

A.C.A. § 20-38-101

§ 20-38-101. Definitions

Effective: July 27, 2011

As used in this chapter:

(1) “Care” means treatment, services, assistance, education, training, instruction, or supervision for which the service provider is compensated either directly or indirectly;

(2) “Determination” means the determination made by the licensing or certifying agency that a service provider, operator, applicant for employment with, or employee of a service provider is or is not disqualified from licensure, exemption from licensure, certification, any other operating authority, or employment based on the criminal history of the service provider, operator, applicant, or employee;

(3)(A) “Employee” means any person who:

(i) Has unsupervised access to clients of a service provider except as provided in subdivision (3)(B) of this section; and

(ii)(a) Provides care to clients of a service provider on behalf of, under the supervision of, or by arrangement with the service provider;

(b) Is employed by a service provider to provide care to clients of the service provider;

(c) Is a temporary employee placed by an employment agency with a service provider to provide care to clients of the service provider; or

(d) Resides in an alternative living home in which services are provided to individuals with developmental disabilities.

(B) “Employee” does not include a person who:

(i) Is a family member of a client receiving care from a service provider;

(ii) Is a volunteer; or

(iii) Works in an administrative capacity and does not have unsupervised access to clients of a service provider;

(4) “Licensing or certifying agency” means the state agency charged with licensing, exempting from licensure,

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certifying, or granting other operating authority to a service provider;

(5) “National criminal history records check” means a review of criminal history records maintained by the Federal Bureau of Investigation based on fingerprint identification or other positive identification methods;

(6) “Operator” means the person signing the application of a service provider for licensure, exemption from licensure, certification, or any other operating authority;

(7) “Registry records check” means the review of one (1) or more database systems maintained by a state agency that contain information relative to a person’s suitability for licensure, certification, exemption from licensure, or any other operating authority to be a service provider or for employment with a service provider to provide care;

(8) “Report” means a statement of the criminal history of a service provider, operator, applicant for employment with, or employee of a service provider issued by the Identification Bureau of the Department of Arkansas State Police;

(9) “Service provider” means any of the following:

(A) An Alternative Community Services Waiver Program provider certified by the Division of Developmental Disabilities Services of the Department of Human Services;

(B) A child care facility as defined by § 20-78-202;

(C) A church-exempt child care facility as recognized under § 20-78-209;

(D) An early intervention program provider certified by the Division of Developmental Disabilities Services of the Department of Human Services;

(E) An ElderChoices provider certified by the Division of Aging and Adult Services of the Department of Human Services;

(F) A home health care service under § 20-10-801;

(G) A hospice program under § 20-7-117;

(H) A long-term care facility as defined by § 20-10-702; or

(I) A nonprofit community program as defined by § 20-48-101; and

(10) “State criminal history records check” means a review of state criminal history records conducted by the Identification Bureau.

A.C.A. § 20-38-102

§ 20-38-102. Criminal history records checks--Operators

Effective: September 1, 2009

(a)(1)(A) When an operator applies for a license, exemption from licensure, certificate, or other operating authority for a service provider from its licensing or certifying agency, the operator shall submit a criminal history records check form and a complete set of fingerprints to the Identification Bureau of the Department of Arkansas State Police and request a state criminal history records check and a national criminal history records check on the operator.

(B) The operator shall attach evidence of the request for a criminal history records check to the application for the service provider's license, exemption from licensure, certificate, or other operating authority.

(2)(A) The bureau shall conduct a state criminal records history check and request a national criminal history records check on the operator.

(B) Upon completion of each criminal history records check, the bureau shall issue a report to the licensing or certifying agency.

(3) Based on the criminal history records check, the licensing or certifying agency shall determine whether the operator is or is not disqualified from licensure, exemption from licensure, certification, or other operating authority.

(4) The licensing or certifying agency shall forward its determination to the operator and the service provider seeking licensure, exemption from licensure, certification, or other operating authority.

(b) Operators are required to undergo periodic criminal history records checks no less than one (1) time every five (5) years.

A.C.A. § 20-38-103

§ 20-38-103. Criminal history records checks--Applicants and employees of service providers

Effective: April 8, 2013

(a)(1) Before making an offer of employment, a service provider shall inform an applicant that employment is contingent on the satisfactory results of criminal history records checks.

