

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4  
5 By: Senator J. Cooper  
6

As Engrossed: S3/18/19  
**A Bill**

SENATE BILL 451

7 **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

14  
15 **Subtitle**

16 TO AMEND THE LAWS REGARDING CRIMINAL  
17 BACKGROUND CHECKS FOR PROFESSIONS AND  
18 OCCUPATIONS TO OBTAIN CONSISTENCY  
19 REGARDING CRIMINAL BACKGROUND CHECKS AND  
20 DISQUALIFYING OFFENSES FOR LICENSURE.  
21

22  
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.

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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) 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 conviction or incarceration or on which probation ends, whichever  
28 date is the latest, if the individual:

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

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

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

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

1           (2) Consider arrests without a subsequent conviction.

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

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

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

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

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

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

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

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

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

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

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

20           (11) Adult abuse that constitutes a felony as prohibited in § 5-  
21 28-103; and

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

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

26           (g) The permanent disqualification for an offense listed in subsection  
27 (e) of this section does not apply to an individual who holds a valid license  
28 on the effective date of this chapter.

29           (h) This section does not apply to licensure or certification:

30           (1) Of professions not governed by this title;

31           (2) Of polygraph examiners and voice stress analysis examiners  
32 under § 17-39-101 et seq.; or

33           (3) Of private investigators and private security agencies under  
34 the Private Security Agency, Private Investigator, and School Security  
35 Licensing and Credentialing Act, § 17-40-101 et seq.

36

1 17-2-103. Prelicensure criminal background checks.

2 (a)(1) An individual with a criminal record may petition a licensing  
3 entity at any time for a determination of whether the criminal record of the  
4 individual will disqualify the individual from licensure and whether or not  
5 he or she could obtain a waiver under § 17-2-102(b).

6 (2) The petition shall include details on the criminal record of  
7 the individual.

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

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

13  
14 17-2-104. Rules.

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

17 (b)(1) When adopting or amending rules to implement this chapter, the  
18 final rule shall be filed with the Secretary of State for adoption under §  
19 25-15-204(f):

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

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

23 (2) A licensing entity shall file the proposed rule with the  
24 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,  
25 2020, so that the Legislative Council may consider the rule for approval  
26 before January 1, 2020.

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

31 (b) The application shall be in a form prepared by the board and  
32 shall contain such information as may be necessary to assist the board in  
33 registration ~~and to determine if the applicant is of good moral character.~~  
34

35 SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or  
36 reapplication for a certificate of registration by the Arkansas Abstracters'

1 Board, is amended to read as follows:

2 (a) If the applicant satisfactorily passes the examinations ~~and is of~~  
3 ~~good moral character~~, the applicant shall be certified as a registered  
4 abstractor, and the certificate provided for shall be issued to him or her.  
5 The privileges granted by the certificate shall continue unless revoked, as  
6 provided in this chapter, or unless the certificate is otherwise surrendered  
7 to the Arkansas Abstractors' Board.

8

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

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

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

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

18 (3) If the board finds the holder to be guilty of habitual  
19 carelessness or of fraudulent practices in the conduct of the business of  
20 abstracting.

21

22 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure  
23 of appeal for revocation of certificates authorized by the Arkansas  
24 Abstractors' Board, is amended to read as follows:

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

1 holder with a copy of the complaint.

2

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

4 17-12-301. Requirements generally – Definition.

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) The board shall maintain a list of certified public  
34 accountants.

35 (c) Any certified public accountant may also be known as a public  
36 accountant.

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

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

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

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

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

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

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

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

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

~~(a) Moral turpitude;~~

~~(b)(1)(a)(1)~~ An act substantially related to

1 the qualifications, functions, or duties of an appraiser.

2 (2) A crime or act may be deemed  
3 substantially related to the qualifications, functions, or duties of an  
4 appraiser if, to a substantial degree, the crime or act evidences present or  
5 potential unfitness of a person applying for or holding a real property  
6 appraiser credential to perform the functions authorized by the credential;

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

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

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

13 ~~(f)~~(e) Trafficking in narcotics or controlled  
14 substances;

15 ~~(g)~~(f) Violation of a relation of trust or  
16 confidence;

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

18 ~~(i)~~(h) An act of violence or threatened  
19 violence against persons or property; or

20 ~~(j)~~(i) A sexually related crime or act under §  
21 5-14-101 et seq.;

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

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

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

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

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

36 (B) Any person owning more than ten percent (10%) of an

1 appraisal management company in this state shall+

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

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

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

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

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

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

16 (i) A misdemeanor involving mortgage lending or real  
17 estate appraising; or

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

20  
21 SECTION 15. Arkansas Code § 17-15-102(3), concerning the definition of  
22 "good moral character" related to architects, is repealed.

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

26 ~~(B) Evidence of inability to discharge such duties~~  
27 ~~includes the commission of an offense justifying discipline under § 17-15-~~  
28 ~~308;~~

29  
30 SECTION 16. Arkansas Code § 17-15-304(b)(1), concerning examinations  
31 to be a registered and licensed architect, is amended to read as follows:

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

35  
36 SECTION 17. Arkansas Code § 17-15-308(5), concerning grounds for

1 revocation of a license for an architect, is amended to read as follows:

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

4

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

8 (8) whether the applicant or any person named pursuant to  
9 paragraph (7) has been convicted of a crime that, if committed in this State,  
10 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-  
11 102, and identify the crime;

12

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

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

18

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

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

26

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

30 (1) Violated any provision of or any obligation imposed by this  
31 chapter or any lawful rule, ~~regulation~~, or order of the board or has been  
32 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §  
33 17-2-102;

34

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

36 17-20-302. Qualifications of applicants.

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

- 3 (1) Is qualified under this chapter;  
4 ~~(2) Is of good moral character and temperate habits;~~  
5 ~~(3)~~(2) Has passed a satisfactory examination conducted by the  
6 State Board of Barber Examiners to determine his or her fitness to practice  
7 barbering;  
8 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and  
9 ~~(5)~~(4) Has received training approved by the appropriate  
10 licensing authorities.  
11

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

- 14 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a  
15 certified copy of the record of the court of conviction.  
16

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

- 20 ~~(3) Conviction of any crime involving moral turpitude;~~  
21

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

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

- 27 (1) Experience;  
28 (2) Ability;  
29 ~~(3) Character;~~  
30 ~~(4)~~(3) The manner of performance of previous contracts;  
31 ~~(5)~~(4) Financial condition;  
32 ~~(6)~~(5) Equipment;  
33 ~~(7)~~(6) Any other fact tending to show ability and willingness to  
34 conserve the public health and safety; and  
35 ~~(8)~~(7) Default in complying with the provisions of this chapter  
36 or any other law of the state.

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SECTION 26. Arkansas Code § 17-26-105(10), concerning grounds for disciplinary action for cosmetology and other related occupations, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6  
7 SECTION 30. Arkansas Code § 17-27-313 is amended to read as follows:  
8 17-27-313. Criminal background checks.

