

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/13/19  
**A Bill**

HOUSE BILL 1433

By: Representative Rushing

### For An Act To Be Entitled

AN ACT TO AUTHORIZE INDIVIDUALS WITH PRIOR DRUG-RELATED OFFENSES TO WORK WITH INDIVIDUALS RECEIVING SUBSTANCE ABUSE TREATMENT AS PEER SUPPORT SPECIALISTS OR SIMILAR POSITIONS REQUIRING A HISTORY OF RECEIVING BEHAVIORAL HEALTH SERVICES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### Subtitle

TO AUTHORIZE INDIVIDUALS WITH PRIOR DRUG-RELATED OFFENSES TO WORK WITH INDIVIDUALS RECEIVING SUBSTANCE ABUSE TREATMENT AS PEER SUPPORT SPECIALISTS OR SIMILAR POSITIONS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 20-38-105, concerning disqualification from employment based on criminal background checks, is amended to add an additional subsection to read as follows:

(g) Notwithstanding any other provision of law, a person is not disqualified from employment if:

(1) The person is employed as or being considered for employment as a peer support specialist or other similar position requiring that the person has personally received services within the behavioral health system;

(2) The person works or is applying to work with individuals receiving substance abuse treatment; and

(3) The only offense on the person's criminal background check



that would disqualify him or her from employment is an offense that does not involve violence or a sexual act.

SECTION 2. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:

20-77-135. Peer support specialist.

The Department of Human Services shall not disqualify or exclude an individual from participation in the Arkansas Medicaid Program based on a criminal background check if:

(1) The individual is employed as a peer support specialist or other similar position;

(2) The individual obtains certification in peer recovery by the Arkansas Substance Abuse Certification Board;

(3) The certification was obtained after the commission of a criminal offense;

(4) The criminal offense does not involve violence or a sexual act; and

(5) The certification process includes due process for appealing a decision based upon a disqualifying charge in the criminal background check.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that use of the new Peer Support benefit in the Arkansas Medicaid Program is hindered by the inability under current rules to hire individuals who have committed drug-related offenses; that individuals who have served jail time can often have the most success in reaching individuals struggling with substance abuse addiction; that substance abuse is a growing issue for the State of Arkansas; that barriers should be removed to give providers all necessary resources to combat substance abuse; and that this act is immediately necessary to allow the Department of Human Services to make administrative rules at the earliest possible date to ensure the employment of individuals with drug-related offenses in the Peer Support benefit, to help reach individuals struggling with substance abuse addiction, and to combat substance abuse addiction. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall

become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/Rushing*

**APPROVED: 4/12/19**