

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2919

4
5 By: Representative D. Johnson
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For An Act To Be Entitled

8
9 AN ACT TO AUTHORIZE THE ARKANSAS STATE MEDICAL
10 BOARD TO CONDUCT A CRIMINAL BACKGROUND CHECK OF
11 APPLICANTS FOR LICENSURE; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AUTHORIZING A CRIMINAL BACKGROUND CHECK
15 FOR INDIVIDUALS LICENSED BY THE ARKANSAS
16 STATE MEDICAL BOARD.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 3 is amended
22 to add additional sections to read as follows:

23 17-95-306. Criminal background check.

24 (a)(1) Beginning July 1, 2005, every person applying for a license or
25 renewal of a license issued by the Arkansas State Medical Board shall provide
26 written authorization to the board to allow the Arkansas State Police to
27 release the results of a state and federal criminal history background check
28 report to the board.

29 (2) The applicant shall be responsible for payment of the fees
30 associated with the background checks.

31 (b)(1) The state background check shall be from the Identification
32 Bureau of the Department of Arkansas State Police.

33 (2) The federal background check shall be from the Federal
34 Bureau of Investigation and shall conform to the applicable federal standards
35 and shall include the taking of fingerprints of the applicant.

36 (c) Upon completion of the criminal background checks, the



1 Identification Bureau shall forward all releasable information obtained
 2 concerning the applicant to the board.

3 (d) At the conclusion of any background check required by this
 4 section, the Identification Bureau shall be allowed to retain the
 5 fingerprinting card of the applicant until notified by the board that the
 6 person is no longer licensed.

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 8 17-95-307. License eligibility.

9 No person shall be eligible to receive or hold a license to practice
 10 medicine or another health care profession issued by the Arkansas State
 11 Medical Board if the person has pleaded guilty or nolo contendere or has been
 12 found guilty of either an infamous crime that would impact his or her ability
 13 to practice medicine in the State of Arkansas or a felony, regardless of
 14 whether the conviction has been sealed, expunged, or pardoned.

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 16 17-95-308. Waiver.

17 (a) The requirements of § 17-95-307 may be waived by the Arkansas
 18 State Medical Board upon the request of:

- 19 (1) An affected applicant for licensure; or
 20 (2) The person holding the license subject to revocation.

21 (b) The board may consider the following circumstances when
 22 considering a waiver, including, but not be limited to:

- 23 (1) The age at which the crime was committed;
 24 (2) The circumstances surrounding the crime;
 25 (3) The length of time since the crime;
 26 (4) Subsequent work history;
 27 (5) Employment references;
 28 (6) Character references; and
 29 (7) Other evidence demonstrating that the applicant does not
 30 pose a threat to the health or safety to the public.

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 32 17-95-309. Background records sealed.

33 (a) Any background record received by the Arkansas State Medical
 34 Board from the Identification Bureau of the Department of Arkansas State
 35 Police shall not be available for examination except by an affected applicant
 36 for licensure or his or her authorized representative or a person whose

1 license is subject to revocation or his or her authorized representative.

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

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