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

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

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

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

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

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

30 ~~(2) Murder in the first degree and second degree as prohibited~~  
31 ~~in §§ 5-10-102 and 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 controlled substance into body of another~~  
8 ~~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 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          ~~(f)(1)(e)~~ 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) Upon receipt of information from the Identification Bureau~~  
18 ~~of the Department of Arkansas State Police that the person holding such a~~  
19 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~  
20 ~~been found guilty of any offense listed in subsection (e) of this section,~~  
21 ~~the board shall immediately revoke the provisional license.~~

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

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

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

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

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

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

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

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

32                 ~~(E) Employment references;~~

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

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

36          (f) For the purposes of this section, the board shall follow the

1 licensing restrictions based on criminal records under § 17-2-102.

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

5 (A) The affected applicant for licensure, or his or her  
6 authorized representative; or

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

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

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

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

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

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

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

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

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

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

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

35  
36 SECTION 34. Arkansas Code § 17-31-309(b), concerning revocation of a

1 certificate for a registered forester, is amended to read as follows:

2 (b)(1) The board may revoke the certificate of any registered forester  
3 who has been convicted of a felony listed under § 17-2-102 or who is found  
4 guilty by the board of any fraud, deceit, gross negligence,  
5 misrepresentation, willful violation of contract, misconduct, or gross  
6 incompetence.

7 (2) The board shall investigate such charges.

8  
9 SECTION 35. Arkansas Code § 17-32-304(a)(1), concerning the  
10 qualifications for a geologist-in-training certificate, is repealed.

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

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

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

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

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

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

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

28  
29 SECTION 39. Arkansas Code § 17-36-303(a), concerning examination for  
30 licensure as a landscape architect, is amended to read as follows:

31 (a) An applicant for licensure shall:

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

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

34 ~~(3)~~(2) Pass an examination covering the matters confronting  
35 landscape architects that is prepared by:

36 (A) The Arkansas State Board of Architects, Landscape

1 Architects, and Interior Designers; or

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

4

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

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

9

10 SECTION 41. Arkansas Code § 17-42-311(a), concerning violations of the  
11 real estate license law, is amended to read as follows:

12 (a) The following acts, conduct, or practices are prohibited, and any  
13 licensee found guilty shall be subject to disciplinary action as provided in  
14 § 17-42-312:

15 (1) Obtaining a license by means of fraud, misrepresentation, or  
16 concealment;

17 (2) Violating any of the provisions of this chapter or any rules  
18 ~~or regulations~~ adopted pursuant to under this chapter or any order issued  
19 under this chapter;

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

24 (4) Making any substantial misrepresentation;

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

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

31 (7) Committing any act involving ~~moral turpitude~~ violence,  
32 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

33 (8) Acting for more than one (1) party in a transaction without  
34 the knowledge of all parties for whom he or she acts or accepting a  
35 commission or valuable consideration for the performance of any of the acts  
36 specified in this chapter from any person except the licensed principal

1 broker under whom he or she is licensed;

2 (9) Acting as a broker or salesperson while not licensed with a  
3 principal broker, representing or attempting to represent a broker other than  
4 the principal broker with whom he or she is affiliated without the express  
5 knowledge and consent of the principal broker, or representing himself or  
6 herself as a salesperson or having a contractual relationship similar to that  
7 of a salesperson with anyone other than a licensed principal broker;

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

9 (11) Being unworthy or incompetent to act as a real estate  
10 broker or salesperson in such a manner as to safeguard the interests of the  
11 public;

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

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

19

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

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

27

28 SECTION 43. Arkansas Code § 17-42-509(c)(3), concerning the issuance  
29 or denial of a license for an instructor of real estate education license, is  
30 amended to read as follows:

31 (3) The person or entity has pleaded guilty or nolo contendere  
32 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor  
33 involving violence, *fraud*, misrepresentation, or dishonest or dishonorable  
34 dealing in a court of competent jurisdiction; or

35

36 SECTION 44. Arkansas Code § 17-42-515(3), concerning the violations

1 that disqualify for a real estate educator license or licensee, is amended to  
2 read as follows:

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

7

8 SECTION 45. Arkansas Code § 17-43-303(a), concerning the application  
9 for examination for a sanitarian certificate of registration, is amended to  
10 read as follows:

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

17

18 SECTION 46. Arkansas Code § 17-43-307 is amended to read as follows:  
19 17-43-307. Reciprocity.

20 The Arkansas State Board of Sanitarians shall issue a certificate of  
21 registration without examination to any person who makes application on forms  
22 prescribed and furnished by the board, pays a registration fee of ten dollars  
23 (\$10.00), and submits satisfactory proof that he or she:

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

25 ~~(2)~~(1) Has had at least two (2) years' experience in the field  
26 of environmental sanitation; and

27 ~~(3)~~(2) Is registered as a sanitarian in a state in which the  
28 qualifications for registration are not lower than the qualifications for  
29 registration in this state at the time he or she applies for registration.

30

31 SECTION 47. Arkansas Code § 17-43-309(a), concerning the grounds for  
32 suspension, revocation, or refusal to renew a sanitarian certificate of  
33 registration, is amended to read as follows:

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

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

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

3  
4           SECTION 48. Arkansas Code § 17-47-302(a), concerning the eligibility  
5 and application for registration as a professional soil classifier or soil  
6 classifier-in-training, is amended to read as follows:

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

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

10           ~~(2) Submit~~ shall submit a written application to the Arkansas  
11 State Board of Registration for Professional Soil Classifiers containing ~~such~~  
12 information ~~as~~ the board may require, together with five (5) references,  
13 three (3) of which shall be professional soil classifiers having personal  
14 knowledge of his or her soil classifying experience or, in the case of an  
15 application for certification as a soil classifier-in-training, three (3)  
16 character references.

17  
18           SECTION 49. Arkansas Code § 17-47-311 is amended to read as follows:  
19 17-47-311. Disciplinary actions – Grounds.

20           The Arkansas State Board of Registration for Professional Soil  
21 Classifiers shall have the power to suspend, refuse to renew, or revoke the  
22 certificate of registration of, or reprimand, any registrant who is guilty  
23 of:

24           (1) Fraud or deceit in obtaining a certificate of registration;

25           (2) Gross negligence, incompetence, or misconduct in the  
26 practice of soil classifying;

27           (3) A felony listed under § 17-2-102 ~~or crime involving moral~~  
28 ~~turpitude~~; or

29           (4) A violation of the code of ethics adopted and promulgated by  
30 the board.

