

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

# A Bill

HOUSE BILL 1427

5 By: Representative Miller  
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## For An Act To Be Entitled

8 AN ACT TO REQUIRE IN-HOME CAREGIVERS FOR MEDICAID  
9 BENEFICIARIES TO PASS REGISTRY RECORDS CHECKS IN  
10 ORDER TO BE PAID WITH MEDICAID FUNDS; TO CLARIFY  
11 REQUIREMENTS FOR REGISTRY RECORDS CHECKS AND CRIMINAL  
12 BACKGROUND CHECKS FOR IN-HOME CAREGIVERS OF MEDICAID  
13 BENEFICIARIES; AND FOR OTHER PURPOSES.  
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## Subtitle

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16 TO CLARIFY REQUIREMENTS FOR REGISTRY  
17 RECORDS CHECKS AND CRIMINAL BACKGROUND  
18 CHECKS FOR IN-HOME CAREGIVERS OF MEDICAID  
19 BENEFICIARIES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 20-77-128(a), concerning the definitions  
26 for in-home caregiver drug tests and criminal background checks, is amended  
27 to read as follows:

28 (a) As used in this section:

29 (1) "Caregiver" ~~"caregiver"~~ means an individual who has  
30 responsibility for the protection, in-home care, or custody of a Medicaid  
31 enrollee as a result of assuming the responsibility by contract; and

32 (2) "Registry records check" means the review of one (1) or more  
33 database systems maintained by a state agency that contain information  
34 relative to the suitability of a person to be a caregiver.  
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36 SECTION 2. Arkansas Code § 20-77-128(c), concerning in-home caregiver



1 drug tests and criminal background checks, is amended to read as follows:

2 (c)(1) The ~~Department of Human Services~~ department shall:

3 (A) Require a state criminal background check of a  
4 caregiver and of an applicant to become a caregiver by the Identification  
5 Bureau of the ~~Department~~ Division of Arkansas State Police that conforms to  
6 the applicable standards; ~~and~~

7 (B) For a person who has not resided continuously in  
8 Arkansas during the previous five (5) years, require a federal criminal  
9 background check of a caregiver and of an applicant to become a caregiver by  
10 the Federal Bureau of Investigation that conforms to the applicable standards  
11 and includes the taking of fingerprints; and

12 (C) Require a registry records check of a caregiver and of  
13 an applicant to become a caregiver, including without limitation registry  
14 records checks with the Child Maltreatment Central Registry and the Adult and  
15 Long-Term Care Facility Resident Maltreatment Central Registry.

16 (2) A caregiver or an applicant to become a caregiver shall pay  
17 for the payment of any fee associated with the registry records check and the  
18 criminal background check required under this subsection.

19 (3)(A) Before a criminal background check is performed, a  
20 caregiver or an applicant to become a caregiver shall sign a release  
21 authorizing the criminal background check.

22 (B) Before a registry records check is performed, a  
23 caregiver or applicant to become a caregiver shall sign a release authorizing  
24 the registry records check.

25 (4) Upon completion of the criminal background check, the  
26 Identification Bureau of the ~~Department~~ Division of Arkansas State Police  
27 shall forward to the ~~Department of Human Services~~ department information  
28 obtained concerning the caregiver or applicant to become a caregiver ~~that~~  
29 ~~indicates that~~ including whether the caregiver or applicant to become a  
30 caregiver has pleaded guilty or nolo contendere to or has been found guilty  
31 of a felony or crime involving moral turpitude or dishonesty.

32 (5) The results of the registry records check and the criminal  
33 background check shall be used by the ~~Department of Human Services~~ department  
34 to determine the suitability of:

35 (A) An applicant to become a caregiver paid with Medicaid  
36 funds; or

1 (B) A caregiver for continued employment paid with  
2 Medicaid funds.

3 (6)(A) A caregiver or applicant to become a caregiver who has  
4 pleaded guilty or nolo contendere to or has been found guilty of a felony or  
5 crime involving moral turpitude or dishonesty shall not be employed to  
6 provide services paid with Medicaid funds.

7 (B) A caregiver or applicant to become a caregiver who is  
8 on either the Child Maltreatment Central Registry or the Adult and Long-Term  
9 Care Facility Resident Maltreatment Central Registry shall not be employed to  
10 provide services paid with Medicaid funds.

11 (7) The registry records check and the criminal background  
12 information of a caregiver or applicant to become a caregiver is  
13 confidential.  
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