
 - If a facility fails to pay the annual licensure fee within sixty (60) calendar days of the anniversary of the date the department issued the long-term care facility license, the department may suspend the license until the annual licensure fee is paid in full.

Reporting Requirements

The new rules will include new reporting requirements as follows:

- A medication report for each resident on particular drugs, and information regarding the therapeutic benefits and maximum dosing limits (20 CAR 417-416);
- A report regarding chemical and physical restraints used in the facility (20 CAR 417-501);
- A discharge planning report for each out of state resident (20 CAR 417-407);
- A report regarding progress towards treatment goals and anticipated duration of services (20 CAR 417-801).

All reports will be due to DPSQA by the 5th of each month, beginning September 5, 2025. Initially, facilities will complete a form template which can be found at [Psychiatric Residential Treatment Facilities \(PRTF\) - Arkansas Department of Human Services](#). Until the reports are automated, providers will submit the reports to DPSQA at oltc3@dhs.arkansas.gov.

PRTFs are also required to provide OLTC with a copy of a completed attestation. Since we do not have copies of all of these right now, we are asking all facilities to provide us with a copy of a current, signed attestation by July 7, 2025. After this time, we are requesting that these be sent to our office each year by December 31st for the next year. A blank attestation form has been uploaded to our webpage for you to download and complete.

Licensing Surveys and Inspections of Care

All licensure and complaint inspections/surveys will be conducted by the Arkansas Foundation for Medical Care (AFMC) on behalf of the Office of Long-Term Care. In the first 90 days, no licensure inspections/surveys will be conducted; however, complaint inspections/surveys will be conducted.

You will review the AFMC portal regarding the state licensure inspection reports. You will review the CMS portal regarding restraint and seclusion CMS surveys. Please follow the CMS regulations, regarding restraint and seclusion, related to the CMS 2567 and Plan of Correction process. For all surveys, you will follow the informal dispute resolution (IDR) process found at A.C.A. § 20-10-1901 et. seq., if you so choose to file an IDR request. Please note that the new manual bars both seclusion and the use of mechanical restraints.

Please contact OLTC at oltc3@dhs.arkansas.gov if you have any questions. To receive future updates from the Division, please sign up for the Division of Provider Services and Quality Assurance (DPSQA) Provider Subscription Alerts: <https://humanservices.arkansas.gov/divisions-shared-services/provider-services-quality-assurance/provider-email-sign-up/>.