

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

A Bill

SENATE BILL 451

4
5 By: Senator J. Cooper
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
9 BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
10 OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
11 CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14
15 TO AMEND THE LAWS REGARDING CRIMINAL
16 BACKGROUND CHECKS FOR PROFESSIONS AND
17 OCCUPATIONS TO OBTAIN CONSISTENCY
18 REGARDING CRIMINAL BACKGROUND CHECKS AND
19 DISQUALIFYING OFFENSES FOR LICENSURE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

26 (a) The General Assembly finds that:

27 (1) Arkansas is taking a leading role in the nationwide pursuit
28 of reforms to the system of occupational licensing;

29 (2) Arkansas became one (1) of eleven (11) states chosen to
30 participate in the Occupational Licensing Policy Learning Consortium, an
31 initiative funded by a grant from the United States Department of Labor and
32 supported in partnership with the National Conference of State Legislatures,
33 the Council of State Governments, and the National Governors Association;

34 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
35 to the Red Tape Reduction Working Group to review and address occupational
36 licensing regulations that create unnecessary barriers to labor market entry;



1 and

2 (4) The Red Tape Reduction Working Group issued a final report
 3 to the Governor in the fall of 2018 with five (5) recommendations for
 4 substantive legislative reform, which are to:

5 (A) Establish an expedited procedure for occupational
 6 licensing entities to collectively submit administrative rules that are
 7 responsive to new legislation;

8 (B) Extend Acts 2017, No. 781, to allow repeal of
 9 subsections of rules;

10 (C) Establish provisions to allow certain agencies to
 11 consider occupational relevance with regard to criminal background issues;

12 (D) Authorize occupational licensing entities to identify
 13 types of individuals or entities that may be issued temporary or provisional
 14 licenses; and

15 (E) Establish a systematic process for review of:

16 (i) New occupational licenses and occupational
 17 licensing entities; and

18 (ii) Existing occupational licenses and occupational
 19 licensing entities.

20 (b) It is the intent of the General Assembly to establish provisions
 21 to allow certain agencies to consider occupational relevance with regard to
 22 criminal background issues.

23
 24 SECTION 2. Arkansas Code Title 17 is amended to add an additional
 25 chapter to read as follows:

26 CHAPTER 2

27 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

28
 29 17-2-101. Definitions.

30 As used in this subchapter:

31 (1) "Criminal record" means any type of felony or misdemeanor
 32 conviction;

33 (2) "Licensing entity" means an office, board, commission,
 34 department, council, bureau, or other agency of state government having
 35 authority to license, certify, register, permit, or otherwise authorize an
 36 individual to engage in a particular occupation or profession; and

1 (3) "License" means a license, certificate, registration,
2 permit, or other form of authorization required by law or rule that is
3 required for an individual to engage in a particular occupation or
4 profession.

5
6 17-2-102. Licensing restrictions based on criminal records.

7 (a) An individual is not eligible to receive or hold a license issued
8 by a licensing entity if that individual has pleaded guilty or nolo
9 contendere to or been found guilty of any of the following offenses by any
10 court in the State of Arkansas or of any similar offense by a court in
11 another state or of any similar offense by a federal court, unless the
12 conviction was lawfully sealed under the Comprehensive Criminal Record
13 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,
14 pardoned or expunged under prior law:

15 (1) Capital murder as prohibited in § 5-10-101;

16 (2) Murder in the first degree and second degree as prohibited
17 in §§ 5-10-102 and 5-10-103;

18 (3) Manslaughter as prohibited in § 5-10-104;

19 (4) Negligent homicide as prohibited in § 5-10-105;

20 (5) Kidnapping as prohibited in § 5-11-102;

21 (6) False imprisonment in the first degree as prohibited in § 5-
22 11-103;

23 (7) Permanent detention or restraint as prohibited in § 5-11-
24 106;

25 (8) Robbery as prohibited in § 5-12-102;

26 (9) Aggravated robbery as prohibited in § 5-12-103;

27 (10) Battery in the first degree as prohibited in § 5-13-201;

28 (11) Aggravated assault as prohibited in § 5-13-204;

29 (12) Introduction of a controlled substance into the body of
30 another person as prohibited in § 5-13-210;

31 (13) Aggravated assault upon a law enforcement officer or an
32 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
33 felony;

34 (14) Terroristic threatening in the first degree as prohibited
35 in § 5-13-301;

36 (15) Rape as prohibited in § 5-14-103;

- 1 (16) Sexual indecency with a child as prohibited in § 5-14-110;
2 (17) Sexual extortion as prohibited in § 5-14-113;
3 (18) Sexual assault in the first degree, second degree, third
4 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
5 (19) Incest as prohibited in § 5-26-202;
6 (20) Offenses against the family as prohibited in §§ 5-26-303 –
7 5-26-306;
8 (21) Endangering the welfare of an incompetent person in the
9 first degree, as prohibited in § 5-27-201;
10 (22) Endangering the welfare of a minor in the first degree as
11 prohibited in § 5-27-205;
12 (23) Permitting the abuse of a minor as prohibited in § 5-27-
13 221;
14 (24) Engaging children in sexually explicit conduct for use in
15 visual or print media, transportation of minors for prohibited sexual
16 conduct, pandering or possessing visual or print medium depicting sexually
17 explicit conduct involving a child, or use of a child or consent to use of a
18 child in a sexual performance by producing, directing, or promoting a sexual
19 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
20 and 5-27-403;
21 (25) Computer child pornography as prohibited in § 5-27-603;
22 (26) Computer exploitation of a child in the first degree as
23 prohibited in § 5-27-605;
24 (27) Felony adult abuse as prohibited in § 5-28-103;
25 (28) Theft of property as prohibited in § 5-36-103;
26 (29) Theft by receiving as prohibited in § 5-36-106;
27 (30) Arson as prohibited in § 5-38-301;
28 (31) Burglary as prohibited in § 5-39-201;
29 (32) Felony violation of the Uniform Controlled Substances Act,
30 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
31 419 – 5-64-442;
32 (33) Promotion of prostitution in the first degree as prohibited
33 in § 5-70-104;
34 (34) Stalking as prohibited in § 5-71-229;
35 (35) Criminal attempt, criminal complicity, criminal
36 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,

1 5-3-301, and 5-3-401, to commit any of the offenses listed in this
 2 subsection; and

3 (36) All other crimes referenced in this title.

4 (b)(1) If an individual has been convicted of a crime listed in
 5 subsection (a) of this section, a licensing entity may waive disqualification
 6 or revocation of a license based on the conviction if a request for a waiver
 7 is made by:

8 (A) An affected applicant for a license; or

9 (B) The individual holding a license subject to
 10 revocation.

11 (2) A basis upon which a waiver may be granted includes without
 12 limitation:

13 (A) The age at which the offense was committed;

14 (B) The circumstances surrounding the offense;

15 (C) The length of time since the offense was committed;

16 (D) Subsequent work history since the offense was
 17 committed;

18 (E) Employment references since the offense was committed;

19 (F) Character references since the offense was committed;

20 (G) Relevance of the offense to the occupational license;

21 and

22 (H) Other evidence demonstrating that licensure of the
 23 applicant does not pose a threat to the health or safety of the public.

24 (c)(1) If an individual has a valid criminal conviction for an offense
 25 that could disqualify the individual from receiving a license, the
 26 disqualification shall not be considered for more than five (5) years from
 27 the date of the conviction if the individual:

28 (A) Was not convicted for committing a violent or sexual
 29 offense; and

30 (B) Has not been convicted of any other offense during the five-
 31 year disqualification period.

32 (2)(A) The potential disqualification period may last longer if
 33 an applicant with a disqualifying criminal conviction was incarcerated for an
 34 offense that was not violent or sexual in nature at any time during the
 35 previous five (5) years.

36 (B) If the disqualification period lasts longer than the

1 period specified under subdivision (c)(2)(A) of this section, the
 2 disqualification shall last no longer than five (5) years from the date that
 3 the individual was released from incarceration.

4 (d) A licensing entity shall not, as a basis upon which a license may
 5 be granted or denied:

6 (1) Use vague or generic terms, including without limitation the
 7 phrase "moral turpitude" and "good character"; or

8 (2) Consider arrests without a subsequent conviction.

9 (e) Due to the serious nature of the offenses, the following shall
 10 result in permanent disqualification for licensure:

11 (1) Capital murder as prohibited in § 5-10-101;

12 (2) Murder in the first degree as prohibited in § 5-10-102 and
 13 murder in the second degree as prohibited in § 5-10-103;

14 (3) Kidnapping as prohibited in § 5-11-102;

15 (4) Aggravated assault upon a law enforcement officer or an
 16 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
 17 felony;

18 (5) Rape as prohibited in § 5-14-103;

19 (6) Sexual extortion as prohibited in § 5-14-113;

20 (7) Sexual assault in the first degree as prohibited in § 5-14-
 21 124 and sexual assault in the second degree as prohibited in § 5-14-125;

22 (8) Incest as prohibited in § 5-26-202;

23 (9) Endangering the welfare of an incompetent person in the
 24 first degree as prohibited in § 5-27-201;

25 (10) Endangering the welfare of a minor in the first degree as
 26 prohibited in § 5-27-205;

27 (11) Adult abuse that constitutes a felony as prohibited in § 5-
 28 28-103; and

29 (12) Arson as prohibited in § 5-38-301.

30 (f) This chapter does not preclude a licensing entity from taking
 31 emergency action against a licensee as authorized under § 25-15-211 for the
 32 sake of public health, safety, or welfare.

33
 34 17-2-103. Prelicensure criminal background checks.

35 (a)(1) An individual with a criminal record may petition a licensing
 36 entity at any time for a determination of whether the criminal record of the

1 individual will disqualify the individual from licensure and whether or not
 2 he or she could obtain a waiver under § 17-2-102(b).

3 (2) The petition shall include details on the criminal record of
 4 the individual.

5 (b)(1) A licensing entity may require that the applicant undergo a
 6 state and federal criminal background check as required by the licensing
 7 entity for all applicants for a license.

8 (2) The petitioner under subsection (a) of this section shall be
 9 responsible for payment for the state and federal criminal background check.

10
 11 17-2-104. Rules.

12 (a) A licensing entity shall adopt or amend rules necessary for the
 13 implementation of this chapter.

14 (b)(1) When adopting or amending rules to implement this chapter, the
 15 final rule shall be filed with the Secretary of State for adoption under §
 16 25-15-204(f):

17 (A) On or before January 1, 2020; or

18 (B) If approval under § 10-3-309 has not occurred by
 19 January 1, 2020, as soon as practicable after approval under § 10-3-309.

20 (2) A licensing entity shall file the proposed rule with the
 21 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
 22 2020, so that the Legislative Council may consider the rule for approval
 23 before January 1, 2020.

24
 25 SECTION 3. Arkansas Code § 17-11-302(b), concerning application and
 26 certificate of registration to become a registered abstractor, is amended to
 27 read as follows:

28 (b) The application shall be in a form prepared by the board and
 29 shall contain such information as may be necessary to assist the board in
 30 registration ~~and to determine if the applicant is of good moral character.~~

31
 32 SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or
 33 reapplication for a certificate of registration by the Arkansas Abstracters'
 34 Board, is amended to read as follows:

35 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
 36 ~~good moral character~~, the applicant shall be certified as a registered

1 abstracter, and the certificate provided for shall be issued to him or her.
2 The privileges granted by the certificate shall continue unless revoked, as
3 provided in this chapter, or unless the certificate is otherwise surrendered
4 to the Arkansas Abstracters' Board.

5
6 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of
7 certificates authorized by the Arkansas Abstracters' Board, is amended to
8 read as follows:

9 (a) The Arkansas Abstracters' Board is authorized, after a hearing as
10 provided in § 17-11-341, to cancel and revoke any certificate of registration
11 issued to any person under the provisions of this chapter:

12 (1) For a violation of any of the provisions of this chapter;

13 (2) Upon a conviction of the holder of such a certificate of a
14 crime ~~involving moral turpitude~~ under § 17-1-102; or

15 (3) If the board finds the holder to be guilty of habitual
16 carelessness or of fraudulent practices in the conduct of the business of
17 abstracting.

18
19 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure
20 of appeal for revocation of certificates authorized by the Arkansas
21 Abstracters' Board, is amended to read as follows:

22 (a)(1) Upon a verified complaint being filed with the Arkansas
23 Abstracters' Board or upon the board's own motion filing a complaint charging
24 the holder of a certificate of registration with a violation of any of the
25 provisions of this chapter, or conviction of a crime involving ~~moral~~
26 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent
27 practices in the conduct of the business of abstracting, or charging the
28 holder of a certificate of authority with failure to furnish the bond or
29 bonds, or other securities, required by § 17-11-324, or with failing to have
30 employed a registered abstracter as provided in § 17-11-301, or with a
31 violation of any of the provisions of this chapter, the board shall
32 immediately notify in writing by registered mail, with return receipt, the
33 holder of the certificate of the filing of the complaint and furnish the
34 holder with a copy of the complaint.

35
36 SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

1 17-12-301. Requirements generally – Definition.

2 (a) A certificate as a certified public accountant shall be granted by
3 the Arkansas State Board of Public Accountancy to any person ~~of good moral~~
4 ~~character:~~

5 (1) Who has met the education and experience requirements set
6 forth in this chapter and by the board; and

7 (2) Who has passed an examination in accounting and auditing and
8 such related subjects as the board shall determine to be appropriate.

9 ~~(b)(1)(A) “Good moral character” as used in this section means lack of~~
10 ~~a history of:~~

11 ~~(i) Dishonest or felonious acts; or~~

12 ~~(ii) Conduct involving fraud or moral turpitude.~~

13 ~~(B) The board may refuse to grant a certificate on the~~
14 ~~ground of failure to satisfy this requirement only if there is a substantial~~
15 ~~connection between the lack of good moral character of the applicant and the~~
16 ~~professional responsibilities of a licensee and if the finding by the board~~
17 ~~of lack of good moral character is supported by clear and convincing~~
18 ~~evidence.~~

19 ~~(2) When an applicant is found to be unqualified for a~~
20 ~~certificate because of a lack of good moral character, the board shall~~
21 ~~furnish the applicant a:~~

22 ~~(A) Statement containing the findings of the board;~~

23 ~~(B) Complete record of the evidence upon which the~~
24 ~~determination was based; and~~

25 ~~(C) Notice of the applicant’s right of appeal.~~

26 ~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate
27 as a certified public accountant which is currently in full force and effect
28 shall be styled and known as a “certified public accountant” and may also use
29 the abbreviation “CPA”.