(2) If a service provider intends to make an offer of employment to an applicant, the service provider shall conduct criminal history records checks on the applicant under this section.

(3) If the service provider can verify that the applicant has lived continuously in the state for the past five (5) years, the service provider shall require the applicant to submit a criminal history records check form and shall:

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(A) Initiate a state criminal history records check on the applicant with the Identification Bureau of the Department of Arkansas State Police; and

(B) Conduct a registry check on the applicant in accordance with the rules of the appropriate licensing or certifying agency.

(4) If the service provider cannot verify that the applicant has lived continuously in the state for the past five (5) years, the service provider shall require the applicant to submit a criminal history records check form and a complete set of fingerprints and shall:

(A) Initiate a state criminal history records check on the applicant with the Identification Bureau;

(B) Forward the applicant's fingerprints to the Identification Bureau to initiate a national criminal history records check on the applicant; and

(C) Conduct a registry check on the applicant in accordance with the rules of the appropriate licensing or certifying agency.

(b) After a service provider satisfies the regulatory requirements of the appropriate licensing or certifying agency governing registry checks of applicants for employment, the service provider may conditionally employ an applicant pending receipt of a determination from the appropriate licensing or certifying agency.

(c) If a service provider uses temporary employees to provide care, the service provider shall:

(1) Use a contract to detail the requirements for placing temporary employees with the service provider; and

(2) Ensure that the contract pertaining to the service provider's use of temporary employees requires the entity providing the temporary employees to comply with the following terms:

(A) The entity is responsible for conducting a criminal history records check on each temporary employee under this subchapter before the placement of the temporary employee with the service provider; and

(B) The entity shall maintain all documentation regarding criminal history records checks for each temporary employee placed with a service provider and shall provide copies of the documentation to the service provider, which shall be made available to the appropriate licensing or certifying agency upon request.

(d) A service provider shall inform employees that continued employment is contingent on the satisfactory results of criminal history records checks and shall conduct periodic criminal history records checks on all employees no less than one (1) time every five (5) years.

(e)(1)(A) When a service provider initiates a request for a state criminal history records check on an applicant for

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employment with or an employee of the service provider, the Identification Bureau shall issue within twenty-four (24) hours an electronic report to the service provider and the licensing or certifying agency.

(B) When a service provider initiates a request for a national criminal history records check on an applicant for employment with or an employee of the service provider, the Identification Bureau shall issue a report to the licensing or certifying agency within ten (10) days after receipt of the results of the national criminal history records check from the Federal Bureau of Investigation.

(2) After receipt of a report from the Identification Bureau, the licensing or certifying agency shall determine whether the applicant or employee is disqualified from employment with the service provider based on the criminal history of the applicant or employee and shall forward its determination to the service provider.

(3)(A)(i) If the licensing or certifying agency determines that an applicant or employee is disqualified from employment based on the criminal history of the applicant or employee, the service provider shall deny employment to the applicant or shall terminate the employment of the employee.

(ii)(a) If the applicant or employee is disqualified from employment based on the criminal history and the service provider wants to employ the applicant or continue to employ the employee, the service provider shall provide written notice to the licensing or certifying agency of the person's identity and that the service provider has determined that the person is not disqualified from employment because the person satisfies the criteria for a waiver under § 20-38-105(d)(3).

(b) After receipt of written acknowledgment from the licensing or certifying agency that the service provider has determined that the applicant or employee is not disqualified from employment because the person satisfies the criteria for a waiver under § 20-38-105(d)(3), the service provider may employ the applicant or continue the employment of the employee.

(B) If the licensing or certifying agency issues a determination that an applicant or employee is not disqualified from employment or if there is no criminal history on an applicant or employee, the service provider may employ the applicant or continue the employment of the employee.

(f)(1) If the subject of a criminal history records check has been offered employment with a child care facility or a church-exempt child care facility, the subject of a criminal history records check shall not be assessed a fee for the statewide criminal records check required under this section.

(2) The subject of a criminal history records check shall be responsible for the payment of any fee associated with the nationwide criminal records check.

(g) A person may challenge the completeness or accuracy of his or her criminal history information under § 12-12-1013.

