

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1460

5 By: Representatives Tosh, Pilkington
6 By: Senator D. Wallace
7

For An Act To Be Entitled

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

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17 TO AUTHORIZE INDIVIDUALS WITH VIOLENCE
18 OFFENSES TO WORK WITH INDIVIDUALS
19 RECEIVING SUBSTANCE ABUSE TREATMENT AS
20 PEER SUPPORT SPECIALISTS OR SIMILAR
21 POSITIONS REQUIRING A HISTORY OF
22 RECEIVING BEHAVIORAL HEALTH SERVICES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 20-38-105(g), concerning disqualification
28 from employment based on criminal background checks, is amended to read as
29 follows:

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

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

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



1 (3)(A) The only offense on the person’s criminal background
2 check that would disqualify him or her from employment is an offense that
3 does not involve violence or a sexual act.

4 (B) If the offense on the person’s criminal background
5 check that would disqualify him or her from employment is an offense that
6 involves violence, the Department of Human Services shall evaluate the
7 offense and make a determination, on the basis of criteria and limitation
8 adopted by the department in rule, as to whether the person may be employed
9 as a peer support specialist.

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11 SECTION 2. Arkansas Code § 20-77-135(4), concerning conditions that do
12 not disqualify or exclude an individual as a peer support specialist within
13 the Arkansas Medicaid Program, is amended to read as follows:

14 (4)(A) The criminal offense does not involve violence or a
15 sexual act.

16 (B) If the offense on the person’s criminal background
17 check that would disqualify him or her from employment is an offense that
18 involves violence, the Department of Human Services shall evaluate the
19 offense and make a determination, on the basis of criteria and limitation
20 adopted by the department in rule, as to whether the person may be employed
21 as a peer support specialist; and

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24 **APPROVED: 3/6/23**