30 (2) The board shall maintain a list of certified public
31 accountants.

32 (c) Any certified public accountant may also be known as a public
33 accountant.

34
35 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
36 background check for initial licensure of accountants, is amended to read as

1 follows:

2 (d) Upon completion of the criminal background checks, the
3 Identification Bureau of the Department of Arkansas State Police shall
4 forward to the board all releasable information obtained concerning the
5 ~~commission by the applicant of any offense listed in subsection (e) of this~~
6 ~~section.~~

7
8 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
9 background check for initial licensure of accountants, is repealed.

10 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
11 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
12 ~~federal court may not receive or hold a license as a certified public~~
13 ~~accountant or public accountant.~~

14
15 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
16 grounds for revocation or suspension of licensure of accountants, are amended
17 to read as follows:

18 (5) Conviction of a felony under ~~the law of any state or of the~~
19 ~~United States~~ § 17-2-102;

20 (6) Conviction of any crime an element of which is dishonesty,
21 ~~or fraud, or moral turpitude~~ under the law of any state or of the United
22 States;

23
24 SECTION 11. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers
25 and duties regarding criminal background checks of the Arkansas Appraiser
26 Licensing and Certification Board, is amended to read as follows:

27 (i) During the five (5) years immediately preceding
28 the date of the application was convicted of, or pled guilty or nolo
29 contendere to, a crime that would call into question the applicant's fitness
30 for registration, licensure, or certification, including without limitation a
31 crime involving:

32 ~~(a) Moral turpitude;~~

33 ~~(b)(1)(a)(1)~~ (a)(1) An act substantially related to
34 the qualifications, functions, or duties of an appraiser.

35 (2) A crime or act may be deemed
36 substantially related to the qualifications, functions, or duties of an

1 appraiser if, to a substantial degree, the crime or act evidences present or
2 potential unfitness of a person applying for or holding a real property
3 appraiser credential to perform the functions authorized by the credential;

4 ~~(e)(b)~~ Taking, appropriating, or retaining the
5 funds or property of another;

6 ~~(d)(c)~~ Forging, counterfeiting, or altering an
7 instrument affecting the rights or obligations of another;

8 ~~(e)(d)~~ Evasion of a lawful debt or obligation,
9 including without limitation a tax obligation;

10 ~~(f)(e)~~ Trafficking in narcotics or controlled
11 substances;

12 ~~(g)(f)~~ Violation of a relation of trust or
13 confidence;

14 ~~(h)(g)~~ Theft of personal property or funds;

15 ~~(i)(h)~~ An act of violence or threatened
16 violence against persons or property; or

17 ~~(j)(i)~~ A sexually related crime or act under §
18 5-14-101 et seq.;

19
20 SECTION 12. Arkansas Code § 17-14-206(a)(3), concerning complaints and
21 disciplinary procedures of the Arkansas Appraiser Licensing and Certification
22 Board for licensees, is repealed.

23 ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~
24 ~~involving moral turpitude or of any felony.~~

25 ~~(B) A plea of nolo contendere or no contest shall be~~
26 ~~considered a conviction for the purposes of this section.~~

27
28 SECTION 13. Arkansas Code § 17-14-405(b)(3), concerning requirements
29 for registration under the Appraisal Management Company Registration Act, is
30 amended to read as follows:

31 (3)(A) The name, address, and contact information of any person
32 that owns ten percent (10%) or more of the appraisal management company.

33 (B) Any person owning more than ten percent (10%) of an
34 appraisal management company in this state shall+

35 ~~(i) Be of good moral character, as determined by the~~
36 ~~board; and~~

1 ~~(ii) Submit~~ submit to a state criminal background
 2 check and a national fingerprint-based criminal background check performed by
 3 the Federal Bureau of Investigation in compliance with federal law and
 4 regulations;

5
 6 SECTION 14. Arkansas Code § 17-14-410(a)(3), concerning the
 7 disciplinary authority, enforcement, and hearings under the Appraisal
 8 Management Company Registration Act, is amended to read as follows:

9 (3) The person has pleaded guilty or nolo contendere to or been
 10 found guilty of:

11 (A) A felony listed under § 17-2-102; or

12 (B) Within the past ten (10) years:

13 (i) A misdemeanor involving mortgage lending or real
 14 estate appraising; or

15 (ii) An offense involving breach of trust, ~~moral~~
 16 ~~turpitude~~, or fraudulent or dishonest dealing;

17
 18 SECTION 15. Arkansas Code § 17-15-102(3), concerning the definition of
 19 "good moral character" related to architects, is repealed.

20 ~~(3)(A) "Good moral character" means character that will enable a~~
 21 ~~person to discharge the fiduciary duties of an architect to his or her client~~
 22 ~~and to the public for the protection of health, safety, and welfare.~~

23 ~~(B) Evidence of inability to discharge such duties~~
 24 ~~includes the commission of an offense justifying discipline under § 17-15-~~
 25 ~~308;~~

26
 27 SECTION 16. Arkansas Code § 17-15-304(b)(1), concerning examinations
 28 to be a registered and licensed architect, is amended to read as follows:

29 (b)(1) To be qualified for admission to an examination to practice
 30 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least
 31 twenty-one (21) years of age ~~and of good moral character.~~

32
 33 SECTION 17. Arkansas Code § 17-15-308(5), concerning grounds for
 34 revocation of a license for an architect, is amended to read as follows:

35 (5) The holder of the license or certificate of registration has
 36 been guilty of a felony listed under § 17-2-102;

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SECTION 18. Arkansas Code § 17-16-105(a)(8), concerning the registration requirements for an athlete agent under the Uniform Athlete Agents Act, is amended to read as follows:

(8) whether the applicant or any person named pursuant to paragraph (7) has been convicted of a crime that, if committed in this State, would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-102, and identify the crime;

SECTION 19. Arkansas Code § 17-17-308(6), concerning the suspension or revocation of a license of an auctioneer, is amended to read as follows:

(6) Being convicted of a criminal offense involving ~~moral turpitude~~ or a felony listed under § 17-2-102 in a court of competent jurisdiction of this or any other jurisdiction;

SECTION 20. Arkansas Code § 17-19-203(3), concerning character references for a professional bail bondsman license, is amended to read as follows:

(3) ~~Such other~~ Provide other proof as the board may require that he or she is competent, trustworthy, financially responsible, and of good personal and business reputation and has not been convicted of a felony ~~or any offense involving moral turpitude~~ listed under § 17-2-102.

SECTION 21. Arkansas Code § 17-19-210(b)(1), concerning the suspension and penalties for a professional bail bondsman licensee, is amended to read as follows:

(1) Violated any provision of or any obligation imposed by this chapter or any lawful rule, ~~regulation,~~ or order of the board or has been convicted of a felony ~~or any offense involving moral turpitude~~ listed under § 17-2-102;

SECTION 22. Arkansas Code § 17-20-302 is amended to read as follows:
17-20-302. Qualifications of applicants.

Any person shall be qualified to receive a certificate of registration to practice as a registered barber who:

(1) Is qualified under this chapter;

1 ~~(2) Is of good moral character and temperate habits;~~
 2 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
 3 State Board of Barber Examiners to determine his or her fitness to practice
 4 barbering;
 5 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and
 6 ~~(5)~~(4) Has received training approved by the appropriate
 7 licensing authorities.

8
 9 SECTION 23. Arkansas Code § 17-20-308(1)(A), concerning grounds for
 10 disciplinary action of barbers, is amended to read as follows:

11 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a
 12 certified copy of the record of the court of conviction.

13
 14 SECTION 24. Arkansas Code § 17-24-307(3), concerning the grounds for
 15 revocation, suspension, or refusal of license issued by the State Board of
 16 Collection Agencies, is repealed.

17 ~~(3) Conviction of any crime involving moral turpitude;~~

18
 19 SECTION 25. Arkansas Code § 17-25-305(a), concerning the
 20 qualifications for a contractors license, is amended to read as follows:

21 (a) The Contractors Licensing Board, in determining the qualifications
 22 of any applicant for an original license or any renewal license, shall, among
 23 other things, consider the following:

- 24 (1) Experience;
- 25 (2) Ability;
- 26 ~~(3) Character;~~
- 27 ~~(4)~~(3) The manner of performance of previous contracts;
- 28 ~~(5)~~(4) Financial condition;
- 29 ~~(6)~~(5) Equipment;
- 30 ~~(7)~~(6) Any other fact tending to show ability and willingness to
 31 conserve the public health and safety; and
- 32 ~~(8)~~(7) Default in complying with the provisions of this chapter
 33 or any other law of the state.

34
 35 SECTION 26. Arkansas Code § 17-26-105(10), concerning grounds for
 36 disciplinary action for cosmetology and other related occupations, is amended

1 to read as follows:

2 (10) Conviction under the laws of the United States or any state
3 or territory of the United States of a crime that is:

4 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,
5 as evidenced by a certified copy of a court record or by license application;
6 and

7 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in
8 any way related to the practice or teaching of the cosmetology industry,
9 unless the applicant or licensee can demonstrate to the board's satisfaction
10 that the applicant or licensee has been sufficiently rehabilitated to warrant
11 the public trust;

12

13 SECTION 27. Arkansas Code § 17-26-201(c), concerning the membership of
14 the Cosmetology Technical Advisory Committee, is amended to read as follows:

15 (c) The committee shall be composed of the following representatives
16 from within the cosmetology industry who are ~~of good moral character and who~~
17 ~~are~~ at least twenty-five (25) years of age:

18 (1) One (1) member shall be a licensed cosmetologist actively
19 engaged in practicing the art of cosmetology for at least five (5) years at
20 the time of appointment;

21 (2) One (1) member shall be a licensed nail technician;

22 (3) One (1) member shall be an owner of a licensed school of
23 cosmetology or shall be a director of cosmetology at a state-supported
24 school;

25 (4) One (1) member shall be a licensed aesthetician; and

26 (5) Three (3) members shall represent the cosmetology industry
27 at large or a related field.

28

29 SECTION 28. Arkansas Code § 17-27-301(2), concerning qualifications
30 for a licensed professional counselor, is amended to read as follows:

31 (2) The applicant is highly regarded in ~~personal character and~~
32 professional ethics;

33

34 SECTION 29. Arkansas Code § 17-27-303(2), concerning qualifications
35 for a licensed marriage and family therapist before January 1, 1998, is
36 amended to read as follows:

1 (2) The applicant is highly regarded in ~~personal character and~~
2 professional ethics;

3
4 SECTION 30. Arkansas Code § 17-27-313 is amended to read as follows:
5 17-27-313. Criminal background checks.

6 (a) The Arkansas Board of Examiners in Counseling may require each
7 applicant for license renewal and each first-time applicant for a license
8 issued by the board to apply to the Identification Bureau of the Department
9 of Arkansas State Police for a state and national criminal background check,
10 to be conducted by the Identification Bureau of the Department of Arkansas
11 State Police and the Federal Bureau of Investigation.

12 (b) The check shall conform to the applicable federal standards and
13 shall include the taking of fingerprints.

14 (c) The applicant shall sign a release of information to the board and
15 shall be responsible for the payment of any fee associated with the criminal
16 background check.

17 (d) Upon completion of the criminal background check, the
18 Identification Bureau of the Department of Arkansas State Police shall
19 forward to the board all releasable information obtained concerning the
20 applicant.

21 ~~(e) No person shall be eligible to receive or hold a license issued by~~
22 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
23 ~~found guilty of any of the following offenses by any court in the State of~~
24 ~~Arkansas or of any similar offense by a court in another state or of any~~
25 ~~similar offense by a federal court;~~

26 ~~(1) Capital murder as prohibited in § 5-10-101;~~

27 ~~(2) Murder in the first degree and second degree as prohibited~~
28 ~~in §§ 5-10-102 and 5-10-103;~~

29 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

30 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

31 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

32 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
33 ~~11-103;~~

34 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
35 ~~106;~~

36 ~~(8) Robbery as prohibited in § 5-12-102;~~

- 1 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
2 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
3 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
4 ~~(12) Introduction of controlled substance into body of another~~
5 ~~person as prohibited in § 5-13-210;~~
6 ~~(13) Aggravated assault upon a law enforcement officer or an~~
7 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
8 ~~(14) Terroristic threatening in the first degree as prohibited~~
9 ~~in § 5-13-301;~~
10 ~~(15) Rape as prohibited in § 5-14-103;~~
11 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
12 ~~(17) Sexual extortion, § 5-14-113;~~
13 ~~(18) Sexual assault in the first degree, second degree, third~~
14 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
15 ~~(19) Incest as prohibited in § 5-26-202;~~
16 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
17 ~~5-26-306;~~
18 ~~(21) Endangering the welfare of an incompetent person in the~~
19 ~~first degree as prohibited in § 5-27-201;~~
20 ~~(22) Endangering the welfare of a minor in the first degree as~~
21 ~~prohibited in § 5-27-205;~~
22 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
23 ~~(24) Engaging children in sexually explicit conduct for use in~~
24 ~~visual or print media, transportation of minors for prohibited sexual~~
25 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
26 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
27 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
28 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
29 ~~5-27-403;~~
30 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
31 ~~(26) Computer exploitation of a child in the first degree as~~
32 ~~prohibited in § 5-27-605;~~
33 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
34 ~~(28) Theft of property as prohibited in § 5-36-103;~~
35 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
36 ~~(30) Arson as prohibited in § 5-38-301;~~

1 ~~(31) Burglary as prohibited in § 5-39-201;~~

2 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
 3 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
 4 ~~5-64-442;~~

5 ~~(33) Promotion of prostitution in the first degree as prohibited~~
 6 ~~in § 5-70-104;~~

7 ~~(34) Stalking as prohibited in § 5-71-229; and~~

8 ~~(35) Criminal attempt, criminal complicity, criminal~~
 9 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
 10 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

11 ~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of
 12 provisional eligibility for licensure to a first-time applicant pending the
 13 results of the criminal background check.

