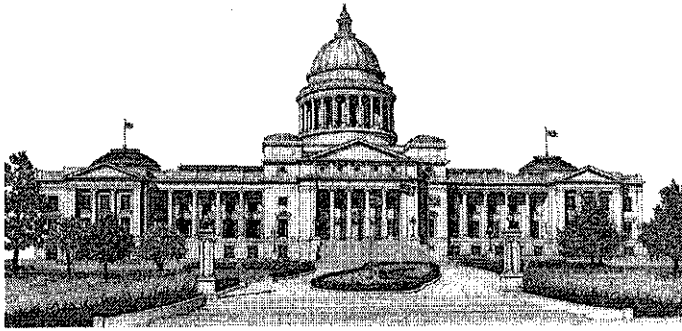


# ARKANSAS REGISTER

## 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 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 17-81-101 et. seq.

Rule Title: Pre-Licensure Criminal Background Check Waiver Request

Intended Effective Date  
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published ..... 01/30/2022

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

Final Date for Public Comment ..... 03/01/2022

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council ..... 04/22/2022

Adopted by State Agency ..... 11/04/2021

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

Laurie Mayhan asbce@arkansas.gov 04/22/2022  
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

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

\_\_\_\_\_  
Director Title

04/22/2022  
Date

## **Act 748 – Pre-Licensure Criminal Background Check Waiver Request**

**Ark. Admin. Code 007.33.8-2** (Formerly cited as AR ADC 029.00.2)

### **PART 2. RULES**

#### **A. APPLICATIONS FOR STATE BOARD EXAMINATIONS AND LICENSURE.**

##### **7. Pre-Licensure Criminal Background Check Waiver Request**

A. If an individual has been convicted of an offense listed in A.C.A. § 17- 3-102(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 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.