A.C.A. § 20-38-104

§ 20-38-104. Request for records check--Requirement

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Effective: September 1, 2009

(a) A request for a state criminal history records check on a person shall include a completed statement that:

- (1) Contains the name, address, and date of birth appearing on a valid identification document issued by a government entity to the person who is the subject of the check;
- (2) Indicates whether the person has been found guilty of or pleaded guilty or nolo contendere to a crime and, if so, includes a description of the crime and the particulars of the finding of guilt or the plea;
- (3) Notifies the person that a service provider may conduct national criminal history records checks, state criminal history records checks, and registry records checks on the person;
- (4) Provides the consent of the person who is the subject of the check to disclosure of checks, reports, and determinations under this subchapter;
- (5) Informs the person how to object to the content of reports; and
- (6) Contains the notarized signature of the person who is the subject of the check.

(b)(1) A request for a national criminal history records check on a person shall conform to applicable federal standards and shall include a complete set of fingerprints.

(2) The Identification Bureau of the Department of Arkansas State Police may maintain fingerprints submitted for a national criminal history records check in an automated fingerprint identification system.

A.C.A. § 20-38-105

§ 20-38-105. Disqualification from employment--Denial or revocation--Penalties

Effective: August 16, 2013

(a)(1) Except as provided in subsection (d) of this section, the licensing or certifying agency shall issue a determination that a person is disqualified as a service provider, operator, or from employment with a service provider if the person has pleaded guilty or nolo contendere to or has been found guilty of:

- (A) Any of the offenses listed in subsection (b) of this section by any court in the State of Arkansas;
- (B) Any similar offense by a court in another state; or
- (C) Any similar offense by a federal court.

(2) Except as provided in subsection (d) of this section, a service provider shall not knowingly employ a person

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and the licensing or certifying agency shall not knowingly contract with, license, exempt from licensure, certify, or otherwise authorize a person to be a service provider if the person has pleaded guilty or nolo contendere to or has been found guilty of:

(A) Any of the offenses listed in subsection (b) of this section by any court in the State of Arkansas;

(B) Any similar offense by a court in another state; or

(C) Any similar offense by a federal court.

(b) As used in this section, the following criminal offenses apply to this section whether or not the record of the offense is expunged, pardoned, or otherwise sealed:

(1) Criminal attempt, § 5-3-201, criminal complicity, § 5-3-202, criminal solicitation, § 5-3-301, or criminal conspiracy, § 5-3-401, to commit any of the offenses in this subsection;

(2) Capital murder, § 5-10-101;

(3) Murder, §§ 5-10-102 and 5-10-103;

(4) Manslaughter, § 5-10-104;

(5) Negligent homicide, § 5-10-105;

(6) Kidnapping, § 5-11-102;

(7) False imprisonment, §§ 5-11-103 and 5-11-104;

(8) Permanent detention or restraint, § 5-11-106;

(9) Robbery, §§ 5-12-102 and 5-12-103;

(10) Battery, §§ 5-13-201 -- 5-13-203;

(11) Assault, §§ 5-13-204 -- 5-13-207;

(12) Coercion, § 5-13-208;

(13) Introduction of controlled substance into body of another person, § 5-13-210;

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- (14) Terroristic threatening, § 5-13-301;
- (15) Terroristic act, § 5-13-310;
- (16) Any sexual offense, § 5-14-101 et seq.;
- (17) Voyeurism, § 5-16-102;
- (18) Death threats concerning a school employee or student, § 5-17-101;
- (19) Incest, § 5-26-202;
- (20) Domestic battery, §§ 5-26-303 -- 5-26-306;
- (21) Interference with visitation, § 5-26-501;
- (22) Interference with court-ordered custody, § 5-26-502;
- (23) Endangering the welfare of an incompetent person, §§ 5-27-201 and 5-27-202;
- (24) Endangering the welfare of a minor, §§ 5-27-205 and 5-27-206;
- (25) Contributing to the delinquency of a minor, § 5-27-209;
- (26) Contributing to the delinquency of a juvenile, § 5-27-220;
- (27) Permitting abuse of a minor, § 5-27-221;
- (28) Soliciting money or property from incompetents, § 5-27-229;
- (29) Engaging children in sexually explicit conduct for use in visual or print media, § 5-27-303;
- (30) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;
- (31) Transportation of minors for prohibited sexual conduct, § 5-27-305;
- (32) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;