31  
32           SECTION 50. Arkansas Code § 17-48-203(a), concerning the  
33 qualifications for certification as a surveyor, is amended to read as  
34 follows:

35           (a) A person who shows to the satisfaction of the State Board of  
36 Licensure for Professional Engineers and Professional Surveyors that he or

1 she is a person ~~of good character and reputation and~~ over twenty-one (21)  
2 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if  
3 he or she qualifies under one (1) of the following provisions:

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

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

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

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

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

31  
32 SECTION 51. Arkansas Code § 17-48-203(c), concerning the  
33 qualifications for licensure as a surveyor intern, is amended to read as  
34 follows:

35 (c) A person ~~who shows to the satisfaction of the board that he or she~~  
36 ~~is a person of good character~~ shall be eligible for licensure as a surveyor

1 intern if he or she qualifies under one (1) of the following provisions:

2 (1) A person holding a certificate of licensure as a surveyor  
3 intern issued to him or her on the basis of a written examination by proper  
4 authority of a state, territory, possession of the United States, the  
5 District of Columbia, or any foreign country, based on requirements and  
6 qualifications as shown on his or her application, which requirements and  
7 qualifications, in the opinion of the board, are equal to or higher than the  
8 requirements of this chapter, may be licensed as a surveyor intern at the  
9 discretion of the board;

10 (2) A graduate from an approved engineering curriculum with  
11 sufficient surveying courses, or a surveying technology curriculum of two (2)  
12 years or more, approved by the board, who has passed a written examination  
13 designed to show that he or she is proficient in surveying fundamentals, may  
14 be licensed if he or she is otherwise qualified; or

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

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

24

25 SECTION 52. Arkansas Code § 17-48-205(a)(2)(A), concerning the  
26 administrative violations and penalties of a surveyor, is amended to read as  
27 follows:

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

29

30 SECTION 53. Arkansas Code § 17-50-301(a)(2), concerning applicant  
31 qualifications for registration as a certified water well driller or  
32 certified pump installer, is repealed.

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

34

35 SECTION 54. Arkansas Code § 17-52-308(b)(3), concerning complaints  
36 against and disciplinary procedures for a home inspector, is amended to read

1 as follows:

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

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

6  
7 SECTION 55. Arkansas Code § 17-52-315(a), concerning the application  
8 for registration as a home inspector, is amended to read as follows:

9 (a) Any person applying for registration or renewal of registration as  
10 a home inspector shall ~~be of good moral character and shall~~ submit to the  
11 Arkansas Home Inspector Registration Board:

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

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

19 (3) The required registration or registration renewal fee with  
20 the application.

21  
22 SECTION 56. Arkansas Code § 17-81-304(a)(2), concerning the  
23 application for licensure as a chiropractor, is amended to read as follows:

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

29  
30 SECTION 57. Arkansas Code § 17-81-305(a)(6), concerning the  
31 qualifications of applicants for licensure as a chiropractor, is repealed.

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

33  
34 SECTION 58. Arkansas Code § 17-81-318(e), concerning the criminal  
35 background check required for a chiropractor, is amended to read as follows:

36 (e) Except as provided in subsection (f) of this section, a person

1 shall not receive or hold a license issued by the board if the person has  
2 been convicted of or pleaded guilty or nolo contendere to any felony listed  
3 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,  
4 untruthfulness, or untrustworthiness, or is a registered sex offender or  
5 required to register as a sex offender.

6  
7 SECTION 59. Arkansas Code § 17-82-304(b), concerning the licensing  
8 procedure for dentists, is amended to read as follows:

9 (b) An applicant:

10 (1) ~~Must~~ Shall:

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

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

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

18 (2) ~~Must~~ Shall:

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

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

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

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

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

32  
33 SECTION 60. Arkansas Code § 17-82-306(b), concerning the licensing  
34 procedures for dental hygienists, is amended to read as follows:

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

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

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

5           ~~(3)~~(2) Submit upon request ~~such~~ proof as required by the board  
6 may require touching upon ~~character and~~ fitness.

7  
8           SECTION 61. Arkansas Code § 17-82-308(b)(3), concerning the  
9 credentials for dentists and dental hygienists licensed in other states, is  
10 amended to read as follows:

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

15  
16           SECTION 62. Arkansas Code § 17-82-316(c)(3), concerning the revocation  
17 or suspension of a license for a dentist, dental hygienist, or dental  
18 assistant, is amended to read as follows:

19           (3) The commission of any criminal operation; habitual  
20 drunkenness for a period of three (3) months; insanity; adjudication of  
21 insanity or mental incompetency if deemed detrimental to patients; conviction  
22 of ~~an infamous crime or a felony~~ listed under § 17-2-102; addiction to  
23 narcotics; immoral, dishonorable, or scandalous conduct; professional  
24 incompetency; failure to maintain proper standards of sanitation or failure  
25 otherwise to maintain adequate safeguards for the health and safety of  
26 patients; or employment in the practice of the profession of any drug,  
27 nostrum, unknown formula, or dangerous or unknown anesthetic not generally  
28 used by the dental profession;

29  
30           SECTION 63. Arkansas Code § 17-82-802 is amended to read as follows:  
31           17-82-802. License eligibility.

32           A person shall not be eligible to receive or hold a license to practice  
33 dentistry or another healthcare profession issued by the Arkansas State Board  
34 of Dental Examiners if the person has pleaded guilty or nolo contendere or  
35 has been found guilty of ~~either an infamous crime that would impact his or~~  
36 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~

1 a felony, ~~regardless of whether the conviction has been sealed, expunged, or~~  
2 ~~pardoned~~ listed under § 17-2-102.

3  
4 SECTION 64. Arkansas Code § 17-83-307 is amended to read as follows:  
5 17-83-307. Grounds for denial, revocation, or suspension.

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

- 9 (1) Violation of a provision of this chapter;  
10 (2) Engaging in unprofessional conduct or gross incompetence as  
11 defined by the rules of the board or violating the standards of professional  
12 responsibility adopted and published by the board; or  
13 (3) ~~Conviction in this or any other state of any crime that is a~~  
14 ~~felony in this state~~ of a felony listed under § 17-2-102; ~~or~~  
15 ~~(4) Conviction of a felony in a federal court.~~

16  
17 SECTION 65. Arkansas Code § 17-84-304(a)(3), concerning the  
18 qualifications for licensure and internship for hearing instrument  
19 dispensers, is amended to read as follows:

- 20 (3) Show to the satisfaction of the board that he or she:  
21 (A) Is twenty (20) years of age or older; and  
22 (B) Has an education equivalent of two (2) or more years  
23 of accredited college-level course work from a regionally accredited college  
24 or university; ~~and~~  
25 ~~(C) Is of good moral character.~~

26  
27 SECTION 66. Arkansas Code § 17-84-308(a)(1), concerning the  
28 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument  
29 dispenser license, is amended to read as follows:

- 30 (1) ~~Being convicted of a crime involving moral turpitude. A~~  
31 ~~record of a conviction, certified by the judge or the clerk of the court~~  
32 ~~where the conviction occurred, shall be sufficient evidence to warrant~~  
33 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;  
34

35 SECTION 67. Arkansas Code § 17-86-203(e)-(h), concerning the powers  
36 and duties of the State Board of Health regarding massage therapy licenses,

1 are amended to read as follows:

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

10 (2)~~A provision of this section may be waived by the Department~~  
11 ~~of Health if:~~

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

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

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

18 (B)~~The conviction is for a felony of any classification~~  
19 ~~and:~~

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

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

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

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

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

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

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

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

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

- 1                   ~~(B) The harm suffered by the victim; and~~  
2                   ~~(C) The similarity between the victim and persons served~~  
3 ~~by the Department of Health;~~  
4                   ~~(5) The time elapsed without a repeat of the same or similar~~  
5 ~~event;~~  
6                   ~~(6) Documentation of successful completion of training or~~  
7 ~~rehabilitation pertinent to the incident; and~~  
8                   ~~(7) Any other information that bears on the applicant's ability~~  
9 ~~to care for others or other relevant information.~~  
10                  ~~(h) If the Department of Health waives the provisions of subsection~~  
11 ~~(e) of this section, the Department of Health shall submit the reasons for~~  
12 ~~waiving this provision in writing, and the determination and reasons shall be~~  
13 ~~made available to the members of the Department of Health for review.~~  
14

