

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4
5 By: Senator S. Flowers

A Bill

SENATE BILL 229

For An Act To Be Entitled

8 AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR
9 ALCOHOLISM AND DRUG ABUSE COUNSELORS LICENSEES; TO
10 AMEND THE LAW CONCERNING ALCOHOLISM AND DRUG ABUSE
11 COUNSELORS; AND FOR OTHER PURPOSES.

Subtitle

15 TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR
16 ALCOHOLISM AND DRUG ABUSE COUNSELORS
17 LICENSEES; AND TO AMEND THE LAW
18 CONCERNING ALCOHOLISM AND DRUG ABUSE
19 COUNSELORS.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. Arkansas Code § 17-27-408(a), concerning requirements for
25 licensed alcoholism and drug abuse counselors, is amended to add an
26 additional subdivision to read as follows:

27 (11) Has applied for a criminal background check and meets the
28 qualifications for issuance of a license under § 17-27-417.

30 SECTION 2. Arkansas Code § 17-27-409(a), concerning license
31 requirements for associate alcoholism and drug abuse counselors, is amended
32 to add an additional subdivision to read as follows:

33 (12) Has applied for a criminal background check and meets the
34 qualifications for issuance of a license under § 17-27-417.

36 SECTION 3. Arkansas Code § 17-27-410 is repealed.



1 ~~17-27-410. Certified alcoholism and drug abuse technician—~~
 2 ~~Certification requirements.~~

3 ~~(a) The State Board of Examiners of Alcoholism and Drug Abuse~~
 4 ~~Counselors shall issue the certification as a certified alcoholism and drug~~
 5 ~~abuse technician to an applicant who meets the following requirements:~~

6 ~~(1) Is at least twenty one (21) years of age;~~

7 ~~(2)(A) Has successfully completed a minimum of three (3) years~~
 8 ~~or six thousand (6,000) hours of supervised experience.~~

9 ~~(B) Supervised experience shall be approved and documented~~
 10 ~~by a registered clinical supervisor in good standing with the board;~~

11 ~~(3)(A) Has successfully completed a minimum of two hundred~~
 12 ~~seventy (270) clock hours of approved education.~~

13 ~~(B) Approved education shall be directly related to~~
 14 ~~alcoholism or drug abuse counseling subjects, theory, practice, or research;~~

15 ~~(4) Has submitted an application on a form provided by the board~~
 16 ~~and paid an application fee fixed by the board;~~

17 ~~(5) Has certified under penalty of perjury as evidenced by a~~
 18 ~~notarized signature on the application for licensure that all education and~~
 19 ~~experience requirements have been met;~~

20 ~~(6) Has submitted three (3) letters of reference;~~

21 ~~(7) Has paid to the board an examination fee fixed by the board;~~

22 ~~(8) Has passed a national qualifying written examination~~
 23 ~~prescribed by the board, sufficient to ensure professional competence in~~
 24 ~~keeping with the highest standards of the alcoholism and drug abuse~~
 25 ~~counseling profession;~~

26 ~~(9) Has signed a written agreement to abide by the code of~~
 27 ~~ethics adopted by the board; and~~

28 ~~(10) Holds a high school diploma or equivalent.~~

29 ~~(b) The certification shall be displayed in the technician's principal~~
 30 ~~place of practice and shall entitle the individual to hold himself or herself~~
 31 ~~forth to the public as providing services as authorized by this subchapter.~~

32 ~~(c) Technicians certified by the board may engage in the practice of~~
 33 ~~alcoholism and drug abuse counseling only while under the direct supervision~~
 34 ~~of a licensed alcoholism and drug abuse counselor who is registered as a~~
 35 ~~registered clinical supervisor by the board.~~

36 ~~(d) A technician shall not receive a license as a licensed alcoholism~~

1 ~~and drug abuse counselor or a license as an associate alcoholism and drug~~
 2 ~~abuse counselor unless the provisions of §§ 17-27-408 and 17-27-409 have been~~
 3 ~~met.~~

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 5 SECTION 4. Arkansas Code Title 17, Chapter 27, Subchapter 4, is
 6 amended to add an additional section to read as follows:

7 17-27-417. Criminal background checks.

8 (a) Each applicant for a license issued by the Arkansas Board of
 9 Examiners of Alcoholism and Drug Abuse Counselors shall apply for a state and
 10 federal criminal background check to be conducted by the Department of
 11 Arkansas State Police and the Federal Bureau of Investigation.

12 (b) The criminal background check in subsection (a) of this section
 13 shall conform to the applicable federal standards and shall include the
 14 taking of fingerprints.

15 (c) The applicant for a license under this subchapter shall:

16 (1) Sign and provide a release of information to the board; and

17 (2) Be responsible for the payment of any fee associated with
 18 the criminal background check.

19 (d) Upon completion of the criminal background check, the
 20 Identification Bureau of the Department of Arkansas State Police shall
 21 forward to the board all information obtained concerning the applicant and
 22 the commission of any offense listed under subsection (e) of this section.