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- (33) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
- (34) Computer crimes against minors, § 5-27-601 et seq.;
- (35) Felony abuse of an endangered or impaired person, § 5-28-103;
- (36) Theft of property, § 5-36-103;
- (37) Theft of services, § 5-36-104;
- (38) Theft by receiving, § 5-36-106;
- (39) Forgery, § 5-37-201;
- (40) Criminal impersonation, § 5-37-208;
- (41) Financial identity fraud, § 5-37-227;
- (42) Arson, § 5-38-301;
- (43) Burglary, §§ 5-39-201 and 5-39-204;
- (44) Breaking or entering, § 5-39-202;
- (45) Resisting arrest, § 5-54-103;
- (46) Felony interference with a law enforcement officer, § 5-54-104;
- (47) Cruelty to animals, §§ 5-62-103 and 5-62-104;
- (48) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 -- 5-64-508;
- (49) Public display of obscenity, § 5-68-205;
- (50) Promoting obscene materials, § 5-68-303;
- (51) Promoting obscene performance, § 5-68-304;
- (52) Obscene performance at a live public show, § 5-68-305;

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(53) Prostitution, § 5-70-102;

(54) Patronizing a prostitute, § 5-70-103;

(55) Promotion of prostitution, §§ 5-70-104 -- 5-70-106;

(56) Stalking, § 5-71-229;

(57) Criminal use of a prohibited weapon, § 5-73-104;

(58) Simultaneous possession of drugs and firearms, § 5-74-106; and

(59) Unlawful discharge of a firearm from a vehicle, § 5-74-107.

(c)(1) The provisions of this subsection (c) shall not be waived by the licensing or certifying agency.

(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, a conviction or plea of guilty or nolo contendere for any of the offenses listed in this subsection (c), whether or not the record of the offense is expunged, pardoned, or otherwise sealed, shall result in permanent disqualification from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider and is not subject to subsection (d) of this section:

(A) Any of the following offenses by any court in the State of Arkansas:

(i) Capital murder, § 5-10-101;

(ii) Murder in the first degree, § 5-10-102;

(iii) Murder in the second degree, § 5-10-103;

(iv) Kidnapping, § 5-11-102;

(v) Rape, § 5-14-103;

(vi) Sexual assault in the first degree, § 5-14-124;

(vii) Sexual assault in the second degree, § 5-14-125;

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(viii) Endangering the welfare of an incompetent person in the first degree, § 5-27-201;

(ix) Abuse of an endangered or impaired person, § 5-28-103, if it is a felony; and

(x) Arson, § 5-38-301;

(B) Any similar offense by a court in another state; or

(C) Any similar offense by a federal court.

(3) For purposes of licensure as a child care facility, exemption from licensure as a church-exempt child care facility, or employment with a child care facility or church-exempt child care facility, a conviction or plea of guilty or nolo contendere for any offense that involves violence or a sexual act, whether or not the record of the offense is expunged, pardoned, or otherwise sealed, may result in permanent disqualification from licensure as a child care facility, exemption from licensure as a church-exempt child care facility, or employment with a child care facility or church-exempt child care facility and may not be subject to subsection (d) of this section.

(d)(1) This section shall not disqualify a person from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for a misdemeanor offense;

(B) The date of the conviction or plea of guilty or nolo contendere is at least five (5) years from the date of the request for the criminal history records check; and

(C) The person has no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.

(2) This section shall not disqualify a person from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for a felony offense;

(B) The date of the conviction or plea of guilty or nolo contendere is at least ten (10) years from the date of the background check request; and

(C) The individual has no criminal convictions or pleas of guilty or nolo contendere during the ten-year period preceding the request for a criminal history records check.

(3) This section does not disqualify a person from employment with a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for any of the non-violent offenses listed below:

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- (i) Theft by receiving, § 5-36-106;
 - (ii) Forgery, § 5-37-201;
 - (iii) Financial identity fraud, § 5-37-227;
 - (iv) Resisting arrest, § 5-54-103;
 - (v) Criminal impersonation in the second degree, § 5-37-208(b);
 - (vi) Interference with visitation, § 5-26-501;
 - (vii) Interference with court-ordered custody, § 5-26-502;
 - (viii) Prostitution, § 5-70-102; and
 - (ix) Patronizing a prostitute, § 5-70-103;
- (B) The service provider wants to employ the person;
- (C) The person remains in employment with the same service provider;
- (D) The person has completed probation or parole supervision, paid all court ordered fees or fines, including restitution, and fully complied with all court orders pertaining to the conviction or plea;
- (E) The person will be employed by:
- (i) A long-term care facility licensed by the Office of Long-Term Care;
 - (ii) An intermediate care or other facility, developmental day treatment clinic services provider, or group home licensed or certified by the Division of Developmental Disabilities Services; or
 - (iii) A child care facility or a church-exempt child care facility licensed by the Division of Child Care and Early Childhood Education;
- (F) Subsequent to employment, the person does not plead guilty or nolo contendere to or is found guilty of any offense in subsection (b) of this section; and
- (G) The person does not have a true or founded report of child maltreatment or adult maltreatment in a central

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registry.

