

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/13/19

A Bill

HOUSE BILL 1433

5 By: Representative Rushing
6

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE INDIVIDUALS WITH PRIOR DRUG-
9 RELATED OFFENSES TO WORK WITH INDIVIDUALS RECEIVING
10 SUBSTANCE ABUSE TREATMENT AS PEER SUPPORT SPECIALISTS
11 OR SIMILAR POSITIONS REQUIRING A HISTORY OF RECEIVING
12 BEHAVIORAL HEALTH SERVICES; TO DECLARE AN EMERGENCY;
13 AND FOR OTHER PURPOSES.
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Subtitle

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16 TO AUTHORIZE INDIVIDUALS WITH PRIOR DRUG-
17 RELATED OFFENSES TO WORK WITH INDIVIDUALS
18 RECEIVING SUBSTANCE ABUSE TREATMENT AS
19 PEER SUPPORT SPECIALISTS OR SIMILAR
20 POSITIONS; AND TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 20-38-105, concerning disqualification from
27 employment based on criminal background checks, is amended to add an
28 additional subsection to read as follows:

29 (g) Notwithstanding any other provision of law, a person is not
30 disqualified from employment if:

31 (1) The person is employed as or being considered for employment
32 as a peer support specialist or other similar position requiring that the
33 person has personally received services within the behavioral health system;

34 (2) The person works or is applying to work with individuals
35 receiving substance abuse treatment; and

36 (3) The only offense on the person's criminal background check



1 that would disqualify him or her from employment is an offense that does not
2 involve violence or a sexual act.

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4 SECTION 2. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
5 amended to add an additional section to read as follows:

6 20-77-135. Peer support specialist.

7 The Department of Human Services shall not disqualify or exclude an
8 individual from participation in the Arkansas Medicaid Program based on a
9 criminal background check if:

10 (1) The individual is employed as a peer support specialist or
11 other similar position;

12 (2) The individual obtains certification in peer recovery by the
13 Arkansas Substance Abuse Certification Board;

14 (3) The certification was obtained after the commission of a
15 criminal offense;

16 (4) The criminal offense does not involve violence or a sexual
17 act; and

18 (5) The certification process includes due process for appealing
19 a decision based upon a disqualifying charge in the criminal background
20 check.

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22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that use of the new Peer Support
24 benefit in the Arkansas Medicaid Program is hindered by the inability under
25 current rules to hire individuals who have committed drug-related offenses;
26 that individuals who have served jail time can often have the most success in
27 reaching individuals struggling with substance abuse addiction; that
28 substance abuse is a growing issue for the State of Arkansas; that barriers
29 should be removed to give providers all necessary resources to combat
30 substance abuse; and that this act is immediately necessary to allow the
31 Department of Human Services to make administrative rules at the earliest
32 possible date to ensure the employment of individuals with drug-related
33 offenses in the Peer Support benefit, to help reach individuals struggling
34 with substance abuse addiction, and to combat substance abuse addiction.
35 Therefore, an emergency is declared to exist, and this act being immediately
36 necessary for the preservation of the public peace, health, and safety shall

1 become effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

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/s/Rushing

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APPROVED: 4/12/19

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