15                  SECTION 68. Arkansas Code § 17-86-303(a)(1), concerning qualifications  
16 for licensure as a massage therapist, is amended to read as follows:

- 17                  (1) Furnish to the Department of Health satisfactory proof that  
18 he or she is eighteen (18) years of age or older ~~and of good moral character;~~  
19

20                  SECTION 69. Arkansas Code § 17-86-311(a), concerning the disciplinary  
21 actions and penalties for massage therapists, is amended to read as follows:

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

- 25                  (1) ~~Conviction of, finding of guilt, or entry of a plea of~~  
26 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution A~~  
27 ~~felony listed under § 17-2-102;~~  
28                  (2) Malpractice or gross incompetency;  
29                  (3) The use in advertisements of untruthful or improbable  
30 statements or flamboyant, exaggerated, or extravagant claims concerning the  
31 licensee's professional excellence or abilities;  
32                  (4) Habitual drunkenness or habitual use of any illegal drugs;  
33                  (5) Serving alcoholic beverages at the clinic or school in a  
34 room where massage therapy is being performed or in a massage therapy school;  
35                  (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional  
36 conduct;

1 (7) Failure to comply with the Department of Health's Massage  
2 Therapy Code of Ethics or any valid regulation or order of the committee;

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

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

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

10  
11 SECTION 70. Arkansas Code § 17-87-301(a), concerning the  
12 qualifications for an applicant for licensure as a registered nurse, is  
13 amended to read as follows:

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

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

19 ~~(2)~~(1) Has completed an approved high school course of study or  
20 the equivalent thereof as determined by the appropriate educational agency;  
21 and

22 ~~(3)~~(2) Has completed the required approved professional nursing  
23 education program.

24  
25 SECTION 71. Arkansas Code § 17-87-304(a), concerning the  
26 qualifications of an applicant for licensure as a licensed practical nurse,  
27 is amended to read as follows:

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

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

32 ~~(2)~~(1) Has completed an approved high school course of study or  
33 the equivalent thereof as determined by the appropriate educational agency;  
34 and

35 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
36 program for the preparation of practical nurses and holds a diploma or

1 certificate therefrom. However, the board may waive this requirement if the  
2 board determines the applicant to be otherwise qualified.

3  
4 SECTION 72. Arkansas Code § 17-87-305(a), concerning the  
5 qualifications of an applicant for licensure as a licensed psychiatric  
6 technician nurse, is amended to read as follows:

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

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

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

14 ~~(3)(2)~~ Has completed a prescribed curriculum in a state-approved  
15 program for the preparation of psychiatric technician nurses and holds a  
16 diploma or certificate therefrom. However, the board may waive this  
17 requirement if the board determines the applicant to be otherwise qualified.

18  
19 SECTION 73. Arkansas Code § 17-87-312(d)-(1), concerning criminal  
20 background checks for nurses, are amended to read as follows:

21 (d) Upon completion of the criminal background check, the  
22 Identification Bureau of the Department of Arkansas State Police shall  
23 forward to the board all releasable information obtained concerning the  
24 applicant ~~in the commission of any offense listed in subsection (e) of this~~  
25 ~~section.~~

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

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

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

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

- 1           ~~(4) Negligent homicide as prohibited in § 5-10-105;~~  
2           ~~(5) Kidnapping as prohibited in § 5-11-102;~~  
3           ~~(6) False imprisonment in the first degree as prohibited in § 5-~~  
4 ~~11-103;~~  
5           ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~  
6 ~~106;~~  
7           ~~(8) Robbery as prohibited in § 5-12-102;~~  
8           ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~  
9           ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~  
10           ~~(11) Aggravated assault as prohibited in § 5-13-204;~~  
11           ~~(12) Introduction of a controlled substance into the body of~~  
12 ~~another person as prohibited in § 5-13-210;~~  
13           ~~(13) Aggravated assault upon a law enforcement officer or an~~  
14 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
15           ~~(14) Terroristic threatening in the first degree as prohibited~~  
16 ~~in § 5-13-301;~~  
17           ~~(15) Rape as prohibited in § 5-14-103;~~  
18           ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~  
19           ~~(17) Sexual extortion, § 5-14-113;~~  
20           ~~(18) Sexual assault in the first degree, second degree, third~~  
21 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~  
22           ~~(19) Incest as prohibited in § 5-26-202;~~  
23           ~~(20) Felony offenses against the family as prohibited in §§ 5-~~  
24 ~~26-303—5-26-306;~~  
25           ~~(21) Endangering the welfare of an incompetent person in the~~  
26 ~~first degree as prohibited in § 5-27-201;~~  
27           ~~(22) Endangering the welfare of a minor in the first degree as~~  
28 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~  
29 ~~degree as prohibited in § 5-27-206;~~  
30           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~  
31           ~~(24) Engaging children in sexually explicit conduct for use in~~  
32 ~~visual or print media, transportation of minors for prohibited sexual~~  
33 ~~conduct, pandering or possessing visual or print medium depicting sexually~~  
34 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
35 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
36 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~

1 ~~5-27-403;~~

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

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

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

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

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

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

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

10 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
11 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
12 ~~5-64-442;~~

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

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

16 ~~(35) Criminal attempt, criminal complicity, criminal~~  
17 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
18 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

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

22 ~~(B)(2)~~ The permit shall be valid for no more than six (6)  
23 months.

24 ~~(2) Except as provided in subdivision (1)(1) of this section,~~  
25 ~~upon receipt of information from the Identification Bureau of the Department~~  
26 ~~of Arkansas State Police that the person holding the letter of provisional~~  
27 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~  
28 ~~of, any offense listed in subsection (e) of this section, the board shall~~  
29 ~~immediately revoke the provisional license.~~

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

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

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

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

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

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

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

11                   (A) The affected applicant for licensure or his or her  
12 authorized representative; or

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

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

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

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

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

25           ~~(l)(1)~~ ~~For purposes of this section, an expunged record of a~~  
26 ~~conviction or a plea of guilty or nolo contendere to an offense listed in~~  
27 ~~subsection (e) of this section shall not be considered a conviction, guilty~~  
28 ~~plea, or nolo contendere plea to the offense unless the offense is also~~  
29 ~~listed in subdivision (1)(2) of this section.~~

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

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

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

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

1                   ~~(D) Aggravated assault upon a law enforcement officer or~~  
 2 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
 3                   ~~(E) Rape as prohibited in § 5-14-103;~~  
 4                   ~~(F) Sexual extortion, § 5-14-113;~~  
 5                   ~~(G) Sexual assault in the first degree as prohibited in §~~  
 6 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~  
 7                   ~~(H) Incest as prohibited in § 5-26-202;~~  
 8                   ~~(I) Endangering the welfare of an incompetent person in~~  
 9 ~~the first degree as prohibited in § 5-27-201;~~  
 10                   ~~(J) Endangering the welfare of a minor in the first degree~~  
 11 ~~as prohibited in § 5-27-205;~~  
 12                   ~~(K) Adult abuse that constitutes a felony as prohibited in~~  
 13 ~~§ 5-28-103; and~~  
 14                   ~~(L) Arson as prohibited in § 5-38-301.~~

15  
 16           SECTION 74. Arkansas Code § 17-87-707(a)(1), concerning disciplinary  
 17 actions for nurses, is amended to read as follows:

18                   (1) Has been found guilty of or pleads guilty or nolo contendere  
 19 to:

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

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

24                           ~~(C) Committing a crime of moral turpitude;~~  
 25

26           SECTION 75. Arkansas Code § 17-88-302(2), concerning the  
 27 qualifications of an applicant for licensure as an occupational therapist, is  
 28 repealed.