(e) A person shall not be disqualified from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if the person has been found guilty of or has pleaded guilty or nolo contendere to a misdemeanor offense not listed in subsection (b) of this section, a similar misdemeanor offense in another state, or a similar federal misdemeanor offense.

(f) Even if the person would otherwise be disqualified under this section, a person shall not be disqualified from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if the person:

(1) Was not disqualified on August 31, 2009; and

(2) Since August 31, 2009, has not been found guilty of or pleaded guilty or nolo contendere to:

(A) An offense listed in subsection (b) of this section;

(B) A similar offense in another state; or

(C) A similar federal offense.

A.C.A. § 20-38-106

§ 20-38-106. Evidence of records checks

Effective: April 8, 2013

(a) A service provider shall maintain on file, subject to inspection by the Arkansas Crime Information Center, the Identification Bureau of the Department of Arkansas State Police, or the licensing or certifying agency evidence that criminal history records checks have been completed on all operators, applicants for employment, and employees of the service provider.

(b) If a service provider employs an applicant or continues the employment of an employee who satisfied the criteria for a waiver under § 20-38-105(d)(3), the service provider shall maintain documentation that the person met the criteria for the waiver, including the written acknowledgment by the licensing or certifying authority.

A.C.A. § 20-38-107

§ 20-38-107. Remedies for failure to comply

Effective: September 1, 2009

The licensing or certifying agency shall establish remedies for failure to comply with this subchapter to be imposed on a service provider licensed, exempted from licensure, certified, or otherwise authorized to operate by its licensing or certifying agency.

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A.C.A. § 20-38-108

§ 20-38-108. Duties of Identification Bureau

Effective: September 1, 2009

(a) The Identification Bureau of the Department of Arkansas State Police shall make reasonable efforts to respond immediately to requests for state criminal history checks and to respond to requests for national criminal history checks within ten (10) calendar days after the receipt of a national criminal history check from the Federal Bureau of Investigation.

(b) Upon completion of a criminal records check, the Identification Bureau shall forward all information obtained concerning the applicant or employee to the Arkansas Crime Information Center.

A.C.A. § 20-38-109

§ 20-38-109. Regulations

Effective: September 1, 2009

The Arkansas Crime Information Center, the Identification Bureau of the Department of Arkansas State Police, and the licensing or certifying agency shall cooperate to prepare forms and promulgate consistent rules as necessary to implement this subchapter.

A.C.A. § 20-38-110

§ 20-38-110. Confidentiality

Effective: September 1, 2009

(a) All reports obtained under this subchapter are confidential and are restricted to the exclusive use of the Arkansas Crime Information Center, the Identification Bureau of the Department of Arkansas State Police, the licensing or certifying agency, the service provider, and the person who is the subject of the report.

(b) The information contained in reports shall not be released or otherwise disclosed to any other person or agency except by court order and is specifically exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., except to the licensing or certifying agency and the service provider.

A.C.A. § 20-38-111

§ 20-38-111. Immunity

Effective: September 1, 2009

The Arkansas Crime Information Center, the Identification Bureau of the Department of Arkansas State Police, the licensing or certifying agency, and the service provider are immune from suit or liability for damages for acts or omissions other than malicious acts or omissions occurring in the performance of duties imposed by this subchapter.