14 ~~(2) Upon receipt of information from the Identification Bureau~~
 15 ~~of the Department of Arkansas State Police that the person holding such a~~
 16 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~
 17 ~~been found guilty of any offense listed in subsection (e) of this section,~~
 18 ~~the board shall immediately revoke the provisional license.~~

19 ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~
 20 ~~be waived by the board upon the request of:~~

21 ~~(A) An affected applicant for licensure; or~~

22 ~~(B) The person holding a license subject to revocation.~~

23 ~~(2) Circumstances for which a waiver may be granted shall~~
 24 ~~include, but not be limited to, the following:~~

25 ~~(A) The age at which the crime was committed;~~

26 ~~(B) The circumstances surrounding the crime;~~

27 ~~(C) The length of time since the crime;~~

28 ~~(D) Subsequent work history;~~

29 ~~(E) Employment references;~~

30 ~~(F) Character references; and~~

31 ~~(G) Other evidence demonstrating that the applicant does~~
 32 ~~not pose a threat to the health or safety of children.~~

33 (f) For the purposes of this section, the board shall follow the
 34 licensing restrictions based on criminal records under § 17-2-102.

35 ~~(h)(1)(g)(1)~~ Any information received by the board from the
 36 Identification Bureau of the Department of Arkansas State Police pursuant to

1 under this section shall not be available for examination except by:

2 (A) The affected applicant for licensure, or his or her
3 authorized representative; or

4 (B) The person whose license is subject to revocation, or
5 his or her authorized representative.

6 (2) No record, file, or document shall be removed from the
7 custody of the Department of Arkansas State Police.

8 ~~(i)~~(h) Any information made available to the affected applicant for
9 licensure or the person whose license is subject to revocation shall be
10 information pertaining to that person only.

11 ~~(j)~~(i) Rights of privilege and confidentiality established under this
12 section shall not extend to any document created for purposes other than this
13 background check.

14 ~~(k)~~(j) The board shall adopt the necessary rules ~~and regulations~~ to
15 fully implement the provisions of this section.

16

17 SECTION 31. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
18 and prohibited conduct of embalmers and funeral directors, is amended to read
19 as follows:

20 (1) Conviction of a felony listed under § 17-2-102;

21

22 SECTION 32. Arkansas Code § 17-30-305(a)(2)(A), concerning the
23 administrative violations and penalties for an engineer, is amended to read
24 as follows:

25 (A) A felony listed under § 17-2-102;

26

27 SECTION 33. Arkansas Code § 17-31-303(c), concerning application for
28 registration with the Arkansas State Board of Registration for Foresters, is
29 repealed.

30 ~~(c) A person shall not be eligible for registration as a forester who
31 is not of good character and reputation.~~

32

33 SECTION 34. Arkansas Code § 17-31-309(b), concerning revocation of a
34 certificate for a registered forester, is amended to read as follows:

35 (b)(1) The board may revoke the certificate of any registered forester
36 who has been convicted of a felony listed under § 17-2-102 or who is found

1 guilty by the board of any fraud, deceit, gross negligence,
2 misrepresentation, willful violation of contract, misconduct, or gross
3 incompetence.

4 (2) The board shall investigate such charges.

5
6 SECTION 35. Arkansas Code § 17-32-304(a)(1), concerning the
7 qualifications for a geologist-in-training certificate, is repealed.

8 ~~(1) Be of good ethical character;~~

9
10 SECTION 36. Arkansas Code § 17-32-311(a)(3), concerning the denial,
11 suspension, or revocation of a registration certificate of a geologist, is
12 amended to read as follows:

13 (3) Any felony listed under § 17-2-102;

14
15 SECTION 37. Arkansas Code § 17-35-301(c)(2), concerning the
16 registration of interior designers, is amended to read as follows:

17 (2) Has not been convicted of an offense listed under § 17-2-102
18 that bears directly on the fitness of the applicant to be registered;

19
20 SECTION 38. Arkansas Code § 17-35-305(5), concerning grounds of
21 revocation for a license of an interior designer, is amended to read as
22 follows:

23 (5) The holder of the registration has been guilty of a felony
24 listed under § 17-2-102;

25
26 SECTION 39. Arkansas Code § 17-36-303(a), concerning examination for
27 licensure as a landscape architect, is amended to read as follows:

28 (a) An applicant for licensure shall:

29 (1) Be at least twenty-one (21) years of age; and

30 ~~(2) Be of good moral character; and~~

31 ~~(3)~~(2) Pass an examination covering the matters confronting
32 landscape architects that is prepared by:

33 (A) The Arkansas State Board of Architects, Landscape
34 Architects, and Interior Designers; or

35 (B) Another entity as selected by the Arkansas State Board
36 of Architects, Landscape Architects, and Interior Designers.

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SECTION 40. Arkansas Code § 17-36-306(5), concerning the grounds of revocation for a landscape architect, is amended to read as follows:

(5) The holder of the license or certificate has been guilty of a felony listed under § 17-2-102;

SECTION 41. Arkansas Code § 17-39-202(2)(A), concerning qualifications for polygraph examiners and voice stress analysis examiners, is amended to read as follows:

(2)(A) Has successfully completed a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

- (i) Felony listed under § 17-2-102;
- (ii) Class A misdemeanor; or
- (iii) Crime involving violence; ~~or .~~
- ~~(iv) Crime involving moral turpitude.~~

SECTION 42. Arkansas Code § 17-39-206(b)(2)(A), concerning intern polygraph examiner licenses, is amended to read as follows:

(2)(A) Has successfully completed a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

- (i) Felony listed under § 17-2-102;
- (ii) Class A misdemeanor; or
- (iii) Crime involving violence; ~~or .~~
- ~~(iv) Crime involving moral turpitude.~~

SECTION 43. Arkansas Code § 17-39-211(10), concerning the grounds for denial, suspension, or revocation of a licensee as a polygraph examiner, is amended to read as follows:

(10) ~~Arrest or indictment~~ Conviction of an applicant or a licensee for a felony listed under § 17-2-102, Class A misdemeanor, crime

1 involving an act of violence, ~~crime involving moral turpitude, including a~~
2 ~~sealed and expunged offense~~, or an offense of comparable level if the offense
3 occurred in another state.

4

5 SECTION 44. Arkansas Code § 17-39-304(5)(A), concerning applications
6 for licensure of voice stress analysis examiners, is amended to read as
7 follows:

8 (5)(A) Has successfully completed a state and national criminal
9 background check and has not been found guilty of or pleaded guilty or nolo
10 contendere to one (1) or more of the following in any court in the State of
11 Arkansas or a comparable offense in another state or in a military or federal
12 court, for which a pardon has not been granted:

- 13 (i) Felony listed under § 17-2-102;
- 14 (ii) Class A misdemeanor; or
- 15 (iii) Crime involving violence; ~~or~~ .
- 16 ~~(iv) Crime involving moral turpitude.~~

17

18 SECTION 45. Arkansas Code § 17-39-306(11), concerning the grounds for
19 denial, suspension, or revocation of a license for voice stress analysis
20 examiners, is amended to read as follows:

21 (11) ~~Arrest or indictment~~ Conviction of an applicant for
22 licensure as a certified voice stress analysis examiner or of a licensed
23 certified voice stress analysis examiner for a felony listed under § 17-2-
24 102, Class A misdemeanor, crime involving an act of violence, ~~a crime~~
25 ~~involving moral turpitude~~, or an offense of comparable level if the offense
26 occurred in another state.

27

28 SECTION 46. Arkansas Code § 17-40-306(d)(1)(A), concerning the
29 qualifications for an applicant for a license as a private investigator and
30 private security agency, is amended to read as follows:

- 31 (A) A felony listed under § 17-2-102;

32

33 SECTION 47. Arkansas Code § 17-40-307(a)(8) and (9), concerning
34 application and examination for a license or credential for private
35 investigators and private security agencies, are amended to read as follows:

- 36 (8) A verified statement disclosing any record of arrests,

1 pending criminal charges, or convictions of the applicant of a felony listed
2 under § 17-2-102, Class A misdemeanor, or a crime involving an act of
3 violence, ~~or any crime involving moral turpitude, including those that have~~
4 ~~been sealed or expunged; and~~

5 ~~(9) Information that may be required by the director that would~~
6 ~~show that the applicant is honest, trustworthy, and of good character if the~~
7 ~~applicant is an individual.~~

8
9 SECTION 48. Arkansas Code § 17-40-344 is amended to read as follows:
10 17-40-344. Commission – Denial, suspension, or revocation.

11 The Director of the Department of Arkansas State Police may deny,
12 suspend, or revoke a commission as a commissioned school security officer or
13 a commission as a commissioned security officer if the applicant for a
14 commission or the commission holder is indicted or arrested for one (1) of
15 the following offenses or a comparable offense in another state:

- 16 (1) A felony listed under § 17-2-102;
- 17 (2) A Class A misdemeanor;
- 18 (3) A crime involving an act of violence;
- 19 (4) A crime involving the use of a firearm;
- 20 (5) A crime involving the use of alcohol or drugs while in
21 possession of a firearm; or
- 22 (6) A crime that results in the person’s disqualifying himself
23 or herself from legally possessing a firearm under state or federal law; ~~or~~
- 24 ~~(7) A crime involving moral turpitude.~~

25
26 SECTION 49. Arkansas Code § 17-40-350(c)(1), concerning the grounds
27 for disciplinary action by the Department of Arkansas State Police, is
28 amended to read as follows:

29 (c)(1) The director may suspend a license, credential, or commission
30 of a person who is found guilty of or pleaded guilty or nolo contendere to a
31 felony listed under § 17-2-102, a Class A misdemeanor, or a crime involving
32 an act of violence, ~~or a crime involving an act of moral turpitude~~ in this
33 state or a comparable offense in another state or territory of the United
34 States or in any foreign country.

35
36 SECTION 50. Arkansas Code § 17-42-311(a), concerning violations of the

1 real estate license law, is amended to read as follows:

2 (a) The following acts, conduct, or practices are prohibited, and any
 3 licensee found guilty shall be subject to disciplinary action as provided in
 4 § 17-42-312:

5 (1) Obtaining a license by means of fraud, misrepresentation, or
 6 concealment;

7 (2) Violating any of the provisions of this chapter or any rules
 8 ~~or regulations adopted pursuant to~~ under this chapter or any order issued
 9 under this chapter;

10 (3) Being convicted of or pleading guilty or nolo contendere to
 11 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~, fraud,
 12 dishonesty, untruthfulness, or untrustworthiness regardless of whether the
 13 imposition of sentence has been deferred or suspended;

14 (4) Making any substantial misrepresentation;

15 (5) Making, printing, publishing, distributing, or causing,
 16 authorizing, or knowingly permitting the making, printing, publication, or
 17 distribution of false statements, descriptions, or promises of such character
 18 as to reasonably induce, persuade, or influence any person to act thereon;

19 (6) Failing within a reasonable time to account for or to remit
 20 any moneys coming into his or her possession which belong to others;

21 (7) Committing any act involving ~~moral turpitude~~, fraud,
 22 dishonesty, untruthfulness, or untrustworthiness;

23 (8) Acting for more than one (1) party in a transaction without
 24 the knowledge of all parties for whom he or she acts or accepting a
 25 commission or valuable consideration for the performance of any of the acts
 26 specified in this chapter from any person except the licensed principal
 27 broker under whom he or she is licensed;

28 (9) Acting as a broker or salesperson while not licensed with a
 29 principal broker, representing or attempting to represent a broker other than
 30 the principal broker with whom he or she is affiliated without the express
 31 knowledge and consent of the principal broker, or representing himself or
 32 herself as a salesperson or having a contractual relationship similar to that
 33 of a salesperson with anyone other than a licensed principal broker;

34 (10) Advertising in a false, misleading, or deceptive manner;

35 (11) Being unworthy or incompetent to act as a real estate
 36 broker or salesperson in such a manner as to safeguard the interests of the

1 public;

2 (12) Paying a commission or valuable consideration to any person
3 for acts or services performed in violation of this chapter, including paying
4 a commission or other valuable consideration to an unlicensed person for
5 participation in a real estate auction; and

6 (13) Any other conduct, whether of the same or a different
7 character from that specified in this section, which constitutes improper,
8 fraudulent, or dishonest dealing.

9

10 SECTION 51. Arkansas Code § 17-42-315(f), concerning the criminal
11 background check for real estate licensees, is amended to read as follows:

12 (f) Except as provided in subsection (g) of this section, a person
13 shall not receive or hold a license issued by the commission if the person
14 has been convicted of or pleaded guilty or nolo contendere to a felony listed
15 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
16 untruthfulness, or untrustworthiness.

17

18 SECTION 52. Arkansas Code § 17-42-509(c)(3), concerning the issuance
19 or denial of a license for an instructor of real estate education license, is
20 amended to read as follows:

21 (3) The person or entity has pleaded guilty or nolo contendere
22 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
23 involving fraud, misrepresentation, or dishonest or dishonorable dealing in a
24 court of competent jurisdiction; or

25

26 SECTION 53. Arkansas Code § 17-42-515(3), concerning the violations
27 that disqualify for a real estate educator license or licensee, is amended to
28 read as follows:

29 (3) Committing an act, a felony listed under § 17-2-102, or a
30 crime involving ~~moral turpitude~~, fraud, dishonesty, untruthfulness, or
31 untrustworthiness regardless of whether the imposition of the sentence has
32 been deferred or suspended;

33

34 SECTION 54. Arkansas Code § 17-43-303(a), concerning the application
35 for examination for a sanitarian certificate of registration, is amended to
36 read as follows:

1 (a) The Arkansas State Board of Sanitarians shall admit to examination
 2 any person who makes application to the Secretary of the Arkansas State Board
 3 of Sanitarians on forms prescribed and furnished by the board, and pays an
 4 application fee of twenty dollars (\$20.00) to defray the expense of
 5 examination, ~~and submits evidence satisfactory to the board that he or she is~~
 6 ~~of good moral character.~~

7
 8 SECTION 55. Arkansas Code § 17-43-307 is amended to read as follows:
 9 17-43-307. Reciprocity.

