

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1366

5 By: Representative Penzo
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For An Act To Be Entitled

8 AN ACT TO REQUIRE EMPLOYEES OF CERTAIN HEALTHCARE
9 PROVIDERS TO HAVE A CRIMINAL BACKGROUND CHECK; TO
10 CREATE A RAPBACK PROGRAM UNDER THE DIVISION OF
11 ARKANSAS STATE POLICE; AND FOR OTHER PURPOSES.
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Subtitle

14 TO REQUIRE EMPLOYEES OF CERTAIN
15 HEALTHCARE PROVIDERS TO HAVE A CRIMINAL
16 BACKGROUND CHECK; AND TO CREATE A RAPBACK
17 PROGRAM UNDER THE DIVISION OF ARKANSAS
18 STATE POLICE.
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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 § 20-38-101(9), concerning the definition of
25 "service provider" regarding criminal background checks, is amended to read
26 as follows:

27 (9) "Service provider" means any of the following:

28 (A) An Alternative Community Services Waiver Program
29 provider certified by the Division of Developmental Disabilities Services ~~of~~
30 ~~the Department of Human Services;~~

31 (B) A childcare facility as defined by § 20-78-202;

32 (C) A church-exempt childcare facility as recognized under
33 § 20-78-209;

34 (D) An early intervention program provider certified by
35 the Division of Developmental Disabilities Services ~~of the Department of~~
36 ~~Human Services;~~



1 (E) A home- and community-based health services provider
 2 certified by the Division of Aging, Adult, and Behavioral Health Services of
 3 the Department of Human Services;

4 (F) A home healthcare service under § 20-10-801;

5 (G) A hospice program under § 20-7-117;

6 (H) A long-term care facility as defined by § 20-10-702;

7 ~~or~~

8 (I) A nonprofit community program as defined by § 20-48-
 9 101; ~~and~~

10 (J) An entity that provides personal care services to
 11 individuals;

12 (K) A long-term care facility under § 20-10-1202; or

13 (L) An entity that provides services to or houses teens
 14 and youths; and

15
 16 SECTION 2. Arkansas Code Title 20, Chapter 38, Subchapter 1, is
 17 amended to add an additional section to read as follows:

18 20-38-114. Rapback Program.

19 (a) The Division of Arkansas State Police shall develop and implement
 20 a Rapback Program.

21 (b) The purpose of the program is to identify employees who have
 22 committed disqualifying offenses after obtaining a favorable fitness
 23 determination under this subchapter and to reduce duplication of
 24 fingerprinting.

25 (c)(1) The division shall require all service providers to
 26 periodically verify the eligibility of employees for continued employment
 27 with the service provider through a fingerprint-based criminal history
 28 records check performed by the Federal Bureau of Investigation.

29 (2) The division may retain the fingerprints and use the
 30 fingerprints retained for cascaded searches of all files including latent
 31 files.

32 (d) If the program finds that an employee has committed a
 33 disqualifying offense, the program shall send a written notice to the service
 34 provider of the employee within five (5) business days after obtaining the
 35 information.

36 (e) The division shall adopt rules to implement this section.