A.C.A. § 20-38-112

§ 20-38-112. Exclusions--Licensed professionals--Completion of criminal history records check

Effective: August 16, 2013

(a) Except for employees of licensed child care facilities or church-operated exempt child care facilities, this subchapter does not apply to a person who provides care to clients of a service provider subject to a professional license issued under:

- (1) Section 17-27-101 et seq., regarding licensed professional counselors;
- (2) Section 17-82-101 et seq., regarding dentists;
- (3) Section 17-87-101 et seq., regarding nurses;
- (4) Section 17-88-101 et seq., regarding occupational therapists;
- (5) Section 17-92-101 et seq., regarding pharmacists;
- (6) Section 17-93-101 et seq., regarding physical therapists;
- (7) Section 17-95-201 et seq., regarding physicians and surgeons;
- (8) Section 17-96-101 et seq., regarding podiatrists;
- (9) Section 17-97-101 et seq., regarding psychologists and psychological examiners;
- (10) Section 17-100-101 et seq., regarding speech-language pathologists and audiologists; or
- (11) Section 17-103-101 et seq., regarding social workers.

(b)(1) "Professional license" shall not include certification.

(2) "Certified persons" includes certified nursing assistants and certified home health aides.

(c) With the exception of applicants and employees qualified under § 20-38-105(d)(3), if the service provider can verify that the applicant has maintained employment in the State of Arkansas for the past twelve (12) months and has successfully completed a criminal history records check within the past twelve (12) months, the service provider is not required to conduct a criminal history records check on the applicant.

(d) With the exception of applicants and employees qualified under § 20-38-105(d)(3), if a service provider can verify that an applicant or employee has been the subject of an employment determination described in subsection

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(e) of this section, the service provider is not required to conduct any further criminal history records check on the applicant or employee to determine eligibility for employment except as required under § 20-38-103(d) for continued employment.

(e)(1) With the exception of applicants and employees qualified under § 20-38-105(d)(3), an employment determination and the criminal history records check used to make the determination for an applicant or employee of a service provider shall be fully acceptable and transferrable upon request between the following divisions and offices of the Department of Human Services:

(A) The Division of Child Care and Early Childhood Education for a child care facility or church-exempt child care facility;

(B) The Division of Developmental Disabilities Services for an Alternative Community Services Waiver program provider, an early intervention provider, or a nonprofit community program; and

(C) The Office of Long-Term Care for a long-term care facility licensed as an intermediate care facility for the mentally retarded or developmentally disabled.

(2) With the exception of applicants and employees qualified under § 20-38-105(d)(3), the divisions and office listed in subdivision (e)(1) of this section shall accept from any other division or office listed in subdivision (e)(1) of this section an employment determination and the criminal history records check used to make the determination for an applicant or employee of a service provider in each instance that the following conditions are met:

(A) The employee is or applicant will be continuously employed by the service provider in one (1) or more of the service provider types described in subdivision (e)(1) of this section;

(B) The applicable service provider types in which an employee is employed or an applicant will be employed are operated and administered by the same service provider;

(C) The service provider maintains evidence acceptable to the licensing or certifying agency that the service provider types for which employment determinations and criminal records checks are accepted under this subsection are operated and administered by the same service provider; and

(D) The service provider maintains an original or copy of the determination letter for each employee at the service provider type for which employment determinations and criminal records checks are accepted under this subsection and at which the employee who is the subject of the determination letter is employed.

A.C.A. § 20-38-113

§ 20-38-113. Automated abuse registry checks

Effective: July 1, 2013

(a) The Department of Human Services shall:

Valid through March 19, 2014

Arkansas Code Annotated _Title 20. Public Health and Welfare_Subtitle 2. Health and Safety (Chapters 6 to 44)_Chapter 38. Criminal Background Checks

(1)(A) Contingent upon the receipt of funding, appropriation, and positions, create and maintain a program no later than July 1, 2016, that automates the databases of the Child Maltreatment Central Registry created in § 12-18-901, the Adult and Long-Term Care Facility Resident Maltreatment Central Registry created in § 12-12-1716, and the Certified Nursing Assistant/Employment Clearance Registry maintained by the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services under 42 C.F.R. § 483.156 and § 20-10-203.

(B) The program created and maintained under subdivision (a)(1)(A) of this section shall allow an entity or person required to conduct a registry check under a registry listed in subdivision (a)(1)(A) of this section to access all three (3) registries through a single web-based process;

(2) Streamline the process of requesting a registry check so that all forms authorizing the release of confidential information under a registry listed in subdivision (a)(1)(A) of this section are consistent; and

(3) Adopt rules to implement this section.

(b) Contingent upon the receipt of funding, appropriation, and positions, the department shall initiate implementation of the program described under subsection (a) of this section and establish a public timeline for full implementation no later than July 1, 2014.