23 (e) Except as provided in subdivision (i)(1) of this section, a person
 24 is not eligible to receive or hold a license issued by the board if that
 25 person has pleaded guilty or nolo contendere to or been found guilty of a
 26 felony, any crime involving moral turpitude, or criminal offense involving
 27 violence, dishonesty, fraud, deceit, break of client trust, or abuse of the
 28 vulnerable, including without limitation:

29 (1) Capital murder, § 5-10-101;

30 (2) Murder in the first degree, § 5-10-102;

31 (3) Murder in the second degree, § 5-10-103;

32 (4) Manslaughter, § 5-10-104;

33 (5) Negligent homicide, § 5-10-105;

34 (6) Kidnapping, § 5-11-102;

35 (7) False imprisonment in the first degree, § 5-11-103;

36 (8) Permanent detention or restraint, § 5-11-106;

- 1 (9) Robbery, § 5-12-102;
- 2 (10) Aggravated robbery, § 5-12-103;
- 3 (11) Battery in the first degree, § 5-13-201;
- 4 (12) Aggravated assault, § 5-13-204;
- 5 (13) Introduction of a controlled substance into the body of
 6 another person, § 5-13-210;
- 7 (14) Terroristic threatening in the first degree, § 5-13-301;
- 8 (15) Rape, § 5-14-103;
- 9 (16) Sexual indecency with a child, § 5-14-110;
- 10 (17) Sexual assault in the first degree, second degree, third
 11 degree, and fourth degree, §§ 5-14-124 – 5-14-127;
- 12 (18) Incest, § 5-26-202;
- 13 (19) Offenses against the family, §§ 5-26-303 - 5-26-306;
- 14 (20) Endangering the welfare of an incompetent person in the
 15 first degree, § 5-27-201;
- 16 (21) Endangering the welfare of a minor in the first degree, §
 17 5-27-205;
- 18 (22) Permitting the abuse of a minor, § 5-27-221;
- 19 (23) Engaging children in sexually explicit conduct for use in
 20 visual or print media, transportation of minors for prohibited sexual
 21 conduct, pandering or possessing visual or print medium depicting sexually
 22 explicit conduct involving a child, or use of a child or consent to use of a
 23 child in a sexual performance by producing, directing, or promoting a sexual
 24 performance by a child, §§ 5-27-402 - 5-27-403;
- 25 (24) Felony adult abuse, § 5-28-103;
- 26 (25) Theft of property, § 5-36-103;
- 27 (26) Theft by receiving, § 5-36-106;
- 28 (27) Arson, § 5-38-301;
- 29 (28) Burglary, § 5-39-201;
- 30 (29) Felony violation of the Uniform Controlled Substances Act,
 31 §§ 5-64-101 - 5-64-510;
- 32 (30) Promoting prostitution in the first degree, § 5-70-104;
- 33 (31) Stalking, § 5-71-229;
- 34 (32) Criminal attempt, § 5-3-201, criminal complicity, §- 5-3-
 35 202, criminal solicitation, § 5-3-301, or criminal conspiracy, § 5-3-401, to
 36 commit any of the offenses listed under subsection (e) of this section;

1 plea of guilty, or plea of nolo contendere to an offense listed under
 2 subsection (e) of this section shall not be a felony, any crime involving
 3 moral turpitude, or criminal offense involving violence, dishonesty, fraud,
 4 deceit, breach of client trust, or abuse of the vulnerable unless the offense
 5 is also listed in subdivision (i)(2) of this section.

6 (2) Because of the serious nature of the offenses and the close
 7 relationship to the type of work that is to be performed, a conviction,
 8 guilty plea, or plea of nolo contendere to any of the following offenses
 9 shall result in permanent disqualification for licensure under this
 10 subchapter:

11 (A) Capital murder, § 5-10-101;

12 (B) Murder in the first degree, § 5-10-102;

13 (C) Murder in the second degree, § 5-10-103;

14 (D) Kidnapping, § 5-11-102;

15 (E) Rape, § 5-14-103;

16 (F) Sexual assault in the first degree, § 5-14-124;

17 (G) Sexual assault in the second degree, § 5-14-125;

18 (H) Engaging children in sexually explicit conduct for use in
 19 visual or print media, § 5-27-303, transportation of minors for prohibited
 20 sexual conduct, § 5-27-305, pandering or possessing visual or print medium
 21 depicting sexually explicit conduct involving a child, § 5-27-304, or use of
 22 a child or consent to use of a child in a sexual performance by producing,
 23 directing, or promoting a sexual performance by a child, §§ 5-27-402 - 5-27-
 24 403;

25 (I) Arson, § 5-38-301;

26 (J) Endangering the welfare of an incompetent person in the
 27 first degree, § 5-27-201; and

28 (K) Adult abuse that constitutes a felony, § 5-28-103.

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