

ARKANSAS REGISTER



Proposed Rule Cover Sheet

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



Name of Department Department of Health

Agency or Division Name Division of Health Related Boards and Commissions/Arkansas State Board of Dental Examiners

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person Meredith Rogers

Contact E-mail Meredith.Rogers@arkanas.gov

Contact Phone 501-682-2085

Name of Rule Article XXIII - Pre-Licensure Criminal Background Check

Newspaper Name Daily Records

Date of Publishing 3/31/2020, 4/7/2020, 4/14/2020

Final Date for Public Comment May 8, 2020

Location and Time of Public Meeting 8:00 a.m., 101 East Capitol Avenue, Suite 111, Little Rock, AR 72201

ARTICLE XXIII

Summary

Proposed Article XXIII states an individual may petition for pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

ARTICLE XXIII

Summary

Proposed Article XXIII states an individual may petition for pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

PROPOSED

ARTICLE XXIII

PRE-LICENSURE CRIMINAL BACKGROUND CHECK

- A. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- B. The individual must obtain the pre-licensure criminal background check petition form from the Board.
- C. The Board will respond with a decision in writing to a completed petition within a reasonable time.
- D. The Board's response will state the reason(s) for the decision.
- E. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- G. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

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.

PROPOSED

- E. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

Pre-Licensure Criminal Background Check Petition

Date: _____

Contact Information:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Email: _____

Criminal Record Information:

By signing this petition:

I swear or affirm that the statements contained herein (and included on any attached documentation) are true and correct and that I do not misrepresent any information contained therein.

I acknowledge that, in addition to this petition, I may be required to undergo a state and federal criminal background check at my own expense.

I acknowledge that any decision made in response to this petition is subject to change if there has been a change to the provided information during the formal application process.

I acknowledge that any decision made in response to this petition only applies to the criminal records aspect of the licensing process and does not guarantee licensure.

I acknowledge that any decision made in response to this petition is not subject to appeal.

Signature: _____ Date: _____

ARTICLE XXIII

PRE-LICENSURE CRIMINAL BACKGROUND CHECK

- A. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- B. The individual must obtain the pre-licensure criminal background check petition form from the Board.
- C. The Board will respond with a decision in writing to a completed petition within a reasonable time.
- D. The Board's response will state the reason(s) for the decision.
- E. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- G. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

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.

PROPOSED

- E. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

Pre-Licensure Criminal Background Check Petition

Date: _____

Contact Information:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Email: _____

Criminal Record Information:

By signing this petition:

I swear or affirm that the statements contained herein (and included on any attached documentation) are true and correct and that I do not misrepresent any information contained therein.

I acknowledge that, in addition to this petition, I may be required to undergo a state and federal criminal background check at my own expense.

I acknowledge that any decision made in response to this petition is subject to change if there has been a change to the provided information during the formal application process.

I acknowledge that any decision made in response to this petition only applies to the criminal records aspect of the licensing process and does not guarantee licensure.

I acknowledge that any decision made in response to this petition is not subject to appeal.

Signature: _____ Date: _____

THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

I, Bobby Burton, so solemnly swear that I am the COO of the Daily Record, a newspaper of general circulation in Pulaski County, State of Arkansas; that I was COO of The Daily Record at and during the publication of the annexed legal notice in the matter of:

Adoption of Article XXIII

Public Hearing

NOTICE OF PUBLIC HEARING In compliance with ACA §25-15-204, the Arkansas State Board of Dental Examiners gives notice that it will conduct a public hearing at 8:40 a.m. on the 28th day of May, 2020, at the offices of the Arkansas State Board of Dental Examiners, 101 East Capitol Avenue, Suite 111, Little Rock, AR 72201. The public hearing will involve the adoption of Article XXIII - Pre-Licensure Criminal Background Check. All individuals desiring to attend said hearing may do so. All individuals desiring to address the Board should contact Meredith Rogers, the Executive Director of the Arkansas State Board of Dental Examiners, (501) 682-2085. Individuals desiring a copy of the Article XXIII, as referred to herein, may contact Meredith Rogers, the Executive Director, at the above number. DR3T-3/31,4/7,4/14/20

pending in the Court in said County, and at dates of the several publications of said legal notice hereinafter stated, and that during said periods and at said dates, said newspaper was published and had a bona fide circulation in said County and State; that said newspaper had been regularly published in said County and State, and had a bona fide circulation therein for the period of one month before the date of the first publication of said legal notice; and that said legal notice was published in the regular daily issues of said newspaper on the following days:

03/31/20 04/07/20 04/14/20

This ad was published online at www.dailyrecord.us and www.publicnoticeads.com for the duration of the run dates listed above.

William R. Burton
COO

Subscribed and sworn before me this 14th of April, 2020



Melissa Miller
Notary Public

THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

I, Bobby Burton, so solemnly swear that I am the COO of the Daily Record, a newspaper of general circulation in Pulaski County, State of Arkansas; that I was COO of The Daily Record at and during the publication of the annexed legal notice in the matter of:

Adoption of Article XXIII

Public Hearing

NOTICE OF PUBLIC HEARING In compliance with ACA §25-15-204, the Arkansas State Board of Dental Examiners gives notice that it will conduct a public hearing at 8:40 a.m. on the 8th day of May, 2020, at the offices of the Arkansas State Board of Dental Examiners, 101 East Capitol Avenue, Suite 111, Little Rock, AR 72201. The public hearing will involve the adoption of Article XXIII - Pre-Licensure Criminal Background Check. All individuals desiring to attend said hearing may do so. All individuals desiring to address the Board should contact Meredith Rogers, the Executive Director of the Arkansas State Board of Dental Examiners, (501) 682-2085. Individuals desiring a copy of the Article XXIII, as referred to herein, may contact Meredith Rogers, the Executive Director, at the above number. DRQT-3/31,4/7,4/14/20

pending in the Court in said County, and at dates of the several publications of said legal notice hereinafter stated, and that during said periods and at said dates, said newspaper was published and had a bona fide circulation in said County and State; that said newspaper had been regularly published in said County and State, and had a bona fide circulation therein for the period of one month before the date of the first publication of said legal notice; and that said legal notice was published in the regular daily issues of said newspaper on the following days:

03/31/20 04/07/20 04/14/20

This ad was published online at www.dailyrecord.us and www.publicnoticeads.com for the duration of the run dates listed above.

William R. Burton
COO

Subscribed and sworn before me this 14th of April, 2020



Melissa Miller
Notary Public