

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Health

Department Div. of Health Related Boards & Commissions

Contact Meredith Rogers E-mail meredith.rogers@arkansas.gov Phone 501-682-2085

Statutory Authority for Promulgating Rules ACA 17-82-208

Rule Title: XXIII: Pre-Licensure Criminal Background Check

Intended Effective Date
(Check One)

Date

Emergency (ACA 25-15-204)

Legal Notice Published

June 26-28, 2021

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

July 26, 2022

Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

Oct. 20, 2022

Adopted by State Agency

Oct. 20, 2022

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

Meredith Rogers meredith.rogers@arkansas.gov

Dec. 30, 2022

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

501-682-2085

meredith.rogers@arkansas.gov

Phone Number

E-mail Address

Executive Director

Title

Dec. 30, 2022

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 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) or (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 application 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.