29                   ~~(2) The applicant must be of good moral character;~~  
 30

31           SECTION 76. Arkansas Code § 17-88-309(b)(4), concerning the denial,  
 32 revocation, or suspension of an occupational therapist license, is amended to  
 33 read as follows:

34                   (4) Being convicted of a ~~crime, other than minor offenses~~  
 35 ~~defined as “minor misdemeanors”, “violations”, or “offenses”, in any court if~~  
 36 ~~the acts for which the applicant or licensee was convicted are found by the~~

1 ~~board to have a direct bearing on whether he or she should be entrusted to~~  
2 ~~serve the public in the capacity of an occupational therapist or occupational~~  
3 ~~therapy assistant felony listed under § 17-2-102; and~~  
4

5 SECTION 77. Arkansas Code § 17-89-302(a), concerning the  
6 qualifications of an applicant for licensure as a licensed dispensing  
7 optician, is amended to read as follows:

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

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

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

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

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

22 (ii) Providing ophthalmic dispensing services under  
23 the direct supervision of an Arkansas-licensed or registered dispensing  
24 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in  
25 diseases of the eye.

26  
27 SECTION 78. Arkansas Code § 17-89-303 is amended to read as follows:

28 17-89-303. Qualifications – Registered dispensing opticians.

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

33 (1) Has a minimum of three (3) years' dispensing experience in  
34 Arkansas under the direct supervision of an Arkansas-licensed optometrist or  
35 Arkansas-licensed physician skilled in disease of the eye;

36 (2) Has a minimum of three (3) years' experience under the

1 direct supervision of a licensed or registered dispensing optician holding a  
2 certificate of licensure or registry in the State of Arkansas, one (1) year  
3 of which may be while working in a qualified full-service optical laboratory  
4 approved by the board; or

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

8

9 SECTION 79. Arkansas Code § 17-89-305(b), concerning reciprocity for  
10 dispensing opticians, is amended to read as follows:

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

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

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

17 ~~(3)~~(2) Has provided ophthalmic dispensing services to the public  
18 as a dispensing optician in the state of licensure or registration for a  
19 period of at least five (5) years for licensure or three (3) years for  
20 registration immediately before his or her application for reciprocity to  
21 this state; and

22 ~~(4)~~(3) Is licensed or registered in a state which grants like  
23 reciprocal privileges to opticians who hold certificates of licensure or  
24 registry issued by this state.

25

26 SECTION 80. Arkansas Code § 17-89-306(b), concerning an ophthalmic  
27 dispensers from nonlicensing states seeking licensure as a dispensing  
28 opticians in Arkansas, is amended to read as follows:

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

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

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

32 ~~(3)~~(2) Have been engaged in ophthalmic dispensing as described  
33 in § 17-89-102(4) for a period of:

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

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

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

7 ~~(5)~~(4) Have paid the fee prescribed in § 17-89-304(f) to the  
8 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

9  
10 SECTION 81. Arkansas Code § 17-89-309(a)(3), concerning grounds of  
11 denial, suspension, or revocation of a licensure or registration of an  
12 ophthalmic dispensers, is amended to read as follows:

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

18  
19 SECTION 82. Arkansas Code § 17-90-301(b), concerning examinations for  
20 licensure as an optometrist, is amended to read as follows:

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

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

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

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

28 ~~(4)~~(3) A graduate of a college of optometry that has been  
29 accredited by the Accreditation Council on Optometric Education of the  
30 American Optometric Association.

31  
32 SECTION 83. Arkansas Code § 17-90-302(c)(3), concerning licensure by  
33 endorsement for optometrists, is amended to read as follows:

34 (3) A certificate of good standing from each authority which  
35 issued the license, setting forth the applicant's ~~moral reputation and~~  
36 ~~character,~~ history with the authority, professional ability, continuing

1 education compliance, and other information or data as the State Board of  
2 Optometry may deem necessary or expedient;

3  
4 SECTION 84. Arkansas Code § 17-90-305(a)(3), concerning the grounds  
5 for denial, revocation, or suspension of an optometrist license, is amended  
6 to read as follows:

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

10  
11 SECTION 85. Arkansas Code § 17-91-101(a), concerning the licensing  
12 requirements for an osteopathic physician, is amended to read as follows:

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

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

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

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

18 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional  
19 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et  
20 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

21 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose  
22 course of study has been recognized by the Department of Education of the  
23 American Osteopathic Association; and

24 ~~(6)~~(5) Has completed a one-year internship in a hospital  
25 approved by the American Medical Association or the American Osteopathic  
26 Association.

27  
28 SECTION 86. Arkansas Code § 17-92-305(a), concerning qualification of  
29 applicants for licensure as a pharmacist, is amended to read as follows:

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

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

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

33 ~~(3)~~(2) ~~Shall have~~ Have:

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

1 (B) Graduated from a foreign college of pharmacy,  
2 completed a transcript verification program, taken and passed a college of  
3 pharmacy equivalency exam program, and completed a process of communication  
4 ability testing as defined under board regulations so that it is assured that  
5 the applicant meets standards necessary to protect public health and safety.  
6

7 SECTION 87. Arkansas Code § 17-92-311(a)(3), concerning grounds for  
8 revocation, suspension, or nonrenewal of licensure or registration, is amended  
9 to read as follows:

10 (3) The person has been found guilty or pleaded guilty or nolo  
11 contendere in a criminal proceeding, regardless of whether or not the  
12 adjudication of guilt or sentence is withheld by a court of this state,  
13 another state, or the United States Government for:

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

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

18 (C) Any violation of the pharmacy or drug laws or rules of  
19 this state, or of the pharmacy or drug statutes, rules, and regulations of  
20 any other state or of the United States Government;  
21

22 SECTION 88. Arkansas Code § 17-92-317(e), concerning criminal  
23 background check requirements for an intern or pharmacist license or a  
24 pharmacy technician registration, is amended to read as follows:

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

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

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

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

5  
6 SECTION 89. Arkansas Code § 17-93-303(b), concerning qualification of  
7 applicants for licensure as a physical therapist, is amended to read as  
8 follows:

9 (b) Each physical therapist applicant shall:

- 10 (1) Be at least twenty-one (21) years of age;  
11 ~~(2) Be of good moral character;~~  
12 ~~(3)~~(2) Have graduated from a school of physical therapy  
13 accredited by a national accreditation agency approved by the board;  
14 ~~(4)~~(3) Have passed examinations selected and approved by the  
15 board; and  
16 ~~(5)~~(4) Submit fees as determined by the board.