10 The Arkansas State Board of Sanitarians shall issue a certificate of
 11 registration without examination to any person who makes application on forms
 12 prescribed and furnished by the board, pays a registration fee of ten dollars
 13 (\$10.00), and submits satisfactory proof that he or she:

14 ~~(1) Is of good moral character;~~

15 ~~(2)(1)~~ Has had at least two (2) years' experience in the field
 16 of environmental sanitation; and

17 ~~(3)(2)~~ Is registered as a sanitarian in a state in which the
 18 qualifications for registration are not lower than the qualifications for
 19 registration in this state at the time he or she applies for registration.
 20

21 SECTION 56. Arkansas Code § 17-43-309(a), concerning the grounds for
 22 suspension, revocation, or refusal to renew a sanitarian certificate of
 23 registration, is amended to read as follows:

24 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or
 25 refuse to renew a certificate of registration upon proof that the applicant+

26 ~~(1) Is not of good character; or~~

27 ~~(2) Is is~~ guilty of fraud, deceit, gross negligence,
 28 incompetency, or misconduct in relation to his or her duties as a sanitarian.
 29

30 SECTION 57. Arkansas Code § 17-47-302(a), concerning the eligibility
 31 and application for registration as a professional soil classifier or soil
 32 classifier-in-training, is amended to read as follows:

33 (a) To be eligible for registration as a professional soil classifier
 34 or certification as a soil classifier-in-training, an applicant ~~must+~~

35 ~~(1) Be of good character and reputation; and~~

36 ~~(2) Submit~~ shall submit a written application to the Arkansas

1 State Board of Registration for Professional Soil Classifiers containing ~~such~~
 2 information ~~as~~ the board may require, together with five (5) references,
 3 three (3) of which shall be professional soil classifiers having personal
 4 knowledge of his or her soil classifying experience or, in the case of an
 5 application for certification as a soil classifier-in-training, three (3)
 6 character references.

7
 8 SECTION 58. Arkansas Code § 17-47-311 is amended to read as follows:
 9 17-47-311. Disciplinary actions – Grounds.

10 The Arkansas State Board of Registration for Professional Soil
 11 Classifiers shall have the power to suspend, refuse to renew, or revoke the
 12 certificate of registration of, or reprimand, any registrant who is guilty
 13 of:

- 14 (1) Fraud or deceit in obtaining a certificate of registration;
 15 (2) Gross negligence, incompetence, or misconduct in the
 16 practice of soil classifying;
 17 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
 18 ~~turpitude~~; or
 19 (4) A violation of the code of ethics adopted and promulgated by
 20 the board.

21
 22 SECTION 59. Arkansas Code § 17-48-203(a), concerning the
 23 qualifications for certification as a surveyor, is amended to read as
 24 follows:

25 (a) A person who shows to the satisfaction of the State Board of
 26 Licensure for Professional Engineers and Professional Surveyors that he or
 27 she is a person ~~of good character and reputation and~~ over twenty-one (21)
 28 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if
 29 he or she qualifies under one (1) of the following provisions:

30 (1) A person holding a certificate of licensure to engage in the
 31 practice of land surveying issued to him or her on the basis of a written
 32 examination by proper authority of a state, territory, possession of the
 33 United States, the District of Columbia, or any foreign country, based on
 34 requirements and qualifications as shown on his or her application that in
 35 the opinion of the board are equal to or higher than the requirements of this
 36 chapter may be licensed at the discretion of the board;

1 (2)(A) A graduate from an approved engineering curriculum with
2 sufficient surveying courses or a surveying technology curriculum of two (2)
3 years or more approved by the board, followed by at least two (2) years of
4 land surveying that must be surveying experience of a character satisfactory
5 to the board, who has passed a written examination designed to show that he
6 or she is qualified to practice land surveying in this state, may be licensed
7 if he or she is otherwise qualified.

8 (B) Each year of teaching land surveying in an approved
9 engineering or surveying curriculum may be considered as equivalent to one
10 (1) year of land surveying experience; or

11 (3)(A) An applicant who cannot qualify under subdivision (a)(2)
12 of this section and who has six (6) years or more of active experience in
13 land surveying of a character satisfactory to the board and who has passed a
14 written examination designed to show that he or she is qualified to practice
15 land surveying may be granted a certificate of licensure to practice land
16 surveying in this state if he or she is otherwise qualified.

17 (B) Each year of satisfactory work in an approved
18 engineering or engineering technology curriculum majoring in surveying may be
19 considered as one (1) year of experience in land surveying, but not exceeding
20 two (2) years.

21
22 SECTION 60. Arkansas Code § 17-48-203(c), concerning the
23 qualifications for licensure as a surveyor intern, is amended to read as
24 follows:

25 (c) A person ~~who shows to the satisfaction of the board that he or she~~
26 ~~is a person of good character~~ shall be eligible for licensure as a surveyor
27 intern if he or she qualifies under one (1) of the following provisions:

28 (1) A person holding a certificate of licensure as a surveyor
29 intern issued to him or her on the basis of a written examination by proper
30 authority of a state, territory, possession of the United States, the
31 District of Columbia, or any foreign country, based on requirements and
32 qualifications as shown on his or her application, which requirements and
33 qualifications, in the opinion of the board, are equal to or higher than the
34 requirements of this chapter, may be licensed as a surveyor intern at the
35 discretion of the board;

36 (2) A graduate from an approved engineering curriculum with

1 sufficient surveying courses, or a surveying technology curriculum of two (2)
2 years or more, approved by the board, who has passed a written examination
3 designed to show that he or she is proficient in surveying fundamentals, may
4 be licensed if he or she is otherwise qualified; or

5 (3)(A) An applicant who cannot qualify under subdivision (c)(2)
6 of this section and who has four (4) years or more of active experience in
7 land surveying of a character satisfactory to the board and who has passed a
8 written examination designed to show that he or she is proficient in
9 surveying fundamentals may be licensed if he or she is otherwise qualified.

10 (B) Each year of satisfactory work in an approved
11 engineering or engineering technology curriculum majoring in surveying may be
12 considered as one (1) year of experience in land surveying, but not exceeding
13 two (2) years.

14
15 SECTION 61. Arkansas Code § 17-48-205(a)(2)(A), concerning the
16 administrative violations and penalties of a surveyor, is amended to read as
17 follows:

18 (A) A felony listed under § 17-2-102;

19
20 SECTION 62. Arkansas Code § 17-50-301(a)(2), concerning applicant
21 qualifications for registration as a certified water well driller or
22 certified pump installer, is repealed.

23 ~~(2) Is of good moral character;~~

24
25 SECTION 63. Arkansas Code § 17-52-308(b)(3), concerning complaints
26 against and disciplinary procedures for a home inspector, is amended to read
27 as follows:

28 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~
29 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

30 ~~(B) A plea of nolo contendere or no contest is considered~~
31 ~~a conviction for the purposes of this section;~~

32
33 SECTION 64. Arkansas Code § 17-52-315(a), concerning the application
34 for registration as a home inspector, is amended to read as follows:

35 (a) Any person applying for registration or renewal of registration as
36 a home inspector shall ~~be of good moral character and shall~~ submit to the

1 Arkansas Home Inspector Registration Board:

2 (1) An application under oath upon a form to be prescribed by
3 the board;

4 (2) A current certificate of insurance issued by an insurance
5 company licensed or surplus lines approved to do business in this state that
6 states that the applicant has procured general liability insurance in the
7 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,
8 workers' compensation insurance; and

9 (3) The required registration or registration renewal fee with
10 the application.

11
12 SECTION 65. Arkansas Code § 17-81-304(a)(2), concerning the
13 application for licensure as a chiropractor, is amended to read as follows:

14 (2) The applicant must submit proof satisfactory to the board of
15 graduation from a chartered school or college of chiropractic as herein
16 described and file with his or her application the affidavits of at least two
17 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~
18 ~~of good moral character.~~

19
20 SECTION 66. Arkansas Code § 17-81-305(a)(6), concerning the
21 qualifications of applicants for licensure as a chiropractor, is repealed.

22 ~~(6) Be of good moral character;~~

23
24 SECTION 67. Arkansas Code § 17-81-318(e), concerning the criminal
25 background check required for a chiropractor, is amended to read as follows:

26 (e) Except as provided in subsection (f) of this section, a person
27 shall not receive or hold a license issued by the board if the person has
28 been convicted of or pleaded guilty or nolo contendere to any felony listed
29 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
30 untruthfulness, or untrustworthiness, or is a registered sex offender or
31 required to register as a sex offender.

32
33 SECTION 68. Arkansas Code § 17-82-304(b), concerning the licensing
34 procedure for dentists, is amended to read as follows:

35 (b) An applicant:

36 (1) ~~Must~~ Shall:

1 (A) Be at least twenty-one (21) years of age ~~and of good~~
2 ~~moral reputation and character;~~

3 (B) Submit upon request ~~such~~ proof as required by the
4 board ~~may require~~ touching upon age, ~~character,~~ and fitness; and

5 (C) Have ~~been~~ graduated from an American Dental
6 Association-accredited college of dentistry with the degree of Doctor of
7 Dental Surgery or Doctor of Dental Medicine; or

8 (2) ~~Must~~ Shall:

9 (A) Be at least twenty-one (21) years of age ~~and of good~~
10 ~~moral reputation and character;~~

11 (B) Have graduated from a college of dentistry in North
12 America with the degree of Doctor of Dental Surgery, Doctor of Dental
13 Medicine, or an equivalent degree approved by the board;

14 (C) Have passed an examination approved by the board and
15 authorized under § 17-82-303;

16 (D) Be a resident of the State of Arkansas and the United
17 States and be in compliance with federal laws of immigration; and

18 (E) Serve a period of at least one (1) year under a
19 provisional license issued by the board to foreign graduates and successfully
20 complete the monitoring requirements as ordered by the board at the time the
21 provisional license is issued.

22
23 SECTION 69. Arkansas Code § 17-82-306(b), concerning the licensing
24 procedures for dental hygienists, is amended to read as follows:

25 (b) An applicant ~~must~~ shall:

26 ~~(1) Be of good moral reputation and character;~~

27 ~~(2)(1)~~ Have graduated from a dental hygiene program which is
28 accredited by the American Dental Association Commission on Dental
29 Accreditation and approved by the board for the training of dental
30 hygienists; and

31 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board
32 may require touching upon ~~character and~~ fitness.

33
34 SECTION 70. Arkansas Code § 17-82-308(b)(3), concerning the
35 credentials for dentists and dental hygienists licensed in other states, is
36 amended to read as follows:

1 (3) A certificate from the authority which issued the license,
2 setting forth the applicant's ~~moral reputation and character~~, history with
3 the board, professional ability, and such other information or data as the
4 board may deem necessary or expedient.

5
6 SECTION 71. Arkansas Code § 17-82-316(c)(3), concerning the revocation
7 or suspension of a license for a dentist, dental hygienist, or dental
8 assistant, is amended to read as follows:

9 (3) The commission of any criminal operation; habitual
10 drunkenness for a period of three (3) months; insanity; adjudication of
11 insanity or mental incompetency if deemed detrimental to patients; conviction
12 of ~~an infamous crime or a felony~~ listed under § 17-2-102; addiction to
13 narcotics; immoral, dishonorable, or scandalous conduct; professional
14 incompetency; failure to maintain proper standards of sanitation or failure
15 otherwise to maintain adequate safeguards for the health and safety of
16 patients; or employment in the practice of the profession of any drug,
17 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
18 used by the dental profession;

19
20 SECTION 72. Arkansas Code § 17-82-802 is amended to read as follows:
21 17-82-802. License eligibility.

22 A person shall not be eligible to receive or hold a license to practice
23 dentistry or another healthcare profession issued by the Arkansas State Board
24 of Dental Examiners if the person has pleaded guilty or nolo contendere or
25 has been found guilty of ~~either an infamous crime that would impact his or~~
26 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
27 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
28 ~~pardoned~~ listed under § 17-2-102.

29
30 SECTION 73. Arkansas Code § 17-83-307 is amended to read as follows:
31 17-83-307. Grounds for denial, revocation, or suspension.

32 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
33 license or may revoke or suspend a license issued under this chapter for any
34 of the following, but is not limited to:

- 35 (1) Violation of a provision of this chapter;
36 (2) Engaging in unprofessional conduct or gross incompetence as

1 defined by the rules of the board or violating the standards of professional
2 responsibility adopted and published by the board; or

3 (3) Conviction ~~in this or any other state of any crime that is a~~
4 ~~felony in this state~~ of a felony listed under § 17-2-102; ~~or~~

5 ~~(4) Conviction of a felony in a federal court.~~

6
7 SECTION 74. Arkansas Code § 17-84-304(a)(3), concerning the
8 qualifications for licensure and internship for hearing instrument
9 dispensers, is amended to read as follows:

10 (3) Show to the satisfaction of the board that he or she:

11 (A) Is twenty (20) years of age or older; and

12 (B) Has an education equivalent of two (2) or more years
13 of accredited college-level course work from a regionally accredited college
14 or university; ~~and~~

15 ~~(C) Is of good moral character.~~

16
17 SECTION 75. Arkansas Code § 17-84-308(a)(1), concerning the
18 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
19 dispenser license, is amended to read as follows:

20 (1) Being convicted of a crime ~~involving moral turpitude. A~~
21 ~~record of a conviction, certified by the judge or the clerk of the court~~
22 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
23 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
24

25 SECTION 76. Arkansas Code § 17-86-203(e)-(h), concerning the powers
26 and duties of the State Board of Health regarding massage therapy licenses,
27 are amended to read as follows:

28 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~
29 ~~receive or hold a license issued by the Department of Health if the applicant~~
30 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~
31 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~
32 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~
33 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~
34 the board shall follow the licensing restrictions based on criminal records
35 under § 17-2-102.

