

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

As Engrossed: *SI/31/11*
A Bill

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
9 AND REGISTERED DENTAL HYGIENISTS; TO PROVIDE FOR
10 CRIMINAL BACKGROUND CHECKS OF DENTISTS AND REGISTERED
11 DENTAL HYGIENISTS; TO REMOVE OBSOLETE LANGUAGE
12 REGARDING LICENSURE TESTING; AND FOR OTHER PURPOSES.
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15 **Subtitle**

16 AN ACT TO CLARIFY THE LICENSURE PROCESS
17 FOR DENTISTS AND REGISTERED DENTAL
18 HYGIENISTS AND TO REMOVE OBSOLETE
19 LANGUAGE REGARDING LICENSURE TESTING.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 17, Chapter 82 is amended to add an
25 additional subchapter to read as follows:

26 Subchapter 8 – Criminal Background Checks

27
28 17-82-801. Criminal Background Check

29 (a)(1) Beginning July 1, 2011, every person applying for a license or
30 renewal of a license issued by the Arkansas State Board of Dental Examiners
31 shall provide written authorization to the board to allow the Department of
32 Arkansas State Police to release the results of state and federal criminal
33 history background check reports to the board.

34 (2) The applicant shall pay the fees associated with the
35 background checks.

36 (b)(1) The Identification Bureau of the Department of Arkansas State



1 Police 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.

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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.

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21 17-82-803. Waiver.

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.

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1 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.

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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%).~~

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25 /s/D. Johnson
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