Stricken language would be deleted from and underlined language would be added to present law. Act 47 of the Regular Session

1	State of Arkansas	As Engrossed: \$1/31/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		SENATE BILL 165
4			
5	By: Senator D. Johnson		
6			
7	For An Act To Be Entitled		
8	AN ACT TO CLARIFY THE LICENSURE PROCESS FOR DENTISTS		INTISTS
9	AND REGISTER	ED DENTAL HYGIENISTS; TO PROVIDE F	POR
10	CRIMINAL BACKGROUND CHECKS OF DENTISTS AND REGISTERED		
11	DENTAL HYGIE	NISTS; TO REMOVE OBSOLETE LANGUAGE	<u> </u>
12	REGARDING LI	CENSURE TESTING; AND FOR OTHER PUR	RPOSES.
13			
14			
15		Subtitle	
16		TO CLARIFY THE LICENSURE PROCESS	
17		NTISTS AND REGISTERED DENTAL	
18	HYGIENI	ISTS AND TO REMOVE OBSOLETE	
19	LANGUAG	GE REGARDING LICENSURE TESTING.	
20			
21			
22	BE IT ENACTED BY THE GEN	ERAL ASSEMBLY OF THE STATE OF ARKA	NSAS:
23	070770V 1 4 1		
24		as Code Title 17, Chapter 82 is an	ended to add an
25	additional subchapter to		
26	<u>Subchapter 8</u>	- Criminal Background Checks	
2728	17 92 901 <i>Crimin</i>	al Background Chack	
29		al Background Check July 1, 2011, every person applyin	og for a liganda or
30		sued by the Arkansas State Board of	_
31		athorization to the board to allow	
32			
33	Arkansas State Police to release the results of state and federal criminal history background check reports to the board.		
34	-	licant shall pay the fees associat	ted with the
35	background checks.		
36		ification Bureau of the Department	of Arkansas State



As Engrossed: S1/31/11 SB165

1	rolice shall perform the state criminal background check.
2	(2) The federal background check shall be requested from the
3	Federal Bureau of Investigation and shall include the taking of fingerprints
4	of the applicant.
5	(c) Upon completion of the criminal background checks, the
6	Identification Bureau shall forward to the board all releasable information
7	obtained concerning the applicant
8	(d) At the conclusion of any background check under this section, the
9	Identification Bureau shall retain the fingerprinting card of the applicant
10	until notified by the board that the person is no longer licensed.
11	
12	17-82-802. License eligibility.
13	A person shall not be eligible to receive or hold a license to practice
14	dentistry or another health care profession issued by the Arkansas State
15	Board of Dental Examiners if the person has pleaded guilty or nolo contendere
16	or has been found guilty of either an infamous crime that would impact his or
17	her ability to practice dentistry or oral hygiene in the State of Arkansas or
18	a felony, regardless of whether the conviction has been sealed, expunged, or
19	pardoned.
20	
21	<u>17-82-803. Waiver.</u>
22	(a) Section 17-82-802 may be waived by the Arkansas State Board of
23	Dental Examiners upon the request of:
24	(1) An affected applicant for licensure; or
25	(2) The person holding the license subject to revocation.
26	(b) The board may consider the following circumstances when
27	considering a waiver, including without limitation:
28	(1) The age at which the crime was committed;
29	(2) The circumstances surrounding the crime;
30	(3) The length of time since the crime;
31	(4) Subsequent work history;
32	(5) Employment references;
33	(6) Character references; and
34	(7) Other evidence demonstrating that the applicant does not
35	pose a threat to the health or safety of the public.

2

I	17-82-804. Background records sealed.
2	(a) A background record received by the Arkansas State Board of Dental
3	Examiners from the Identification Bureau of the Department of Arkansas State
4	Police shall not be available for examination except by:
5	(1) An affected applicant for licensure or his or her authorized
6	representative; or
7	(2) A person whose license is subject to revocation or his or
8	her authorized representative.
9	(b) A record, file, or document shall not be removed from the custody
10	of the department.
11	
12	SECTION 2. Arkansas Code § 17-82-303 (d) and (e), concerning
13	examinations for dentistry licensure, are amended to read as follows:
14	(d) The board may accept the results of the National Board of Dental
15	Examiners examination if it so desires and may cooperate with dental schools
16	in other states for the administration of the clinical examination or may
17	cooperate with other states in the administration of a regional clinical
18	examination.
19	(e)(1) The board shall determine what grade or percentage the
20	applicant must make to entitle him or her to be licensed.
21	(2) The grade or percentage shall be the same at any one (1)
22	examination for all applicants, but it shall never be lower than seventy-five
23	percent (75%).
24	
25	/s/D. Johnson
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28	APPROVED: 02/18/2011
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