36 ~~(2) A provision of this section may be waived by the Department~~

1 of Health if:

2 (A) ~~The conviction is for a Class A misdemeanor and:~~

3 (i) ~~The completion of the applicant's sentence and~~
 4 ~~probation or completion of the applicant's sentence or probation of the~~
 5 ~~offense is at least three (3) years from the date of the application; and~~

6 (ii) ~~The applicant has no criminal convictions~~
 7 ~~during the three-year period; or~~

8 (B) ~~The conviction is for a felony of any classification~~
 9 ~~and:~~

10 (i) ~~The completion of the applicant's sentence and~~
 11 ~~probation or the completion of the applicant's sentence or probation of the~~
 12 ~~offense is at least five (5) years from the date of the application; and~~

13 (ii) ~~The applicant has no criminal convictions~~
 14 ~~during the five-year period.~~

15 (f) ~~The Department of Health may permit an applicant to be licensed~~
 16 ~~regardless of having been convicted of an offense listed in this section,~~
 17 ~~upon making a determination that the applicant does not pose a risk of harm~~
 18 ~~to any person served by the Department of Health.~~

19 (g) ~~In making a determination under subsection (f) of this section,~~
 20 ~~the Department of Health may consider the following factors:~~

21 (1) ~~The nature and severity of the crime;~~

22 (2) ~~The consequences of the crime;~~

23 (3) ~~The number and frequency of crimes;~~

24 (4) ~~The relationship between the crime and the health, safety,~~
 25 ~~and welfare of persons served by the Department of Health, such as:~~

26 (A) ~~The age and vulnerability of victims of the crime;~~

27 (B) ~~The harm suffered by the victim; and~~

28 (C) ~~The similarity between the victim and persons served~~
 29 ~~by the Department of Health;~~

30 (5) ~~The time elapsed without a repeat of the same or similar~~
 31 ~~event;~~

32 (6) ~~Documentation of successful completion of training or~~
 33 ~~rehabilitation pertinent to the incident; and~~

34 (7) ~~Any other information that bears on the applicant's ability~~
 35 ~~to care for others or other relevant information.~~

36 (h) ~~If the Department of Health waives the provisions of subsection~~

1 ~~(e) of this section, the Department of Health shall submit the reasons for~~
2 ~~waiving this provision in writing, and the determination and reasons shall be~~
3 ~~made available to the members of the Department of Health for review.~~

4
5 SECTION 77. Arkansas Code § 17-86-303(a)(1), concerning qualifications
6 for licensure as a massage therapist, is amended to read as follows:

7 (1) Furnish to the Department of Health satisfactory proof that
8 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

9
10 SECTION 78. Arkansas Code § 17-86-311(a), concerning the disciplinary
11 actions and penalties for massage therapists, is amended to read as follows:

12 (a) The Massage Therapy Technical Advisory Committee may deny,
13 suspend, place on probation, or revoke a license upon any one (1) of the
14 following grounds:

15 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~
16 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A
17 felony listed under § 17-2-102;

18 (2) Malpractice or gross incompetency;

19 (3) The use in advertisements of untruthful or improbable
20 statements or flamboyant, exaggerated, or extravagant claims concerning the
21 licensee’s professional excellence or abilities;

22 (4) Habitual drunkenness or habitual use of any illegal drugs;

23 (5) Serving alcoholic beverages at the clinic or school in a
24 room where massage therapy is being performed or in a massage therapy school;

25 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
26 conduct;

27 (7) Failure to comply with the Department of Health’s Massage
28 Therapy Code of Ethics or any valid regulation or order of the committee;

29 (8) Invasion of the field of practice of any profession for
30 which a license is required, the diagnosis of ailments, diseases, or injuries
31 of human beings, the performance of osseous adjustments, prescription of
32 medications, or other breaches of the scope of practice of massage therapy;

33 (9) Failure of any licensee to comply with this chapter; or

34 (10) Failure to have licensed personnel to perform massage
35 therapy techniques in his or her clinic or school.

36

1 SECTION 79. Arkansas Code § 17-87-301(a), concerning the
2 qualifications for an applicant for licensure as a registered nurse, is
3 amended to read as follows:

4 (a) Qualifications. Before taking the examination or before the
5 issuance of a license by endorsement, an applicant for a license to practice
6 professional nursing shall submit to the Arkansas State Board of Nursing
7 written evidence, verified by oath, that the applicant:

8 ~~(1) Is of good moral character;~~

9 ~~(2)~~(1) Has completed an approved high school course of study or
10 the equivalent thereof as determined by the appropriate educational agency;
11 and

12 ~~(3)~~(2) Has completed the required approved professional nursing
13 education program.

14
15 SECTION 80. Arkansas Code § 17-87-304(a), concerning the
16 qualifications of an applicant for licensure as a licensed practical nurse,
17 is amended to read as follows:

18 (a) Qualifications. An applicant for a license to practice practical
19 nursing shall submit to the Arkansas State Board of Nursing evidence,
20 verified by oath, that the applicant:

21 ~~(1) Is of good moral character;~~

22 ~~(2)~~(1) Has completed an approved high school course of study or
23 the equivalent thereof as determined by the appropriate educational agency;
24 and

25 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
26 program for the preparation of practical nurses and holds a diploma or
27 certificate therefrom. However, the board may waive this requirement if the
28 board determines the applicant to be otherwise qualified.

29
30 SECTION 81. Arkansas Code § 17-87-305(a), concerning the
31 qualifications of an applicant for licensure as a licensed psychiatric
32 technician nurse, is amended to read as follows:

33 (a) Qualifications. An applicant for a license to practice
34 psychiatric technician nursing shall submit to the Arkansas State Board of
35 Nursing evidence, verified by oath, that the applicant:

36 ~~(1) Is of good moral character;~~

1 ~~(2)(1)~~ Has completed an approved high school course of study or
 2 the equivalent thereof as determined by the appropriate educational agency;
 3 and

4 ~~(3)(2)~~ Has completed a prescribed curriculum in a state-approved
 5 program for the preparation of psychiatric technician nurses and holds a
 6 diploma or certificate therefrom. However, the board may waive this
 7 requirement if the board determines the applicant to be otherwise qualified.

8
 9 SECTION 82. Arkansas Code § 17-87-312(d)-(1), concerning criminal
 10 background checks for nurses, are amended to read as follows:

11 (d) Upon completion of the criminal background check, the
 12 Identification Bureau of the Department of Arkansas State Police shall
 13 forward to the board all releasable information obtained concerning the
 14 applicant ~~in the commission of any offense listed in subsection (e) of this~~
 15 ~~section.~~

16 (e) For purposes of this section, the board shall follow the licensing
 17 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
 18 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~
 19 ~~receive or hold a license issued by the board if that person has pleaded~~
 20 ~~guilty or nolo contendere to or has been found guilty of any of the following~~
 21 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~
 22 ~~court in another state or of any similar offense by a federal court:~~

- 23 ~~(1) Capital murder as prohibited in § 5-10-101;~~
- 24 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
 25 ~~murder in the second degree as prohibited in § 5-10-103;~~
- 26 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- 27 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- 28 ~~(5) Kidnapping as prohibited in § 5-11-102;~~
- 29 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
 30 ~~11-103;~~
- 31 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
 32 ~~106;~~
- 33 ~~(8) Robbery as prohibited in § 5-12-102;~~
- 34 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- 35 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- 36 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

1 ~~(12) Introduction of a controlled substance into the body of~~
2 ~~another person as prohibited in § 5-13-210;~~

3 ~~(13) Aggravated assault upon a law enforcement officer or an~~
4 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

5 ~~(14) Terroristic threatening in the first degree as prohibited~~
6 ~~in § 5-13-301;~~

7 ~~(15) Rape as prohibited in § 5-14-103;~~

8 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

9 ~~(17) Sexual extortion, § 5-14-113;~~

10 ~~(18) Sexual assault in the first degree, second degree, third~~
11 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

12 ~~(19) Incest as prohibited in § 5-26-202;~~

13 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
14 ~~26-303—5-26-306;~~

15 ~~(21) Endangering the welfare of an incompetent person in the~~
16 ~~first degree as prohibited in § 5-27-201;~~

17 ~~(22) Endangering the welfare of a minor in the first degree as~~
18 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~
19 ~~degree as prohibited in § 5-27-206;~~

20 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

21 ~~(24) Engaging children in sexually explicit conduct for use in~~
22 ~~visual or print media, transportation of minors for prohibited sexual~~
23 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
24 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
25 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
26 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
27 ~~5-27-403;~~

28 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

29 ~~(26) Computer exploitation of a child in the first degree as~~
30 ~~prohibited in § 5-27-605;~~

31 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

32 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

33 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

34 ~~(30) Arson as prohibited in § 5-38-301;~~

35 ~~(31) Burglary as prohibited in § 5-39-201;~~

36 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~

1 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
2 ~~5-64-442;~~

3 ~~(33) Promotion of prostitution in the first degree as prohibited~~
4 ~~in § 5-70-104;~~

5 ~~(34) Stalking as prohibited in § 5-71-229; and~~

6 ~~(35) Criminal attempt, criminal complicity, criminal~~
7 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
8 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

9 (f)(1)(A) The board may issue a nonrenewable temporary permit for
10 licensure to a first-time applicant pending the results of the criminal
11 background check.

12 (B)(2) The permit shall be valid for no more than six (6)
13 months.

14 (2) ~~Except as provided in subdivision (1)(1) of this section,~~
15 ~~upon receipt of information from the Identification Bureau of the Department~~
16 ~~of Arkansas State Police that the person holding the letter of provisional~~
17 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~
18 ~~of, any offense listed in subsection (c) of this section, the board shall~~
19 ~~immediately revoke the provisional license.~~

20 (g)(1) ~~The provisions of subsection (c) and subdivision (f)(2) of this~~
21 ~~section may be waived by the board upon the request of:~~

22 (A) ~~An affected applicant for licensure; or~~

23 (B) ~~The person holding a license subject to revocation.~~

24 (2) ~~Circumstances for which a waiver may be granted shall~~
25 ~~include, but not be limited to, the following:~~

26 (A) ~~The age at which the crime was committed;~~

27 (B) ~~The circumstances surrounding the crime;~~

28 (C) ~~The length of time since the crime;~~

29 (D) ~~Subsequent work history;~~

30 (E) ~~Employment references;~~

31 (F) ~~Character references; and~~

32 (G) ~~Other evidence demonstrating that the applicant does~~
33 ~~not pose a threat to the health or safety of the public.~~

34 (h)(1)(g)(1) Any information received by the board from the
35 Identification Bureau of the Department of Arkansas State Police pursuant to
36 under this section shall not be available for examination except by:

1 (A) The affected applicant for licensure or his or her
2 authorized representative; or

3 (B) The person whose license is subject to revocation or
4 his or her authorized representative.

5 (2) No record, file, or document shall be removed from the
6 custody of the Department of Arkansas State Police.

7 ~~(i)~~(h) Any information made available to the affected applicant for
8 licensure or the person whose license is subject to revocation shall be
9 information pertaining to that person only.

10 ~~(j)~~(i) Rights of privilege and confidentiality established in this
11 section shall not extend to any document created for purposes other than this
12 background check.

13 ~~(k)~~(j) The board shall adopt the necessary rules and regulations to
14 fully implement the provisions of this section.

15 ~~(l)(1)~~ For purposes of this section, an expunged record of a
16 conviction or a plea of guilty or nolo contendere to an offense listed in
17 subsection (c) of this section shall not be considered a conviction, guilty
18 plea, or nolo contendere plea to the offense unless the offense is also
19 listed in subdivision (1)(2) of this section.

20 ~~(2)~~ Because of the serious nature of the offenses and the close
21 relationship to the type of work that is to be performed, the following shall
22 result in permanent disqualification:

23 ~~(A)~~ Capital murder as prohibited in § 5-10-101;

24 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
25 and murder in the second degree as prohibited in § 5-10-103;

26 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;

27 ~~(D)~~ Aggravated assault upon a law enforcement officer or
28 an employee of a correctional facility, § 5-13-211, if a Class Y felony;

29 ~~(E)~~ Rape as prohibited in § 5-14-103;

30 ~~(F)~~ Sexual extortion, § 5-14-113;

31 ~~(G)~~ Sexual assault in the first degree as prohibited in §
32 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

33 ~~(H)~~ Incest as prohibited in § 5-26-202;

34 ~~(I)~~ Endangering the welfare of an incompetent person in
35 the first degree as prohibited in § 5-27-201;

36 ~~(J)~~ Endangering the welfare of a minor in the first degree

1 ~~as prohibited in § 5-27-205;~~

2 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
 3 ~~§ 5-28-103; and~~

4 ~~(L) Arson as prohibited in § 5-38-301.~~

5
 6 SECTION 83. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
 7 actions for nurses, is amended to read as follows:

8 (1) Has been found guilty of or pleads guilty or nolo contendere
 9 to:

10 (A) Fraud or deceit in procuring or attempting to procure
 11 a medication assistive person certificate; or

12 (B) Providing services as a medication assistive person
 13 without a valid certificate; ~~or~~

14 ~~(C) Committing a crime of moral turpitude;~~

15
 16 SECTION 84. Arkansas Code § 17-88-302(2), concerning the
 17 qualifications of an applicant for licensure as an occupational therapist, is
 18 repealed.

19 ~~(2) The applicant must be of good moral character;~~

20
 21 SECTION 85. Arkansas Code § 17-88-309(b)(4), concerning the denial,
 22 revocation, or suspension of an occupational therapist license, is amended to
 23 read as follows:

24 (4) Being convicted of a ~~crime, other than minor offenses~~
 25 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~
 26 ~~the acts for which the applicant or licensee was convicted are found by the~~
 27 ~~board to have a direct bearing on whether he or she should be entrusted to~~
 28 ~~serve the public in the capacity of an occupational therapist or occupational~~
 29 ~~therapy assistant~~ felony listed under § 17-2-102; and

30
 31 SECTION 86. Arkansas Code § 17-89-302(a), concerning the
 32 qualifications of an applicant for licensure as a licensed dispensing
 33 optician, is amended to read as follows:

34 (a) Every applicant for examination as a licensed dispensing optician
 35 shall present satisfactory evidence to the Arkansas Board of Dispensing
 36 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~

1 ~~character,~~ a high school graduate or the equivalent thereof, and either:

2 (1) Is a graduate of a school of opticianry whose curriculum
3 consists of at least eighteen (18) months of didactic and practical
4 instruction which is accredited by a national accreditation organization and
5 approved by the board; or

6 (2)(A) Has been engaged in the providing of ophthalmic
7 dispensing services, as defined in this chapter, in the State of Arkansas for
8 a period of not less than five (5) years immediately before application.

9 (B) No more than three (3) years may consist of:

10 (i) Working in a qualified service optical
11 laboratory approved by the board; or

12 (ii) Providing ophthalmic dispensing services under
13 the direct supervision of an Arkansas-licensed or registered dispensing
14 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
15 diseases of the eye.

16
17 SECTION 87. Arkansas Code § 17-89-303 is amended to read as follows:

18 17-89-303. Qualifications – Registered dispensing opticians.

