

Stricken language would be deleted from and underlined language would be added to present law.
Act 990 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/18/19 H4/3/19

A Bill

SENATE BILL 451

By: Senator J. Cooper

By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to participate in the Occupational Licensing Policy Learning Consortium, an initiative funded by a grant from the United States Department of Labor and supported in partnership with the National Conference of State Legislatures, the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals to the Red Tape Reduction Working Group to review and address occupational



licensing regulations that create unnecessary barriers to labor market entry; and

(4) The Red Tape Reduction Working Group issued a final report to the Governor in the fall of 2018 with five (5) recommendations for substantive legislative reform, which are to:

(A) Establish an expedited procedure for occupational licensing entities to collectively submit administrative rules that are responsive to new legislation;

(B) Extend Acts 2017, No. 781, to allow repeal of subsections of rules;

(C) Establish provisions to allow certain agencies to consider occupational relevance with regard to criminal background issues;

(D) Authorize occupational licensing entities to identify types of individuals or entities that may be issued temporary or provisional licenses; and

(E) Establish a systematic process for review of:

(i) New occupational licenses and occupational licensing entities; and

(ii) Existing occupational licenses and occupational licensing entities.

(b) It is the intent of the General Assembly to establish provisions to allow certain agencies to consider occupational relevance with regard to criminal background issues.

SECTION 2. Arkansas Code Title 17 is amended to add an additional chapter to read as follows:

CHAPTER 2

OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

17-2-101. Definitions.

As used in this subchapter:

(1) "Criminal record" means any type of felony or misdemeanor conviction;

(2) "Licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an

individual to engage in a particular occupation or profession; and

(3) "License" means a license, certificate, registration, permit, or other form of authorization required by law or rule that is required for an individual to engage in a particular occupation or profession.

17-2-102. Licensing restrictions based on criminal records.

(a) An individual is not eligible to receive or hold a license issued by a licensing entity if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed, pardoned or expunged under prior law:

(1) Capital murder as prohibited in § 5-10-101;

(2) Murder in the first degree and second degree as prohibited in §§ 5-10-102 and 5-10-103;

(3) Manslaughter as prohibited in § 5-10-104;

(4) Negligent homicide as prohibited in § 5-10-105;

(5) Kidnapping as prohibited in § 5-11-102;

(6) False imprisonment in the first degree as prohibited in § 5-11-103;

(7) Permanent detention or restraint as prohibited in § 5-11-106;

(8) Robbery as prohibited in § 5-12-102;

(9) Aggravated robbery as prohibited in § 5-12-103;

(10) Battery in the first degree as prohibited in § 5-13-201;

(11) Aggravated assault as prohibited in § 5-13-204;

(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;

(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility as prohibited in § 5-13-211, if a Class Y felony;

(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;

- (15) Rape as prohibited in § 5-14-103;
- (16) Sexual indecency with a child as prohibited in § 5-14-110;
- (17) Sexual extortion as prohibited in § 5-14-113;
- (18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- (19) Incest as prohibited in § 5-26-202;
- (20) Offenses against the family as prohibited in §§ 5-26-303 – 5-26-306;
- (21) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;
- (22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (23) Permitting the abuse of a minor as prohibited in § 5-27-221;
- (24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402, and 5-27-403;
- (25) Computer child pornography as prohibited in § 5-27-603;
- (26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (27) Felony adult abuse as prohibited in § 5-28-103;
- (28) Theft of property as prohibited in § 5-36-103;
- (29) Theft by receiving as prohibited in § 5-36-106;
- (30) Arson as prohibited in § 5-38-301;
- (31) Burglary as prohibited in § 5-39-201;
- (32) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-419 – 5-64-442;
- (33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;
- (34) Stalking as prohibited in § 5-71-229;
- (35) Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made by:

(A) An affected applicant for a license; or

(B) The individual holding a license subject to

revocation.

(2) A basis upon which a waiver may be granted includes without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was

committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license;

and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the

phrase "moral turpitude" and "good character"; or

(2) Consider arrests without a subsequent conviction.

(e) Due to the serious nature of the offenses, the following shall result in permanent disqualification for licensure:

(1) Capital murder as prohibited in § 5-10-101;

(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;

(3) Kidnapping as prohibited in § 5-11-102;

(4) Aggravated assault upon a law enforcement officer or an employee of a correctional facility as prohibited in § 5-13-211, if a Class Y felony;

(5) Rape as prohibited in § 5-14-103;

(6) Sexual extortion as prohibited in § 5-14-113;

(7) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

(8) Incest as prohibited in § 5-26-202;

(9) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;

(10) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;

(11) Adult abuse that constitutes a felony as prohibited in § 5-28-103; and

(12) Arson as prohibited in § 5-38-301.