17  
18 SECTION 90. Arkansas Code § 17-93-304(b), concerning qualification of  
19 applicants for licensure as a physical therapist assistant, is amended to  
20 read as follows:

21 (b) Each physical therapist assistant applicant shall:

- 22 (1) Be at least eighteen (18) years of age;  
23 ~~(2) Be of good moral character;~~  
24 ~~(3)~~(2) Have graduated from a school of physical therapy  
25 accredited by a national accreditation agency approved by the Arkansas State  
26 Board of Physical Therapy;  
27 ~~(4)~~(3) Have passed examinations selected and approved by the  
28 Arkansas State Board of Physical Therapy; and  
29 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of  
30 Physical Therapy.

31  
32 SECTION 91. Arkansas Code § 17-93-308(a)(4), concerning the  
33 revocation, suspension, or denial of licensure for physical therapists, is  
34 repealed.

35 ~~(4) Has been convicted of a crime involving moral turpitude;~~  
36

1 SECTION 92. Arkansas Code § 17-93-412(a)(1), concerning the  
2 revocation, suspension, or denial of a license for an athletic trainer, is  
3 amended to read as follows:

4 (1) Been convicted of a felony ~~or misdemeanor involving moral~~  
5 ~~turpitude, the record of conviction being conclusive evidence of conviction~~  
6 ~~if the board determines after investigation that the person has not been~~  
7 ~~sufficiently rehabilitated to warrant the public trust listed under § 17-2-~~  
8 102;  
9

10 SECTION 93. Arkansas Code § 17-95-104(a)(2), concerning a hospital's  
11 duty to report physician misconduct, is amended to read as follows:

12 (2) The hospital shall also report any other formal disciplinary  
13 action concerning any such physician taken by the hospital upon  
14 recommendation of the medical staff relating to professional ethics, medical  
15 incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.  
16

17 SECTION 94. Arkansas Code § 17-95-307 is amended to read as follows:

18 17-95-307. License eligibility.

19 ~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to  
20 practice medicine or another healthcare profession issued by the Arkansas  
21 State Medical Board if the person has pleaded guilty or nolo contendere to or  
22 has been found guilty of ~~either an infamous crime that would impact his or~~  
23 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~  
24 under § 17-2-102, regardless of whether the conviction has been sealed,  
25 expunged, or pardoned.  
26

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

29 (2) ~~Is of good moral character and has~~ Has not been guilty of  
30 acts constituting unprofessional conduct as defined in § 17-95-409;  
31

32 SECTION 96. Arkansas Code § 17-95-408(d)(2), concerning annual  
33 registration for licensure as a physician, is amended to read as follows:

34 (2) If application for reinstatement is made, the board shall  
35 consider the ~~moral character and~~ professional qualifications of the applicant  
36 upon notice and hearing before ordering reinstatement. Unless such a showing

1 shall thereupon be made to the board as would entitle the applicant to the  
2 issuance of an original license, reinstatement shall be denied.

3  
4 SECTION 97. Arkansas Code § 17-95-409(a)(2)(A), concerning the grounds  
5 for denial, suspension, or revocation of a physician license, is amended to  
6 read as follows:

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

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

11  
12 SECTION 98. Arkansas Code § 17-95-903(b)(7), concerning qualifications  
13 of an applicant for licensure as a graduate registered physician, is  
14 repealed.

15 ~~(7) Is of good moral character; and~~

16  
17 SECTION 99. Arkansas Code § 17-95-910 is amended to read as follows:  
18 17-95-910. Violation.

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

21 (1) Fraudulently or deceptively obtains or attempts to obtain a  
22 license;

23 (2) Fraudulently or deceptively uses a license;

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

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

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

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

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

34  
35 SECTION 100. Arkansas Code § 17-96-303(a), concerning qualifications  
36 of an applicant for licensure as a podiatrist, is amended to read as follows:

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

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

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

6 ~~(3)~~(2) Has received a license or certificate of graduation from  
7 a legally incorporated, regularly established school of podiatric medicine  
8 recognized by the Council on Podiatric Medical Education of the American  
9 Podiatric Medical Association within the states, territories, districts, and  
10 provinces of the United States or within any foreign country.

11  
12 SECTION 101. Arkansas Code § 17-96-308(c)(2)(C), concerning the  
13 definition of "unprofessional and dishonest conduct" regarding podiatric  
14 medicine licensure, is repealed.

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

16  
17 SECTION 102. Arkansas Code § 17-97-201(a)(5)(B), concerning the  
18 membership of the Arkansas Psychology Board, is amended to read as follows:

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

21 (i) Ceases to be qualified;

22 (ii) Fails to attend three (3) successive board  
23 meetings without just cause as determined by the board;

24 (iii) Is found to be in violation of this chapter;

25 (iv) Pleads guilty or nolo contendere to or is found  
26 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under  
27 § 17-2-102 by a court of competent jurisdiction; or

28 (v) Pleads guilty or nolo contendere to or is found  
29 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her  
30 board duties by a court of competent jurisdiction.

31  
32 SECTION 103. Arkansas Code § 17-97-302(b)(1), concerning  
33 qualifications of an applicant for licensure as a psychologist, is amended to  
34 read as follows:

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

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

2 ~~(B)(A)~~ Has received a doctoral degree in psychology from  
3 an accredited institution recognized by the board as maintaining satisfactory  
4 standards at the time the degree was granted or, in lieu of a degree, a  
5 doctoral degree in a closely allied field if it is the opinion of the board  
6 that the training required therefor is substantially similar;

7 ~~(C)(B)~~ Has had at least two (2) years of experience in  
8 psychology of a type considered by the board to be qualifying in nature with  
9 at least one (1) of those years being postdoctoral work;

10 ~~(D)(C)~~ Is competent in psychology, as shown by passing  
11 examinations, written or oral, or both, as the board deems necessary;

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

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

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

19  
20 SECTION 104. Arkansas Code § 17-97-303(b)(1), concerning  
21 qualifications of an applicant for licensure as a psychological examiner, is  
22 amended to read as follows:

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

25 ~~(A) Is of good moral character;~~

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

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

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

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

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

3  
4           SECTION 105. Arkansas Code § 17-97-305(d)(1)(C), concerning the  
5 qualifications for examination for a provisional license as a psychologist,  
6 is repealed.