19 Every applicant for examination as a registered dispensing optician
20 shall present satisfactory evidence to the Arkansas Board of Dispensing
21 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
22 ~~character,~~ a high school graduate or the equivalent thereof, and either:

23 (1) Has a minimum of three (3) years’ dispensing experience in
24 Arkansas under the direct supervision of an Arkansas-licensed optometrist or
25 Arkansas-licensed physician skilled in disease of the eye;

26 (2) Has a minimum of three (3) years’ experience under the
27 direct supervision of a licensed or registered dispensing optician holding a
28 certificate of licensure or registry in the State of Arkansas, one (1) year
29 of which may be while working in a qualified full-service optical laboratory
30 approved by the board; or

31 (3) Is a graduate of an approved school of opticianry which has
32 been accredited by a national accreditation organization and is recognized by
33 the board.

34
35 SECTION 88. Arkansas Code § 17-89-305(b), concerning reciprocity for
36 dispensing opticians, is amended to read as follows:

1 (b) The certificate may be issued without a written or practical
 2 examination upon payment of the fee prescribed in § 17-89-304(f) to the
 3 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
 4 satisfactory proof that the applicant:

5 (1) Is qualified under the provisions of this chapter;

6 ~~(2) Is of good moral character;~~

7 ~~(3)~~(2) Has provided ophthalmic dispensing services to the public
 8 as a dispensing optician in the state of licensure or registration for a
 9 period of at least five (5) years for licensure or three (3) years for
 10 registration immediately before his or her application for reciprocity to
 11 this state; and

12 ~~(4)~~(3) Is licensed or registered in a state which grants like
 13 reciprocal privileges to opticians who hold certificates of licensure or
 14 registry issued by this state.

15
 16 SECTION 89. Arkansas Code § 17-89-306(b), concerning an ophthalmic
 17 dispensers from nonlicensing states seeking licensure as a dispensing
 18 opticians in Arkansas, is amended to read as follows:

19 (b) The applicant ~~must~~ shall:

20 (1) Be qualified under the provisions of this chapter;

21 ~~(2) Be of good moral character;~~

22 ~~(3)~~(2) Have been engaged in ophthalmic dispensing as described
 23 in § 17-89-102(4) for a period of:

24 (A) Five (5) years for applicants for licensure, of which
 25 no more than three (3) years may be while working in a qualified full-service
 26 optical laboratory approved by the board; or

27 (B) Three (3) years for applicants for registry, of which
 28 no more than one (1) year may be while working in a qualified full-service
 29 laboratory approved by the board immediately before the date of application;

30 ~~(4)~~(3) Successfully complete the written and practical
 31 examination for licensure or registry prepared and conducted by the board;
 32 and

33 ~~(5)~~(4) Have paid the fee prescribed in § 17-89-304(f) to the
 34 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

35
 36 SECTION 90. Arkansas Code § 17-89-309(a)(3), concerning grounds of

1 denial, suspension, or revocation of a licensure or registration of an
2 ophthalmic dispensers, is amended to read as follows:

3 (3) The applicant, licensee, or registrant being convicted of a
4 felony listed under § 17-2-102 ~~in any state or federal court, and not~~
5 ~~pardoned, if the acts for which the person is convicted are found by the~~
6 ~~board to have a direct bearing on whether he or she should be entrusted to~~
7 ~~serve the public in the capacity of a dispensing optician;~~

8
9 SECTION 91. Arkansas Code § 17-90-301(b), concerning examinations for
10 licensure as an optometrist, is amended to read as follows:

11 (b) Every applicant for examination shall present satisfactory
12 evidence that he or she is:

13 (1) ~~Over~~ At least twenty-one (21) years of age;

14 (2) A successful candidate having passed all parts of the
15 National Board of Examiners in Optometry examination since January 1, 1997;
16 and

17 ~~(3) Of good moral character; and~~

18 ~~(4)~~ (3) A graduate of a college of optometry that has been
19 accredited by the Accreditation Council on Optometric Education of the
20 American Optometric Association.

21
22 SECTION 92. Arkansas Code § 17-90-302(c)(3), concerning licensure by
23 endorsement for optometrists, is amended to read as follows:

24 (3) A certificate of good standing from each authority which
25 issued the license, setting forth the applicant's ~~moral reputation and~~
26 ~~character,~~ history with the authority, professional ability, continuing
27 education compliance, and other information or data as the State Board of
28 Optometry may deem necessary or expedient;

29
30 SECTION 93. Arkansas Code § 17-90-305(a)(3), concerning the grounds
31 for denial, revocation, or suspension of an optometrist license, is amended
32 to read as follows:

33 (3) Conviction of a felony listed under § 17-2-102 or the
34 conviction of a misdemeanor, if the misdemeanor conduct would denote an
35 impairment in the ability to practice optometry;

1 SECTION 94. Arkansas Code § 17-91-101(a), concerning the licensing
2 requirements for an osteopathic physician, is amended to read as follows:

3 (a) The Arkansas State Medical Board shall accept for licensure by
4 examination any person who:

5 (1) Is at least twenty-one (21) years of age;

6 (2) Is a citizen of the United States;

7 ~~(3) Is of good moral character;~~

8 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
9 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
10 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

11 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
12 course of study has been recognized by the Department of Education of the
13 American Osteopathic Association; and

14 ~~(6)~~(5) Has completed a one-year internship in a hospital
15 approved by the American Medical Association or the American Osteopathic
16 Association.

17
18 SECTION 95. Arkansas Code § 17-92-305(a), concerning qualification of
19 applicants for licensure as a pharmacist, is amended to read as follows:

20 (a) Each applicant for examination as a pharmacist shall:

21 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

22 ~~(2) Shall be of good moral character and temperate habits; and~~

23 ~~(3)~~(2) ~~Shall have~~ Have:

24 (A) Graduated and received the first professional
25 undergraduate degree from a pharmacy degree program which has been approved
26 by the Arkansas State Board of Pharmacy; or

27 (B) Graduated from a foreign college of pharmacy,
28 completed a transcript verification program, taken and passed a college of
29 pharmacy equivalency exam program, and completed a process of communication
30 ability testing as defined under board regulations so that it is assured that
31 the applicant meets standards necessary to protect public health and safety.

32
33 SECTION 96. Arkansas Code § 17-92-311(a)(3), concerning grounds for
34 revocation, suspension, or nonrenewal of licensure or registration, is amended
35 to read as follows:

36 (3) The person has been found guilty or pleaded guilty or nolo

1 contendere in a criminal proceeding, regardless of whether or not the
2 adjudication of guilt or sentence is withheld by a court of this state,
3 another state, or the United States Government for:

4 (A) Any felony listed under § 17-2-102;

5 (B) Any act involving ~~moral turpitude~~, gross immorality,
6 or which is related to the qualifications, functions, and duties of a
7 licensee; or

8 (C) Any violation of the pharmacy or drug laws or rules of
9 this state, or of the pharmacy or drug statutes, rules, and regulations of
10 any other state or of the United States Government;

11
12 SECTION 97. Arkansas Code § 17-92-317(e), concerning criminal
13 background check requirements for an intern or pharmacist license or a
14 pharmacy technician registration, is amended to read as follows:

15 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~
16 person is not eligible to receive or hold an intern or pharmacist license or
17 pharmacy technician registration issued by the board if that person has
18 pleaded guilty or nolo contendere to, or has been found guilty of, any of the
19 following offenses, regardless of whether an adjudication of guilt or
20 sentencing or imposition of sentence is withheld, by any court in the State
21 of Arkansas or of any similar offense by a court in another state or of any
22 similar offense by a federal court:

23 (1) Any felony listed under § 17-2-102;

24 (2) Any act involving ~~moral turpitude~~, gross immorality,
25 dishonesty, or which is related to the qualifications, functions, and duties
26 of a person holding the license or registration; or

27 (3) Any violation of Arkansas pharmacy or drug law or
28 regulations, including, but not limited to, this chapter, the Uniform
29 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
30 Cosmetic Act, § 20-56-201 et seq.

31
32 SECTION 98. Arkansas Code § 17-93-303(b), concerning qualification of
33 applicants for licensure as a physical therapist, is amended to read as
34 follows:

35 (b) Each physical therapist applicant shall:

36 (1) Be at least twenty-one (21) years of age;

- 1 ~~(2) Be of good moral character;~~
 2 ~~(3)~~(2) Have graduated from a school of physical therapy
 3 accredited by a national accreditation agency approved by the board;
 4 ~~(4)~~(3) Have passed examinations selected and approved by the
 5 board; and
 6 ~~(5)~~(4) Submit fees as determined by the board.

7
 8 SECTION 99. Arkansas Code § 17-93-304(b), concerning qualification of
 9 applicants for licensure as a physical therapist assistant, is amended to
 10 read as follows:

11 (b) Each physical therapist assistant applicant shall:

- 12 (1) Be at least eighteen (18) years of age;
 13 ~~(2) Be of good moral character;~~
 14 ~~(3)~~(2) Have graduated from a school of physical therapy
 15 accredited by a national accreditation agency approved by the Arkansas State
 16 Board of Physical Therapy;
 17 ~~(4)~~(3) Have passed examinations selected and approved by the
 18 Arkansas State Board of Physical Therapy; and
 19 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of
 20 Physical Therapy.

21
 22 SECTION 100. Arkansas Code § 17-93-308(a)(4), concerning the
 23 revocation, suspension, or denial of licensure for physical therapists, is
 24 repealed.

25 ~~(4) Has been convicted of a crime involving moral turpitude;~~
 26

27 SECTION 101. Arkansas Code § 17-93-412(a)(1), concerning the
 28 revocation, suspension, or denial of a license for an athletic trainer, is
 29 amended to read as follows:

- 30 (1) Been convicted of a felony ~~or misdemeanor involving moral~~
 31 ~~turpitude, the record of conviction being conclusive evidence of conviction~~
 32 ~~if the board determines after investigation that the person has not been~~
 33 ~~sufficiently rehabilitated to warrant the public trust listed under § 17-2-~~
 34 102;

35
 36 SECTION 102. Arkansas Code § 17-95-104(a)(2), concerning a hospital's

1 duty to report physician misconduct, is amended to read as follows:

2 (2) The hospital shall also report any other formal disciplinary
3 action concerning any such physician taken by the hospital upon
4 recommendation of the medical staff relating to professional ethics, medical
5 incompetence, ~~moral turpitude~~, or drug or alcohol abuse.

6
7 SECTION 103. Arkansas Code § 17-95-307 is amended to read as follows:
8 17-95-307. License eligibility.

9 ~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to
10 practice medicine or another healthcare profession issued by the Arkansas
11 State Medical Board if the person has pleaded guilty or nolo contendere to or
12 has been found guilty of ~~either an infamous crime that would impact his or~~
13 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
14 under § 17-2-102, regardless of whether the conviction has been sealed,
15 expunged, or pardoned.

16
17 SECTION 104. Arkansas Code § 17-95-403(b)(2), concerning qualification
18 of applicants for licensure as a physician, is amended to read as follows:

19 (2) ~~Is of good moral character and has~~ Has not been guilty of
20 acts constituting unprofessional conduct as defined in § 17-95-409;

21
22 SECTION 105. Arkansas Code § 17-95-408(d)(2), concerning annual
23 registration for licensure as a physician, is amended to read as follows:

24 (2) If application for reinstatement is made, the board shall
25 consider the ~~moral character and~~ professional qualifications of the applicant
26 upon notice and hearing before ordering reinstatement. Unless such a showing
27 shall thereupon be made to the board as would entitle the applicant to the
28 issuance of an original license, reinstatement shall be denied.

29
30 SECTION 106. Arkansas Code § 17-95-409(a)(2)(A), concerning the
31 grounds for denial, suspension, or revocation of a physician license, is
32 amended to read as follows:

33 (A)(i) Conviction of ~~any crime involving moral turpitude~~
34 ~~or conviction of~~ a felony listed under § 17-2-102.

35 (ii) The judgment of any such conviction, unless
36 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

1
2 SECTION 107. Arkansas Code § 17-95-903(b)(7), concerning
3 qualifications of an applicant for licensure as a graduate registered
4 physician, is repealed.

5 ~~(7) Is of good moral character; and~~
6

7 SECTION 108. Arkansas Code § 17-95-910 is amended to read as follows:
8 17-95-910. Violation.

9 Following the exercise of due process, the Arkansas State Medical Board
10 may discipline a graduate registered physician who:

11 (1) Fraudulently or deceptively obtains or attempts to obtain a
12 license;

13 (2) Fraudulently or deceptively uses a license;

14 (3) Violates any provision of this subchapter or any rules
15 adopted by the board pertaining to this chapter;

16 (4) Is convicted of a felony listed under § 17-2-102;

17 (5) Is a habitual user of intoxicants or drugs to the extent
18 that he or she is unable to safely perform as a graduate registered
19 physician; or

20 (6) Has been adjudicated as mentally incompetent or has a mental
21 condition that renders him or her unable to safely perform as a graduate
22 registered physician; ~~or~~

23 ~~(7) Has committed an act of moral turpitude.~~
24

25 SECTION 109. Arkansas Code § 17-96-303(a), concerning qualifications
26 of an applicant for licensure as a podiatrist, is amended to read as follows:

27 (a) ~~No person shall be entitled to~~ A person shall not take any
28 examination for such registration unless that person shall furnish the
29 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

30 (1) Is twenty-one (21) years of age or over; and

31 ~~(2) Is of good moral character; and~~

32 ~~(3)~~ (2) Has received a license or certificate of graduation from
33 a legally incorporated, regularly established school of podiatric medicine
34 recognized by the Council on Podiatric Medical Education of the American
35 Podiatric Medical Association within the states, territories, districts, and
36 provinces of the United States or within any foreign country.

1
 2 SECTION 110. Arkansas Code § 17-96-308(c)(2)(C), concerning the
 3 definition of "unprofessional and dishonest conduct" regarding podiatric
 4 medicine licensure, is repealed.

5 ~~(C) Being guilty of an offense involving moral turpitude;~~
 6

7 SECTION 111. Arkansas Code § 17-97-201(a)(5)(B), concerning the
 8 membership of the Arkansas Psychology Board, is amended to read as follows:

9 (B) The Governor shall remove any member from the board if
 10 he or she:

- 11 (i) Ceases to be qualified;
- 12 (ii) Fails to attend three (3) successive board
 13 meetings without just cause as determined by the board;
- 14 (iii) Is found to be in violation of this chapter;
- 15 (iv) Pleads guilty or nolo contendere to or is found
 16 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
 17 § 17-2-102 by a court of competent jurisdiction; or
- 18 (v) Pleads guilty or nolo contendere to or is found
 19 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
 20 board duties by a court of competent jurisdiction.

