## Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

## Act 1249 of the Regular Session

1	State of Arkansas	A Bill		
2	85th General Assembly	71 Bill	HOUSE BILL 2919	
3	Regular Session, 2005		HOUSE BILL 2919	
4 5	By: Representative D. Johnson	on		
6	By. Representative D. Johnson	on		
7				
8		For An Act To Be Entitled		
9	AN ACT TO AUTHORIZE THE ARKANSAS STATE MEDICAL			
10	BOARD TO CONDUCT A CRIMINAL BACKGROUND CHECK OF			
11	APPLICA	NTS FOR LICENSURE; AND FOR OTHER PUR	POSES.	
12				
13		Subtitle		
14	AUTH	ORIZING A CRIMINAL BACKGROUND CHECK		
15	FOR INDIVIDUALS LICENSED BY THE ARKANSAS			
16	STAT	E MEDICAL BOARD.		
17				
18				
19	BE IT ENACTED BY THE (	GENERAL ASSEMBLY OF THE STATE OF ARKA	ANSAS:	
20				
21	SECTION 1. Arka	ansas Code Title 17, Chapter 95, Subc	chapter 3 is amended	
22	to add additional sect	tions to read as follows:		
23	17-95-306. Crin	ninal background check.		
24	(a)(l) Beginnir	ng July 1, 2005, every person applyir	ng for a license or	
25	renewal of a license i	issued by the Arkansas State Medical	Board shall provide	
26	written authorization	to the board to allow the Arkansas S	State Police to	
27	release the results of	f a state and federal criminal histor	ry background check	
28	report to the board.			
29	<u>(2) The a</u>	applicant shall be responsible for pa	yment of the fees	
30	associated with the ba	ackground checks.		
31	<u>(b)(1) The stat</u>	te background check shall be from the	<u>Identification</u>	
32	Bureau of the Departme	ent of Arkansas State Police.		
33	(2) The f	federal background check shall be fro	om the Federal	
34	Bureau of Investigation	on and shall conform to the applicabl	Le federal standards	
35	and shall include the	taking of fingerprints of the applic	eant.	



1	(c) Upon completion of the criminal background checks, the		
2	Identification Bureau shall forward all releasable information obtained		
3	concerning the applicant to the board.		
4	(d) At the conclusion of any background check required by this		
5	section, the Identification Bureau shall be allowed to retain the		
6	fingerprinting card of the applicant until notified by the board that the		
7	person is no longer licensed.		
8			
9	17-95-307. License eligibility.		
10	No person shall be eligible to receive or hold a license to practice		
11	medicine or another health care profession issued by the Arkansas State		
12	Medical Board if the person has pleaded guilty or nolo contendere or has been		
13	found guilty of either an infamous crime that would impact his or her ability		
14	to practice medicine in the State of Arkansas or a felony, regardless of		
15	whether the conviction has been sealed, expunged, or pardoned.		
16			
17	<u>17-95-308. Waiver.</u>		
18	(a) The requirements of § 17-95-307 may be waived by the Arkansas		
19	State Medical Board upon the request of:		
20	(1) An affected applicant for licensure; or		
21	(2) The person holding the license subject to revocation.		
22	(b) The board may consider the following circumstances when		
23	considering a waiver, including, but not be limited to:		
24	(1) The age at which the crime was committed;		
25	(2) The circumstances surrounding the crime;		
26	(3) The length of time since the crime;		
27	(4) Subsequent work history;		
28	(5) Employment references;		
29	(6) Character references; and		
30	(7) Other evidence demonstrating that the applicant does not		
31	pose a threat to the health or safety to the public.		
32			
33	17-95-309. Background records sealed.		
34	(a) Any background record received by the Arkansas State Medical		
35	Board from the Identification Bureau of the Department of Arkansas State		
36	Police shall not be available for examination except by an affected applicant		

1	for licensure or his or her authorized representative or a person whose		
2	license is subject to revocation or his or her authorized representative.		
3	(b) No record, file, or document shall be removed from the custody of		
4	the Department of Arkansas State Police.		
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7	APPROVED: 3/24/2005		
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