7                   ~~(C) Has good moral character;~~

8  
9           SECTION 106. Arkansas Code § 17-97-305(d)(1)(F), concerning the  
10 qualifications for a provisional license for psychologists and psychological  
11 examiners, is amended to read as follows:

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

14  
15           SECTION 107. Arkansas Code § 17-97-308(f)(2), concerning annual  
16 registration for licensure as a psychologist, is amended to read as follows:

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

20  
21           SECTION 108. Arkansas Code § 17-97-312(d)-(m), concerning criminal  
22 background checks for psychologists and psychological examiners, are amended  
23 to read as follows:

24                   (d) Upon completion of the criminal background check, the  
25 Identification Bureau of the Department of Arkansas State Police shall  
26 forward to the board all releasable information obtained concerning the  
27 applicant ~~in the commission of any offense listed in subsection (f) of this~~  
28 ~~section.~~

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

32                   (f) For purposes of this section, the board shall follow the licensing  
33 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~  
34 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~  
35 ~~or hold a license issued by the board if that person has pleaded guilty or~~  
36 ~~nolo contendere to or been found guilty of any of the following offenses by~~

1 ~~any court in the State of Arkansas or of any similar offense by a court in~~  
2 ~~another state or of any similar offense by a federal court;~~

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

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

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

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

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

9 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~  
10 ~~11-103;~~

11 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~  
12 ~~106;~~

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

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

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

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

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

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

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

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

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

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

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

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

29 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
30 ~~5-26-306;~~

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

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

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

36 ~~(24) Engaging children in sexually explicit conduct for use in~~

1 ~~visual or print media, transportation of minors for prohibited sexual~~  
2 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~  
3 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
4 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
5 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
6 ~~5-27-403;~~

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

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

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

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

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

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

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

15 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
16 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
17 ~~5-64-442;~~

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

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

21 ~~(35) Criminal attempt, criminal complicity, criminal~~  
22 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
23 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

24 (g)(1) The board may issue a six-month nonrenewable letter of  
25 provisional eligibility for licensure to a first-time applicant pending the  
26 results of the criminal background check.

27 (2) ~~Except as provided in subdivision (m)(1) of this section,~~  
28 ~~upon receipt of information from the Identification Bureau of the Department~~  
29 ~~of Arkansas State Police that the person holding a letter of provisional~~  
30 ~~licensure has pleaded guilty or nolo contendere to or been found guilty of~~  
31 ~~any offense listed in subsection (f) of this section, the board shall~~  
32 ~~immediately revoke the provisional license.~~

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

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

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

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

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

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

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

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

7                   ~~(E) Employment references;~~

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

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

11           ~~(i)-(h)(1)~~ (i)(1) Any information received by the board from the  
12 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~  
13 under this section shall not be available for examination except by the  
14 affected applicant for licensure or his or her authorized representative or  
15 the person whose license is subject to revocation or his or her authorized  
16 representative.

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

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

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

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

27           ~~(m)(1) For purposes of this section, an expunged record of a~~  
28 ~~conviction or plea of guilty of or nolo contendere to an offense listed in~~  
29 ~~subsection (f) of this section shall not be considered a conviction, guilty~~  
30 ~~plea, or nolo contendere plea to the offense unless the offense is also~~  
31 ~~listed in subdivision (m)(2) of this section.~~

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

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

36                   ~~(B) Murder in the first degree as prohibited in § 5-10-102~~

1 ~~and murder in the second degree as prohibited in § 5-10-103;~~  
 2 ~~(C) Kidnapping as prohibited in § 5-11-102;~~  
 3 ~~(D) Aggravated assault upon a law enforcement officer or~~  
 4 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
 5 ~~(E) Rape as prohibited in § 5-14-103;~~  
 6 ~~(F) Sexual extortion, § 5-14-113;~~  
 7 ~~(G) Sexual assault in the first degree as prohibited in §~~  
 8 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~  
 9 ~~(H) Incest as prohibited in § 5-26-202;~~  
 10 ~~(I) Endangering the welfare of an incompetent person in~~  
 11 ~~the first degree as prohibited in § 5-27-201;~~  
 12 ~~(J) Endangering the welfare of a minor in the first degree~~  
 13 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~  
 14 ~~second degree as prohibited in § 5-27-206;~~  
 15 ~~(K) Adult abuse that constitutes a felony as prohibited in~~  
 16 ~~§ 5-28-103; and~~  
 17 ~~(L) Arson as prohibited in § 5-38-301.~~

18  
 19 SECTION 109. Arkansas Code § 17-98-302(a), concerning admission to  
 20 examination for licensure as a disease intervention specialist, is amended to  
 21 read as follows:

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

27 ~~(1) Is a person of good moral character;~~  
 28 ~~(2)~~(1) Meets the minimum educational requirements;  
 29 ~~(3)~~(2) Meets the minimum specialized training requirements, as  
 30 determined by the board;  
 31 ~~(4)~~(3) Has had two (2) years of field experience in human  
 32 immunodeficiency virus/sexually transmitted disease intervention; and  
 33 ~~(5)~~(4) Is actively engaged in the field of human  
 34 immunodeficiency virus/sexually transmitted disease intervention at the time  
 35 he or she makes application.

36

1 SECTION 110. Arkansas Code § 17-98-303 is amended to read as follows:

2 17-98-303. Issuance of certificate without examination.

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

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

9 ~~(2)~~(1) Has had at least two (2) years' experience in the field  
10 of human immunodeficiency virus/sexually transmitted disease intervention;  
11 and

12 ~~(3)~~(2) Is registered as a disease intervention specialist in a  
13 state in which the qualifications for registration are not lower than the  
14 qualifications for registration in this state at the time he or she applies  
15 for registration.

16  
17 SECTION 111. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to  
18 read as follows:

19 17-98-305. Application for reinstatement.

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

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

27  
28 17-98-306. Refusal to renew – Suspension or revocation.

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

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

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

35  
36 SECTION 112. Arkansas Code § 17-99-302(b), concerning qualifications

1 of an applicant for licensure as a respiratory care practitioner, is amended  
2 to read as follows:

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

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

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

6 ~~(3)~~(2) Have been awarded a high school diploma or its  
7 equivalent;

8 ~~(4)~~(3) Have satisfactorily completed training in a respiratory  
9 care program which has been approved by the Arkansas State Respiratory Care  
10 Examining Committee, to include adequate instruction in basic medical  
11 science, clinical science, and respiratory care theory and procedures; and

12 ~~(5)~~(4) Have passed an examination approved by the Arkansas State  
13 Medical Board and the committee, unless exempted by other provisions of this  
14 chapter.

15

16 SECTION 113. Arkansas Code § 17-99-307(3), concerning the grounds for  
17 denial, suspension, or revocation of a respiratory care practitioner license,  
18 is repealed.

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

20

21 SECTION 114. Arkansas Code § 17-100-302(b), concerning qualifications  
22 of an applicant for licensure as a speech-language pathologist or  
23 audiologist, is amended to read as follows:

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

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

27 ~~(2)~~(1) Possess at least a master's degree in the area of speech-  
28 language pathology or a master's degree in audiology obtained on or before  
29 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from  
30 an educational institution recognized by the board;

31 ~~(3)~~(2) Submit evidence of the completion of the educational,  
32 clinical experience, and employment requirements, which shall be based on  
33 appropriate national standards and prescribed by the rules adopted under this  
34 chapter; and

35 ~~(4)~~(3) Pass an examination approved by the board before the  
36 board approves a license.