21
 22 SECTION 112. Arkansas Code § 17-97-302(b)(1), concerning
 23 qualifications of an applicant for licensure as a psychologist, is amended to
 24 read as follows:

25 (b)(1) A candidate for a license shall furnish the board with
 26 satisfactory evidence that he or she:

- 27 ~~(A) Is of good moral character;~~
- 28 ~~(B)~~(A) Has received a doctoral degree in psychology from
 29 an accredited institution recognized by the board as maintaining satisfactory
 30 standards at the time the degree was granted or, in lieu of a degree, a
 31 doctoral degree in a closely allied field if it is the opinion of the board
 32 that the training required therefor is substantially similar;
- 33 ~~(C)~~(B) Has had at least two (2) years of experience in
 34 psychology of a type considered by the board to be qualifying in nature with
 35 at least one (1) of those years being postdoctoral work;
- 36 ~~(D)~~(C) Is competent in psychology, as shown by passing

1 examinations, written or oral, or both, as the board deems necessary;

2 ~~(E)~~(D) Is not considered by the board to be engaged in
3 unethical practice;

4 ~~(F)~~(E) Has applied for a criminal background check and has
5 not been found guilty of or pleaded guilty or nolo contendere to any of the
6 offenses listed in § 17-97-312(f); and

7 ~~(G)~~(F) Has not failed an examination given by the board
8 within the preceding six (6) months.

9
10 SECTION 113. Arkansas Code § 17-97-303(b)(1), concerning
11 qualifications of an applicant for licensure as a psychological examiner, is
12 amended to read as follows:

13 (b)(1) A candidate for a license shall furnish the board with
14 satisfactory evidence that he or she:

15 ~~(A) — Is of good moral character;~~

16 ~~(B)~~(A) Has a master's degree in psychology or a closely
17 related field from an accredited educational institution recognized by the
18 board as maintaining satisfactory standards;

19 ~~(C)~~(B) Is competent as a psychological examiner as shown
20 by passing examinations, written or oral, or both, as the board deems
21 necessary;

22 ~~(D)~~(C) Is not considered by the board to be engaged in
23 unethical practice;

24 ~~(E)~~(D) Has applied for a criminal background check and has
25 not been found guilty of or pleaded guilty or nolo contendere to any of the
26 offenses listed in § 17-97-312(f); and

27 ~~(F)~~(E) Has not failed an examination given by the board
28 within the preceding six (6) months.

29
30 SECTION 114. Arkansas Code § 17-97-305(d)(1)(C), concerning the
31 qualifications for examination for a provisional license as a psychologist,
32 is repealed.

33 ~~(C) — Has good moral character;~~

34
35 SECTION 115. Arkansas Code § 17-97-305(d)(1)(F), concerning the
36 qualifications for a provisional license for psychologists and psychological

1 examiners, is amended to read as follows:

2 (F) Has not been convicted of ~~a crime involving moral turpitude~~
3 ~~or~~ a felony listed under § 17-2-102;

4
5 SECTION 116. Arkansas Code § 17-97-308(f)(2), concerning annual
6 registration for licensure as a psychologist, is amended to read as follows:

7 (2) If application for reinstatement is made, the board shall
8 consider the ~~moral character and~~ professional qualifications of the applicant
9 as in the case of an original application.

10
11 SECTION 117. Arkansas Code § 17-97-312(d)-(m), concerning criminal
12 background checks for psychologists and psychological examiners, are amended
13 to read as follows:

14 (d) Upon completion of the criminal background check, the
15 Identification Bureau of the Department of Arkansas State Police shall
16 forward to the board all releasable information obtained concerning the
17 applicant ~~in the commission of any offense listed in subsection (f) of this~~
18 ~~section.~~

19 (e) At the conclusion of any background check required by this
20 section, the Identification Bureau of the Department of Arkansas State Police
21 shall promptly destroy the fingerprint card of the applicant.

22 (f) For purposes of this section, the board shall follow the licensing
23 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
24 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~
25 ~~or hold a license issued by the board if that person has pleaded guilty or~~
26 ~~nolo contendere to or been found guilty of any of the following offenses by~~
27 ~~any court in the State of Arkansas or of any similar offense by a court in~~
28 ~~another state or of any similar offense by a federal court:~~

- 29 ~~(1) Capital murder as prohibited in § 5-10-101;~~
- 30 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
31 ~~murder in the second degree as prohibited in § 5-10-103;~~
- 32 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- 33 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- 34 ~~(5) Kidnapping as prohibited in § 5-11-102;~~
- 35 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
36 ~~11-103;~~

- 1 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
2 ~~106;~~
- 3 ~~(8) Robbery as prohibited in § 5-12-102;~~
4 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
5 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
6 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
7 ~~(12) Introduction of a controlled substance into the body of~~
8 ~~another person as prohibited in § 5-13-210;~~
- 9 ~~(13) Aggravated assault upon a law enforcement officer or an~~
10 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 11 ~~(14) Terroristic threatening in the first degree as prohibited~~
12 ~~in § 5-13-301;~~
- 13 ~~(15) Rape as prohibited in § 5-14-103;~~
14 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
15 ~~(17) Sexual extortion, § 5-14-113;~~
16 ~~(18) Sexual assault in the first degree, second degree, third~~
17 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- 18 ~~(19) Incest as prohibited in § 5-26-202;~~
19 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
20 ~~5-26-306;~~
- 21 ~~(21) Endangering the welfare of an incompetent person in the~~
22 ~~first degree as prohibited in § 5-27-201;~~
- 23 ~~(22) Endangering the welfare of a minor in the first degree as~~
24 ~~prohibited in § 5-27-205;~~
- 25 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
26 ~~(24) Engaging children in sexually explicit conduct for use in~~
27 ~~visual or print media, transportation of minors for prohibited sexual~~
28 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
29 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
30 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
31 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
32 ~~5-27-403;~~
- 33 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
34 ~~(26) Computer exploitation of a child in the first degree as~~
35 ~~prohibited in § 5-27-605;~~
- 36 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

1 ~~(28) Theft of property as prohibited in § 5-36-103;~~
2 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
3 ~~(30) Arson as prohibited in § 5-38-301;~~
4 ~~(31) Burglary as prohibited in § 5-39-201;~~
5 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
6 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
7 ~~5-64-442;~~
8 ~~(33) Promotion of prostitution in the first degree as prohibited~~
9 ~~in § 5-70-104;~~
10 ~~(34) Stalking as prohibited in § 5-71-229; and~~
11 ~~(35) Criminal attempt, criminal complicity, criminal~~
12 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
13 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~
14 (g)~~(1)~~ The board may issue a six-month nonrenewable letter of
15 provisional eligibility for licensure to a first-time applicant pending the
16 results of the criminal background check.
17 ~~(2) Except as provided in subdivision (m)(1) of this section,~~
18 ~~upon receipt of information from the Identification Bureau of the Department~~
19 ~~of Arkansas State Police that the person holding a letter of provisional~~
20 ~~licensure has pleaded guilty or nolo contendere to or been found guilty of~~
21 ~~any offense listed in subsection (f) of this section, the board shall~~
22 ~~immediately revoke the provisional license.~~
23 ~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this~~
24 ~~section may be waived by the board upon the request of:~~
25 ~~(A) An affected applicant for licensure; or~~
26 ~~(B) The person holding a license subject to revocation.~~
27 ~~(2) Circumstances for which a waiver may be granted shall~~
28 ~~include, but not be limited to, the following:~~
29 ~~(A) The age at which the crime was committed;~~
30 ~~(B) The circumstances surrounding the crime;~~
31 ~~(C) The length of time since the crime;~~
32 ~~(D) Subsequent work history;~~
33 ~~(E) Employment references;~~
34 ~~(F) Character references; and~~
35 ~~(G) Other evidence demonstrating that the applicant does~~
36 ~~not pose a threat to the health or safety of children.~~

1 ~~(i)~~(1)(h)(1) Any information received by the board from the
 2 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
 3 under this section shall not be available for examination except by the
 4 affected applicant for licensure or his or her authorized representative or
 5 the person whose license is subject to revocation or his or her authorized
 6 representative.

7 (2) No record, file, or document shall be removed from the
 8 custody of the department.

9 ~~(j)~~(i) Any information made available to the affected applicant for
 10 licensure or the person whose license is subject to revocation shall be
 11 information pertaining to that person only.

12 ~~(k)~~(j) Rights of privilege and confidentiality established in this
 13 section shall not extend to any document created for purposes other than this
 14 background check.

15 ~~(l)~~(k) The board shall adopt the necessary rules ~~and regulations~~ to
 16 fully implement the provisions of this section.

17 ~~(m)(1)~~ For purposes of this section, an expunged record of a
 18 conviction or plea of guilty of or nolo contendere to an offense listed in
 19 subsection (f) of this section shall not be considered a conviction, guilty
 20 plea, or nolo contendere plea to the offense unless the offense is also
 21 listed in subdivision (m)(2) of this section.

22 ~~(2)~~ Because of the serious nature of the offenses and the close
 23 relationship to the type of work that is to be performed, the following shall
 24 result in permanent disqualification:

25 ~~(A)~~ Capital murder as prohibited in § 5-10-101;

26 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
 27 and murder in the second degree as prohibited in § 5-10-103;

28 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;

29 ~~(D)~~ Aggravated assault upon a law enforcement officer or
 30 an employee of a correctional facility, § 5-13-211, if a Class Y felony;

31 ~~(E)~~ Rape as prohibited in § 5-14-103;

32 ~~(F)~~ Sexual extortion, § 5-14-113;

33 ~~(G)~~ Sexual assault in the first degree as prohibited in §
 34 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

35 ~~(H)~~ Incest as prohibited in § 5-26-202;

36 ~~(I)~~ Endangering the welfare of an incompetent person in

1 ~~the first degree as prohibited in § 5-27-201;~~

2 ~~(J) Endangering the welfare of a minor in the first degree~~
3 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
4 ~~second degree as prohibited in § 5-27-206;~~

5 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
6 ~~§ 5-28-103; and~~

7 ~~(L) Arson as prohibited in § 5-38-301.~~

8
9 SECTION 118. Arkansas Code § 17-98-302(a), concerning admission to
10 examination for licensure as a disease intervention specialist, is amended to
11 read as follows:

12 (a) The State Board of Disease Intervention Specialists shall admit to
13 examination any person who makes application to the Secretary of the State
14 Board of Disease Intervention Specialists on forms prescribed and furnished
15 by the board, pays an application fee set by the board to defray the expense
16 of examination, and submits satisfactory proof to the board that he or she:

17 ~~(1) Is a person of good moral character;~~

18 ~~(2)~~(1) Meets the minimum educational requirements;

19 ~~(3)~~(2) Meets the minimum specialized training requirements, as
20 determined by the board;

21 ~~(4)~~(3) Has had two (2) years of field experience in human
22 immunodeficiency virus/sexually transmitted disease intervention; and

23 ~~(5)~~(4) Is actively engaged in the field of human
24 immunodeficiency virus/sexually transmitted disease intervention at the time
25 he or she makes application.

26
27 SECTION 119. Arkansas Code § 17-98-303 is amended to read as follows:

28 17-98-303. Issuance of certificate without examination.

29 The State Board of Disease Intervention Specialists shall issue a
30 certificate of registration without examination to any person who makes
31 application on forms prescribed and furnished by the board, pays a
32 registration fee set by the board, and submits satisfactory proof that he or
33 she:

34 ~~(1) Is of good moral character;~~

35 ~~(2)~~(1) Has had at least two (2) years' experience in the field
36 of human immunodeficiency virus/sexually transmitted disease intervention;

1 and

2 ~~(3)~~(2) Is registered as a disease intervention specialist in a
3 state in which the qualifications for registration are not lower than the
4 qualifications for registration in this state at the time he or she applies
5 for registration.

6

7 SECTION 120. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
8 read as follows:

9 17-98-305. Application for reinstatement.

10 (a) A former registered disease intervention specialist whose
11 certificate has expired or has been suspended or revoked may make application
12 for reinstatement by paying a renewal fee and submitting satisfactory proof
13 to the State Board of Disease Intervention Specialists that he or she has
14 complied with the continuing education requirements.

15 (b) The board shall consider the ~~moral character and~~ professional
16 qualifications of the applicant as in the case of an original application.

17

18 17-98-306. Refusal to renew – Suspension or revocation.

19 The State Board of Disease Intervention Specialists may refuse to renew
20 or may suspend or revoke a certificate upon proof that the applicant+

21 ~~(1) Is not of good character; or~~

22 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
23 incompetency, or misconduct relative to his or her duties as a disease
24 intervention specialist.

25

26 SECTION 121. Arkansas Code § 17-99-302(b), concerning qualifications
27 of an applicant for licensure as a respiratory care practitioner, is amended
28 to read as follows:

29 (b) Each applicant ~~must~~ shall:

30 (1) Be at least eighteen (18) years of age;

31 ~~(2) Be of good moral character;~~

32 ~~(3)~~(2) Have been awarded a high school diploma or its
33 equivalent;

34 ~~(4)~~(3) Have satisfactorily completed training in a respiratory
35 care program which has been approved by the Arkansas State Respiratory Care
36 Examining Committee, to include adequate instruction in basic medical

1 science, clinical science, and respiratory care theory and procedures; and
 2 ~~(5)~~(4) Have passed an examination approved by the Arkansas State
 3 Medical Board and the committee, unless exempted by other provisions of this
 4 chapter.

5
 6 SECTION 122. Arkansas Code § 17-99-307(3), concerning the grounds for
 7 denial, suspension, or revocation of a respiratory care practitioner license,
 8 is repealed.

9 ~~(3) Has been convicted of any crime involving moral turpitude;~~

10
 11 SECTION 123. Arkansas Code § 17-100-302(b), concerning qualifications
 12 of an applicant for licensure as a speech-language pathologist or
 13 audiologist, is amended to read as follows:

14 (b) To be eligible for licensure by the board as a speech-language
 15 pathologist or audiologist, a person shall:

16 ~~(1) Be of good moral character;~~

17 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
 18 language pathology or a master's degree in audiology obtained on or before
 19 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
 20 an educational institution recognized by the board;

21 ~~(3)~~(2) Submit evidence of the completion of the educational,
 22 clinical experience, and employment requirements, which shall be based on
 23 appropriate national standards and prescribed by the rules adopted under this
 24 chapter; and

25 ~~(4)~~(3) Pass an examination approved by the board before the
 26 board approves a license.