(f) This chapter does not preclude a licensing entity from taking emergency action against a licensee as authorized under § 25-15-211 for the sake of public health, safety, or welfare.

(g) The permanent disqualification for an offense listed in subsection (e) of this section does not apply to an individual who holds a valid license on the effective date of this chapter.

(h) This section does not apply to licensure or certification:

(1) Of professions not governed by this title;

(2) Of polygraph examiners and voice stress analysis examiners under § 17-39-101 et seq.; or

(3) Of private investigators and private security agencies under the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, § 17-40-101 et seq.

17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

(b)(1) When adopting or amending rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

reapplication for a certificate of registration by the Arkansas Abstracters' Board, is amended to read as follows:

(a) If the applicant satisfactorily passes the examinations ~~and is of good moral character~~, the applicant shall be certified as a registered abstracter, and the certificate provided for shall be issued to him or her. The privileges granted by the certificate shall continue unless revoked, as provided in this chapter, or unless the certificate is otherwise surrendered to the Arkansas Abstracters' Board.

SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of certificates authorized by the Arkansas Abstracters' Board, is amended to read as follows:

(a) The Arkansas Abstracters' Board is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of registration issued to any person under the provisions of this chapter:

- (1) For a violation of any of the provisions of this chapter;
- (2) Upon a conviction of the holder of such a certificate of a crime ~~involving moral turpitude~~ under § 17-1-102; or
- (3) If the board finds the holder to be guilty of habitual carelessness or of fraudulent practices in the conduct of the business of abstracting.

SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure of appeal for revocation of certificates authorized by the Arkansas Abstracters' Board, is amended to read as follows:

(a)(1) Upon a verified complaint being filed with the Arkansas Abstracters' Board or upon the board's own motion filing a complaint charging the holder of a certificate of registration with a violation of any of the provisions of this chapter, or conviction of a crime involving ~~moral turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent practices in the conduct of the business of abstracting, or charging the holder of a certificate of authority with failure to furnish the bond or bonds, or other securities, required by § 17-11-324, or with failing to have employed a registered abstracter as provided in § 17-11-301, or with a violation of any of the provisions of this chapter, the board shall immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

(e)(1)(b)(1) Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

accountant.

SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal background check for initial licensure of accountants, is amended to read as follows:

(d) Upon completion of the criminal background checks, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the ~~commission by the applicant of any offense listed in subsection (e) of this section.~~

SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal background check for initial licensure of accountants, is repealed.

~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted of a felony or crime involving moral turpitude or dishonesty in any state or federal court may not receive or hold a license as a certified public accountant or public accountant.~~

SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the grounds for revocation or suspension of licensure of accountants, are amended to read as follows:

(5) Conviction of a felony under ~~the law of any state or of the United States~~ § 17-2-102;

(6) Conviction of any crime an element of which is dishonesty, ~~or fraud, or moral turpitude~~ under the law of any state or of the United States;

SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for revocation or suspension of licensure of an accountant, is amended to add an additional subsection to read as follows:

(c) In addition to the offenses listed in § 17-2-102, the Arkansas State Board of Public Accountancy may refuse to issue a license to or reinstate a license of a person who has been convicted of a felony involving theft or fraud, regardless of the amount of time that has elapsed since the conviction.

SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers and duties regarding criminal background checks of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(i) During the five (5) years immediately preceding the date of the application was convicted of, or pled guilty or nolo contendere to, a crime that would call into question the applicant's fitness for registration, licensure, or certification, including without limitation a crime involving:

~~(a) Moral turpitude;~~

~~(b)(1)(a)(1)~~ An act substantially related to the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed substantially related to the qualifications, functions, or duties of an appraiser if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a real property appraiser credential to perform the functions authorized by the credential;

~~(e)(b)~~ Taking, appropriating, or retaining the funds or property of another;

~~(d)(c)~~ Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;

~~(e)(d)~~ Evasion of a lawful debt or obligation, including without limitation a tax obligation;

~~(f)(e)~~ Trafficking in narcotics or controlled substances;

~~(g)(f)~~ Violation of a relation of trust or confidence;

~~(h)(g)~~ Theft of personal property or funds;

~~(i)(h)~~ An act of violence or threatened violence against persons or property; or

~~(j)(i)~~ A sexually related crime or act under § 5-14-101 et seq.;

SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and disciplinary procedures of the Arkansas Appraiser Licensing and Certification Board for licensees, is repealed.

~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

~~involving moral turpitude or of any felony.~~

~~(B) A plea of nolo contendere or no contest shall be considered a conviction for the purposes of this section.~~

SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements for registration under the Appraisal Management Company Registration Act, is amended to read as follows:

(3)(A) The name, address, and contact information of any person that owns ten percent (10%) or more of the appraisal management company.

