

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Health

Department Health Related Boards and Commissions / Arkansas State Board of Chiropractic Examiners

Contact Laurie Mayhan E-mail asbce@arkansas.gov Phone 501-682-9015

Statutory Authority for Promulgating Rules ACT 990 of 2019

Rule Title: Pre-Licensure Criminal Background Check Waiver Request

Intended Effective Date
(Check One)

Date

| | | |
|---|---------------------------------------|-------------------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | <u>02/09/2020</u> |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | <u>03/09/2020</u> |
| <input checked="" type="checkbox"/> Other <u>06/01/2020</u> (Must be more than 10 days after filing date.) | Reviewed by Legislative Council | <u>05/14/2020</u> |
| | Adopted by State Agency | <u>06/01/2020</u> |

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Laurie Mayhan asbce@arkansas.gov 05/15/2020
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-9015 asbce@arkansas.gov
Phone Number E-mail Address

Director

Title

05/15/2020
Date

029.00.2-A

7. Pre-Licensure Criminal Background Check Waiver Request

- A. If an individual has been convicted of an offense listed in A.C.A. § 17-2-102(a), except those permanently disqualifying offenses found in subsection (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
 - 1. An affected applicant for a license; or
 - 2. An individual holding a license subject to revocation.
- B. The Board may grant a waiver upon consideration of the following, without limitation:
 - 1. The age at which the offense was committed;
 - 2. The circumstances surrounding the offense;
 - 3. The length of time since the offense was committed;
 - 4. Subsequent work history since the offense was committed;
 - 5. Employment references since the offense was committed;
 - 6. Character references since the offense was committed;
 - 7. Relevance of the offense to the occupational license; and
 - 8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
- C. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
- D. The Board will respond with a decision in writing and will state the reasons for the decision.
- E. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*