27
 28 SECTION 124. Arkansas Code § 17-100-302(d), concerning qualifications
 29 of an applicant for provisional licensure as a speech-language pathologist or
 30 audiologist, is amended to read as follows:

31 (d) To be eligible for provisional licensure by the board as a speech-
 32 language pathologist or audiologist, a person shall:

33 ~~(1) Be of good moral character;~~

34 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
 35 language pathology or audiology, as the case may be, from an educational
 36 institution recognized by the board;

1 ~~(3)~~(2) Be in the process of completing the postgraduate
2 professional experience requirement; and

3 ~~(4)~~(3) Pass an examination approved by the board.
4

5 SECTION 125. Arkansas Code § 17-100-307(a)(3), concerning the grounds
6 for denial, suspension, or revocation of a license, or other disciplinary
7 action for speech-language pathologists and audiologists, is amended to read
8 as follows:

9 (3)(A) Being convicted of a felony listed under § 17-2-102 ~~in~~
10 ~~any court of the United States if the acts for which the licensee or~~
11 ~~applicant is convicted are found by the board to have a direct bearing on~~
12 ~~whether he or she should be entrusted to serve the public in the capacity of~~
13 ~~a speech language pathologist or audiologist.~~

14 ~~(B) A plea or verdict of guilty made to a charge of a~~
15 ~~felony or of any offense involving moral turpitude is a conviction within the~~
16 ~~meaning of this section.~~

17 ~~(C)~~(B) At the direction of the board, and after due notice
18 and an administrative hearing in accordance with the provisions of applicable
19 Arkansas laws, the license of the person so convicted shall be suspended or
20 revoked or the board shall decline to issue a license when:

21 (i) The time for appeal has elapsed;

22 (ii) The judgment of conviction has been affirmed on
23 appeal; or

24 (iii) An order granting probation has been made
25 suspending the imposition of sentence, without regard to a subsequent order
26 under the provisions of state law allowing the withdrawal of a guilty plea
27 and the substitution of a not guilty plea, or the setting aside of a guilty
28 verdict, or the dismissal of the acquisition, information, or indictment;
29

30 SECTION 126. Arkansas Code § 17-101-305(a)(4)(A), concerning the
31 grounds for denial, suspension, or revocation of a veterinarian license, is
32 amended to read as follows:

33 (4)(A) Conviction of a felony ~~or other crime involving moral~~
34 ~~turpitude~~ listed under § 17-2-102.

35
36 SECTION 127. Arkansas Code § 17-102-304(a)(3), concerning

1 qualifications of an applicant for provisional licensure as an acupuncturist,
2 is amended to read as follows:

3 (3) Before any applicant shall be eligible for an examination,
4 the applicant shall furnish satisfactory proof to the board that he or she:

5 ~~(A) Is of good moral character by filing with his or her~~
6 ~~application the affidavits of at least two (2) reputable acupuncturists who~~
7 ~~attest to his or her character;~~

8 ~~(B)(A)~~ Has successfully completed not fewer than sixty
9 (60) semester credit hours of college education, to include a minimum of
10 thirty (30) semester credit hours in the field of science; and

11 ~~(C)(B)~~ Has completed a program in acupuncture and related
12 techniques and has received a certificate or diploma from an institute
13 approved by the board as described in this section. The training received in
14 the program shall be for a period of no fewer than four (4) academic years
15 and shall include a minimum of eight hundred (800) hours of supervised
16 clinical practice.

17
18 SECTION 128. Arkansas Code § 17-102-304(c)(4), concerning
19 qualifications of an applicant for provisional licensure as an acupuncturist,
20 is amended to read as follows:

21 (4) Not have been convicted of a felony listed under § 17-2-102;
22 and

23
24 SECTION 129. Arkansas Code § 17-103-305(b), concerning the grounds for
25 renewal, revocation, or suspension of a social worker license, is amended to
26 read as follows:

27 (b) The board shall refuse to issue or shall revoke the license of a
28 person who has been found guilty of a felony, ~~any crime involving moral~~
29 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
30 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
31 unless the person requests and the board grants a waiver under § 17-103-
32 307(f).

33
34 SECTION 130. Arkansas Code § 17-103-306(a)(1)(D), concerning
35 qualifications of an applicant for licensure as a licensed social worker, is
36 repealed.

1 ~~(D) Has good moral character;~~

2
3 SECTION 131. Arkansas Code § 17-103-306(a)(1)(G), concerning
4 qualifications for a Licensed Social Worker license, is amended to read as
5 follows:

6 (G) Has not pleaded guilty or nolo contendere to or been
7 found guilty of a felony, ~~any crime involving moral turpitude, listed under §~~
8 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
9 breach of client trust, or abuse of the vulnerable;

10
11 SECTION 132. Arkansas Code § 17-103-306(b)(1)(G), concerning the
12 qualifications for a Licensed Master Social Worker license, is amended to
13 read as follows:

14 (G) Has not pleaded guilty or nolo contendere to or been
15 found guilty of a felony, ~~any crime involving moral turpitude, listed under §~~
16 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
17 breach of client trust, or abuse of the vulnerable;

18
19 SECTION 133. Arkansas Code § 17-103-306(c)(1)(H), concerning the
20 qualifications for a Licensed Certified Social Worker license, is amended to
21 read as follows:

22 (H) Has not pleaded guilty or nolo contendere to or been found
23 guilty of a felony, ~~any crime involving moral turpitude, listed under § 17-2-~~
24 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach
25 of client trust, or abuse of the vulnerable;

26
27 SECTION 134. Arkansas Code § 17-103-307(d)-(k), concerning criminal
28 background check requirements for social workers, are amended to read as
29 follows:

30 (d) Upon completion of the criminal background check, the
31 Identification Bureau of the Department of Arkansas State Police shall
32 forward to the board all releasable information obtained concerning the
33 applicant ~~in the commission of any offense listed in subsection (e) of this~~
34 ~~section.~~

35 (e) For purposes of this section, the board shall follow the licensing
36 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~

1 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~
 2 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~
 3 ~~contendere to or been found guilty of a felony, any crime involving moral~~
 4 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~
 5 ~~breach of client trust, or abuse of the vulnerable, including without~~
 6 ~~limitation:~~

7 ~~(1) Capital murder as prohibited in § 5-10-101;~~

8 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
 9 ~~murder in the second degree as prohibited in § 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
 14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
 16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of a controlled substance into the body of~~
 22 ~~another person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~
 24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~
 26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~
 31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
 34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~
 36 ~~first degree as prohibited in § 5-27-201;~~

1 ~~(22) Endangering the welfare of a minor in the first degree as~~
2 ~~prohibited in § 5-27-205;~~

3 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

4 ~~(24) Engaging children in sexually explicit conduct for use in~~
5 ~~visual or print media, transportation of minors for prohibited sexual~~
6 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
10 ~~5-27-403;~~

11 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12 ~~(26) Computer exploitation of a child in the first degree as~~
13 ~~prohibited in § 5-27-605;~~

14 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15 ~~(28) Theft of property as prohibited in § 5-36-103;~~

16 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17 ~~(30) Arson as prohibited in § 5-38-301;~~

18 ~~(31) Burglary as prohibited in § 5-39-201;~~

19 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
21 ~~5-64-442;~~

22 ~~(33) Promotion of prostitution in the first degree as prohibited~~
23 ~~in § 5-70-104;~~

24 ~~(34) Stalking as prohibited in § 5-71-229; and~~

25 ~~(35) Criminal attempt, criminal complicity, criminal~~
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

28 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~
29 ~~by the board upon the request of:~~

30 ~~(A) An affected applicant for licensure; or~~

31 ~~(B) The person holding a license subject to revocation.~~

32 ~~(2) Circumstances for which a waiver may be granted include, but~~
33 ~~are not limited to, the following:~~

34 ~~(A) The applicant's age at the time the crime was~~
35 ~~committed;~~

36 ~~(B) The circumstances surrounding the crime;~~

1 ~~(C) The length of time since the crime;~~
 2 ~~(D) Subsequent work history;~~
 3 ~~(E) Employment references;~~
 4 ~~(F) Character references; and~~
 5 ~~(G) Other evidence demonstrating that the applicant does~~
 6 ~~not pose a threat to the health or safety of children or endangered adults.~~

7 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
 8 Bureau of the Department of Arkansas State Police under this section shall
 9 not be available for examination except by the affected applicant for
 10 licensure or his or her authorized representative or the person whose license
 11 is subject to revocation or his or her authorized representative.

12 (2) No record, file, or document shall be removed from the
 13 custody of the department.

14 ~~(h)(g)~~ Information made available to the affected applicant for
 15 licensure or the person whose license is subject to revocation shall be
 16 information pertaining to that person only.

17 ~~(i)(h)~~ Rights of privilege and confidentiality established in this
 18 section do not extend to any document created for purposes other than the
 19 criminal background check.

20 ~~(j)(i)~~ The board shall adopt the necessary rules to fully implement
 21 the provisions of this section.

22 ~~(k)(1) As used in this section, an expunged record of a conviction or~~
 23 ~~plea of guilty or nolo contendere to an offense listed in subsection (e) of~~
 24 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~
 25 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~
 26 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~
 27 ~~subdivision (k)(2) of this section.~~

28 ~~(2) Because of the serious nature of the offenses and the close~~
 29 ~~relationship to the type of work that is to be performed, a conviction,~~
 30 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~
 31 ~~result in permanent disqualification for licensure:~~

- 32 ~~(A) Capital murder as prohibited in § 5-10-101;~~
- 33 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
- 34 ~~and murder in the second degree as prohibited in § 5-10-103;~~
- 35 ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- 36 ~~(D) Aggravated assault upon a law enforcement officer or~~

1 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

2 ~~(E) Rape as prohibited in § 5-14-103;~~

3 ~~(F) Sexual extortion, § 5-14-113;~~

4 ~~(G) Sexual assault in the first degree as prohibited in §~~
 5 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~

6 ~~(H) Endangering the welfare of an incompetent person in~~
 7 ~~the first degree as prohibited in § 5-27-201;~~

8 ~~(I) Endangering the welfare of a minor in the first degree~~
 9 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
 10 ~~second degree as prohibited in § 5-27-206;~~

11 ~~(J) Engaging children in sexually explicit conduct for use~~
 12 ~~in visual or print media, transportation of minors for prohibited sexual~~
 13 ~~conduct, or pandering or possessing a visual or print medium depicting~~
 14 ~~sexually explicit conduct involving a child, or use of a child or consent to~~
 15 ~~use of a child in a sexual performance by producing, directing, or promoting~~
 16 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~
 17 ~~27-402, and 5-27-403;~~

18 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
 19 ~~§ 5-28-103; and~~

20 ~~(L) Arson as prohibited in § 5-38-301.~~

21
 22 SECTION 135. Arkansas Code § 17-104-312(3)(F), concerning violations
 23 of the Perfusionist Licensure Act, is amended to read as follows:

24 (F) A plea of guilty, nolo contendere, or a finding of
 25 guilt of a felony listed under § 17-2-102 or any offense substantially
 26 related to the qualifications, functions, or duties of a perfusionist, in
 27 which event the record shall be conclusive evidence; or

28
 29 SECTION 136. Arkansas Code § 17-105-102(b)(6), concerning
 30 qualifications of an applicant for licensure as a physician assistant, is
 31 repealed.

32 ~~(6) Is of good moral character;~~

33
 34 SECTION 137. Arkansas Code § 17-105-113 is amended to read as follows:
 35 17-105-113. Violation.

36 Following the exercise of due process, the Arkansas State Medical Board

1 may discipline any physician assistant who:

- 2 (1) Fraudulently or deceptively obtains or attempts to obtain a
- 3 license;
- 4 (2) Fraudulently or deceptively uses a license;
- 5 (3) Violates any provision of this chapter or any regulations
- 6 adopted by the board pertaining to this chapter;
- 7 (4) Is convicted of a felony listed under § 17-2-102;
- 8 (5) Is a habitual user of intoxicants or drugs to such an extent
- 9 that he or she is unable to safely perform as a physician assistant;
- 10 (6) Has been adjudicated as mentally incompetent or has a mental
- 11 condition that renders him or her unable to safely perform as a physician
- 12 assistant; or
- 13 ~~(7) Has committed an act of moral turpitude; or~~
- 14 ~~(8)~~(7) Represents himself or herself as a physician.

15
 16 SECTION 138. Arkansas Code § 17-106-107(a)(2), concerning the
 17 licensing requirements for healthcare professionals who use radioactive
 18 materials or medical equipment emitting or detecting ionizing radiation on
 19 human beings for diagnostic or therapeutic purposes, is amended to read as
 20 follows:

- 21 (2) Submit satisfactory evidence verified by oath or affirmation
- 22 that the applicant:
- 23 (A) Is qualified to administer radioactive materials or
- 24 operate medical equipment emitting or detecting ionizing radiation upon human
- 25 beings;
- 26 ~~(B) Is of good moral character;~~
- 27 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
- 28 of application; and
- 29 ~~(D)~~(C) Has been awarded a high school diploma or has
- 30 passed the General Educational Development Test or the equivalent.

31
 32 SECTION 139. Arkansas Code § 17-106-110(a)(2), concerning discipline
 33 for healthcare professionals who use radioactive materials or medical
 34 equipment emitting or detecting ionizing radiation on human beings for
 35 diagnostic or therapeutic purposes, is amended to read as follows:

- 36 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~

1 ~~court of competent jurisdiction either within or outside of this state unless~~
2 ~~the conviction has been reversed and the holder of the license has been~~
3 ~~discharged or acquitted or if the holder has been pardoned with full~~
4 ~~restoration of civil rights, in which case the license shall be restored;~~

5
6 SECTION 140. Arkansas Code § 17-107-310(1), concerning disciplinary
7 action for orthotists, prosthetists, and pedorthists, is amended to read as
8 follows:

9 (1) Has pleaded guilty or nolo contendere to or has been found
10 guilty of a felony listed under § 17-2-102;

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