

HOUSE AMENDMENT 3 TO hb1108.

deleting lines 35 and 36 of page 1 and line 1 of page 2 and substituting the following:

"(5) Employee means any person who provides care to the elderly or to individuals with disabilities or both on behalf of, under the supervision of, or by arrangement with a qualified entity or any person employed by a qualified entity, unless the person is a volunteer or works in an administrative capacity.";

AND

_by deleting line 16 through 24 of page 2 and substituting the following:

"(11) Qualified entity means a long-term care facility as defined by A.C.A. §§ 20-10-101 or A.C.A. 20-10-702, any facility defined by A.C.A. § 20-9-201, a home health care service as defined by A.C.A. § 20-10-801, and a hospice service as defined by A.C.A. § 20-7-117 whether or not the entity has applied for or possesses any license necessary for operation.";

AND

by deleting lines 11 and 12 of page 3;

AND

by deleting lines 16 through 28 of page 3 and substituting the following:

"(a) When a person applies for a position as an employee of a qualified entity and if the qualified entity intends to make an offer of employment to the applicant, the applicant shall complete a criminal history check form obtained from the qualified entity and shall submit the form to the qualified entity as part of the application process. If the qualified entity intends to make an offer of employment to the applicant, the qualified entity shall, within five (5) days of such decision, forward the criminal history check form to the Bureau and request the Bureau to review the Bureau s index of criminal history checks on persons caring for the elderly or individuals with disabilities. The applicant shall be responsible for the payment of any fee associated with the criminal history check, however, a qualified entity may pay the fee on behalf of the applicant. Within three (3) days of the receipt of a request to review the index, the Bureau shall notify the qualified entity, if the index contains any criminal history records on the applicant. A qualified entity may make an offer of temporary employment to an applicant pending receipt of notification from the Bureau after checking the database of the licensing agency.";

AND

by deleting lines 26 and 27 of page 4;

AND

by deleting on line 2 of page 5 the word "plead" and substituting the phrase "has pled";

AND

by deleting on line 9 of page 5 the word "plead" and substituting the phrase "has pled";

AND

by deleting lines 11 through 32 of page 5 and substituting the following:

"(b) (1) Homicide, as prohibited by A.C.A. § 5-10-101 through 5-10-105;

(2) Kidnapping, as prohibited by A.C.A. § 5-11-102;

(3) False imprisonment in the first and second degree, as prohibited by A.C.A.

§ 5-11-103 and § 5-11-104;

(4) Permanent detention or restraint, as prohibited by A.C.A. § 5-11-106;

(5) Robbery, as prohibited by A.C.A. § 5-12-102;

(6) Aggravated robbery, as prohibited by A.C.A. § 5-12-103;

(7) Battery in the first degree, as prohibited by A.C.A. § 5-13-201;

(8) Aggravated assault, as prohibited by A.C.A. § 5-13-204 ;

(9) Terroristic threatening in the first degree, as prohibited by A.C.A. § 5-

13-301.

(10) Rape, as prohibited by A.C.A. § 5-14-103;

(11) Carnal abuse in the first degree, as prohibited by A.C.A. § 5-14-104;

(12) Carnal abuse in the second degree, as prohibited by A.C.A. § 5-14-105;

(13) Carnal abuse in the third degree, as prohibited by A.C.A. § 5-14-106;

(14) Sexual abuse in the first degree, as prohibited by A.C.A. § 5-14-108;

(15) Sexual abuse in the second degree, as prohibited by A.C.A. § 5-14-109;

(16) Sexual solicitation of a child, as prohibited by A.C.A. § 5-14-110;

(17) Violation of minor in the first degree, as prohibited by A.C.A. §

5-14-120;

(18) Violation of a minor in the second degree, as prohibited by A.C.A. §

5-14-121;

(19) Incest, as prohibited by A.C.A. § 5-26-202;

(20) Offenses involving the family, as prohibited by A.C.A. § 5-26-303 through

5-26-306;

(21) Endangering the welfare of an incompetent person in the first degree and endangering the welfare of a minor in the first degree, as prohibited by A.C.A. §§ 5-27-201 and 5-27-203;

(22) Engaging children in sexually explicit conduct for use in visual or print medium, transportation of minors for prohibited sexual conduct, employing or consenting to use of child in sexual performance, or producing, directing or promoting sexual performance, as prohibited by A.C.A. §§ 5-27-303, 5-27-305, 5-27-402, or 5-27-403;

(23) Felony adult abuse, as prohibited by A.C.A. § 5-28-103;

(24) Theft of property, as prohibited by A.C.A. § 5-36-103;

(25) Theft by receiving, as prohibited by A.C.A. § 5-36-106;

(26) Arson, as prohibited by A.C.A. § 5-38-301;

(27)

Burglary, as prohibited by A.C.A. § 5-39-201;

(28) felony violation of the Uniform Controlled Substances Act, as prohibited by A.C.A. § 5-64-401;

(29) Stalking as prohibited by A.C.A. § 5-2-301;

(30) Promoting prostitution in the first degree, as prohibited by A.C.A. § 5-70-104;

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

AND

by deleting on lines 18 and 19 of page 6 the language "sale or use of illegal substances,";

AND

by inserting a new subsection on line 31 of page 6 to read as follows:

"(g) Any unlicensed qualified entity violating this act shall be guilty of a Class A misdemeanor for each violation.";

AND

by deleting on line 33 of page 6 the language ", signed, and notarized";

AND

by deleting line 11 of page 7;

AND

by deleting the period "." at the end of line 12 of page 7 and substituting the language "i and";

AND

by inserting a new subdivision on line 13 of page 7 to read as follows:

"(7) contains the notarized signature of the person who is the subject of the check.";

AND

by inserting on line 6 of page 8 between the word "shall" and the word "prepare" and phrase "cooperate to";

AND

by inserting on line 6 of page 8 between the word "promulgate" and the word "regulations" the word "consistent";

AND

by deleting lines 13 through 24 of page 9 and substituting the following:

- "(1) A.C.A. 17-27-101, et seq., regarding licensed professional counselors;
- (2) A.C.A. § 17-46-101, et seq., regarding social workers;
- (3) A.C.A. § 17--82-101, et seq., regarding dentists;
- (4) A.C.A. § 17-87-101, et seq., regarding nurses;
- (5) A.C.A. § 17-88-101, et seq., regarding occupational therapists;
- (6) A.C.A. § 17-92-101, et seq., regarding pharmacists;
- (7) A.C.A. § 17-93-301, et seq. regarding physical therapists;
- (8) A.C.A. § 17-95-201, et seq., regarding physicians and surgeons;
- (9) A.C.A. § 17-96-101, et seq., regarding podiatrists;
- (10) A.C.A. § 17-97-101, et seq., regarding psychologists and psychological examiners;
- (11) A.C.A. § 17-100-101, et seq., regarding speech-language pathologists and audiologists; or
- (12) A.C.A. § 20-10-401, et seq., regarding nursing home administrators.";

AND

by inserting on line 1 of page 10 between the word "for" and the word "criminal" the word "initial".