1  
2 SECTION 115. Arkansas Code § 17-100-302(d), concerning qualifications  
3 of an applicant for provisional licensure as a speech-language pathologist or  
4 audiologist, is amended to read as follows:

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

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

8 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-  
9 language pathology or audiology, as the case may be, from an educational  
10 institution recognized by the board;

11 ~~(3)(2)~~ Be in the process of completing the postgraduate  
12 professional experience requirement; and

13 ~~(4)(3)~~ Pass an examination approved by the board.  
14

15 SECTION 116. Arkansas Code § 17-100-307(a)(3), concerning the grounds  
16 for denial, suspension, or revocation of a license, or other disciplinary  
17 action for speech-language pathologists and audiologists, is amended to read  
18 as follows:

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

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

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

31 (i) The time for appeal has elapsed;

32 (ii) The judgment of conviction has been affirmed on  
33 appeal; or

34 (iii) An order granting probation has been made  
35 suspending the imposition of sentence, without regard to a subsequent order  
36 under the provisions of state law allowing the withdrawal of a guilty plea

1 and the substitution of a not guilty plea, or the setting aside of a guilty  
2 verdict, or the dismissal of the acquisition, information, or indictment;

3  
4 SECTION 117. Arkansas Code § 17-101-305(a)(4)(A), concerning the  
5 grounds for denial, suspension, or revocation of a veterinarian license, is  
6 amended to read as follows:

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

9  
10 SECTION 118. Arkansas Code § 17-102-304(a)(3), concerning  
11 qualifications of an applicant for provisional licensure as an acupuncturist,  
12 is amended to read as follows:

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

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

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

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

27  
28 SECTION 119. Arkansas Code § 17-102-304(c)(4), concerning  
29 qualifications of an applicant for provisional licensure as an acupuncturist,  
30 is amended to read as follows:

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

33  
34 SECTION 120. Arkansas Code § 17-103-305(b), concerning the grounds for  
35 renewal, revocation, or suspension of a social worker license, is amended to  
36 read as follows:

1 (b) The board shall refuse to issue or shall revoke the license of a  
2 person who has been found guilty of a felony, ~~any crime involving moral~~  
3 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,  
4 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable  
5 unless the person requests and the board grants a waiver under § 17-103-  
6 307(f).

7  
8 SECTION 121. Arkansas Code § 17-103-306(a)(1)(D), concerning  
9 qualifications of an applicant for licensure as a licensed social worker, is  
10 repealed.

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

12  
13 SECTION 122. Arkansas Code § 17-103-306(a)(1)(G), concerning  
14 qualifications for a Licensed Social Worker license, is amended to read as  
15 follows:

16 (G) Has not pleaded guilty or nolo contendere to or been  
17 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §  
18 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,  
19 breach of client trust, or abuse of the vulnerable;

20  
21 SECTION 123. Arkansas Code § 17-103-306(b)(1)(G), concerning the  
22 qualifications for a Licensed Master Social Worker license, is amended to  
23 read as follows:

24 (G) Has not pleaded guilty or nolo contendere to or been  
25 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §  
26 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,  
27 breach of client trust, or abuse of the vulnerable;

28  
29 SECTION 124. Arkansas Code § 17-103-306(c)(1)(H), concerning the  
30 qualifications for a Licensed Certified Social Worker license, is amended to  
31 read as follows:

32 (H) Has not pleaded guilty or nolo contendere to or been found  
33 guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-  
34 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach  
35 of client trust, or abuse of the vulnerable;

36

1 SECTION 125. Arkansas Code § 17-103-307(d)-(k), concerning criminal  
2 background check requirements for social workers, are amended to read as  
3 follows:

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

9 (e) For purposes of this section, the board shall follow the licensing  
10 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~  
11 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~  
12 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~  
13 ~~contendere to or been found guilty of a felony, any crime involving moral~~  
14 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~  
15 ~~breach of client trust, or abuse of the vulnerable, including without~~  
16 ~~limitation:~~

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

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

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

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

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

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~  
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~  
26 ~~106;~~

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

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

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

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

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

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

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

- 1           ~~(15) Rape as prohibited in § 5-14-103;~~  
2           ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~  
3           ~~(17) Sexual extortion, § 5-14-113;~~  
4           ~~(18) Sexual assault in the first degree, second degree, third~~  
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~  
6           ~~(19) Incest as prohibited in § 5-26-202;~~  
7           ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
8 ~~5-26-306;~~  
9           ~~(21) Endangering the welfare of an incompetent person in the~~  
10 ~~first degree as prohibited in § 5-27-201;~~  
11           ~~(22) Endangering the welfare of a minor in the first degree as~~  
12 ~~prohibited in § 5-27-205;~~  
13           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~  
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 a 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, and~~  
20 ~~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 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
31 ~~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; and~~  
35           ~~(35) Criminal attempt, criminal complicity, criminal~~  
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

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

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

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

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

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

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

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

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

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

13 ~~(E) Employment references;~~

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

15 ~~(G) Other evidence demonstrating that the applicant does~~  
16 ~~not pose a threat to the health or safety of children or endangered adults.~~

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

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

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

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

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

32 ~~(k)(1) As used in this section, an expunged record of a conviction or~~  
33 ~~plea of guilty or nolo contendere to an offense listed in subsection (e) of~~  
34 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~  
35 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~  
36 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~

1 ~~subdivision (k)(2) of this section.~~

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

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

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

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

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

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

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

14 ~~(G) Sexual assault in the first degree as prohibited in §~~  
15 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~

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

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

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

28 ~~(K) Adult abuse that constitutes a felony as prohibited in~~  
29 ~~§ 5-28-103; and~~

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

31  
32 SECTION 126. Arkansas Code § 17-104-312(3)(F), concerning violations  
33 of the Perfusionist Licensure Act, is amended to read as follows:

34 (F) A plea of guilty, nolo contendere, or a finding of  
35 guilt of a felony listed under § 17-2-102 or any offense substantially  
36 related to the qualifications, functions, or duties of a perfusionist, in

1 which event the record shall be conclusive evidence; or

2

3 SECTION 127. Arkansas Code § 17-105-102(b)(6), concerning  
4 qualifications of an applicant for licensure as a physician assistant, is  
5 repealed.

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

7

8 SECTION 128. Arkansas Code § 17-105-113 is amended to read as follows:  
9 17-105-113. Violation.

10 Following the exercise of due process, the Arkansas State Medical Board  
11 may discipline any physician assistant who:

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

14 (2) Fraudulently or deceptively uses a license;

15 (3) Violates any provision of this chapter or any regulations  
16 adopted by the board pertaining to this chapter;

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

18 (5) Is a habitual user of intoxicants or drugs to such an extent  
19 that he or she is unable to safely perform as a physician assistant;

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 physician  
22 assistant; or

23 ~~(7) Has committed an act of moral turpitude; or~~

24 ~~(8)~~(7) Represents himself or herself as a physician.

25

26 SECTION 129. Arkansas Code § 17-106-107(a)(2), concerning the  
27 licensing requirements for healthcare professionals who use radioactive  
28 materials or medical equipment emitting or detecting ionizing radiation on  
29 human beings for diagnostic or therapeutic purposes, is amended to read as  
30 follows:

31 (2) Submit satisfactory evidence verified by oath or affirmation  
32 that the applicant:

33 (A) Is qualified to administer radioactive materials or  
34 operate medical equipment emitting or detecting ionizing radiation upon human  
35 beings;

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