(B) Any person owning more than ten percent (10%) of an appraisal management company in this state shall:

~~(i) Be of good moral character, as determined by the board; and~~

~~(ii) Submit~~ submit to a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations;

SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the disciplinary authority, enforcement, and hearings under the Appraisal Management Company Registration Act, is amended to read as follows:

(3) The person has pleaded guilty or nolo contendere to or been found guilty of:

(A) A felony listed under § 17-2-102; or

(B) Within the past ten (10) years:

(i) A misdemeanor involving mortgage lending or real estate appraising; or

(ii) An offense involving breach of trust, ~~moral turpitude~~, or fraudulent or dishonest dealing;

SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of "good moral character" related to architects, is repealed.

~~(3)(A) "Good moral character" means character that will enable a person to discharge the fiduciary duties of an architect to his or her client and to the public for the protection of health, safety, and welfare.~~

~~(B) Evidence of inability to discharge such duties~~

~~includes the commission of an offense justifying discipline under § 17-15-308;~~

SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations to be a registered and licensed architect, is amended to read as follows:

(b)(1) To be qualified for admission to an examination to practice architecture in the State of Arkansas, an applicant ~~must~~ shall be at least twenty-one (21) years of age ~~and of good moral character.~~

SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for revocation of a license for an architect, is amended to read as follows:

(5) The holder of the license or certificate of registration has been guilty of a felony listed under § 17-2-102;

SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the registration requirements for an athlete agent under the Uniform Athlete Agents Act, is amended to read as follows:

(8) whether the applicant or any person named pursuant to paragraph (7) has been convicted of a crime that, if committed in this State, would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-102, and identify the crime;

SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or revocation of a license of an auctioneer, is amended to read as follows:

(6) Being convicted of a criminal offense involving ~~moral turpitude~~ or a felony listed under § 17-2-102 in a court of competent jurisdiction of this or any other jurisdiction;

SECTION 21. Arkansas Code § 17-19-203(3), concerning character references for a professional bail bondsman license, is amended to read as follows:

(3) ~~Such other~~ Provide other proof as the board may require that he or she is competent, trustworthy, financially responsible, and of good personal and business reputation and has not been convicted of a felony ~~or any offense involving moral turpitude~~ listed under § 17-2-102.

SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension and penalties for a professional bail bondsman licensee, is amended to read as follows:

(1) Violated any provision of or any obligation imposed by this chapter or any lawful rule, ~~regulation~~, or order of the board or has been convicted of a felony ~~or any offense involving moral turpitude~~ listed under § 17-2-102;

SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:
17-20-302. Qualifications of applicants.

Any person shall be qualified to receive a certificate of registration to practice as a registered barber who:

(1) Is qualified under this chapter;
~~(2) Is of good moral character and temperate habits;~~
~~(3)~~(2) Has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his or her fitness to practice barbering;
~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and
~~(5)~~(4) Has received training approved by the appropriate licensing authorities.

SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for disciplinary action of barbers, is amended to read as follows:

(1)(A) Conviction of a felony listed under § 17-2-102 shown by a certified copy of the record of the court of conviction.

SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for revocation, suspension, or refusal of license issued by the State Board of Collection Agencies, is repealed.

~~(3) Conviction of any crime involving moral turpitude;~~

SECTION 26. Arkansas Code § 17-25-305(a), concerning the qualifications for a contractors license, is amended to read as follows:

(a) The Contractors Licensing Board, in determining the qualifications of any applicant for an original license or any renewal license, shall, among other things, consider the following:

- (1) Experience;
- (2) Ability;
- ~~(3) Character;~~
- ~~(4)~~(3) The manner of performance of previous contracts;
- ~~(5)~~(4) Financial condition;
- ~~(6)~~(5) Equipment;
- ~~(7)~~(6) Any other fact tending to show ability and willingness to conserve the public health and safety; and
- ~~(8)~~(7) Default in complying with the provisions of this chapter or ~~any other~~ another law of the state.

SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications for a contractors license, is amended to add an additional subsection to read as follows:

(c) In addition to the offenses listed in § 17-2-102, the board may consider the following offenses when determining fitness for licensure or registration of a contractor under this chapter:

(1) Conviction of a crime with an element of dishonesty or fraud under the laws of this state, another state, or the United States;

(2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-16-102;

(3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et seq.; and

(4)(A) A crime or act that is substantially related to the qualifications, functions, or duties of a contractor.

(B) A crime or act may be deemed substantially related to the qualifications, functions, or duties of a contractor if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a contractors license or registration to perform the functions authorized by the license or registration.

SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications for a contractors license through the Residential Contractors Committee, is amended to add an additional subsection to read as follows:

(c) In addition to the offenses listed in § 17-2-102, the committee may consider the following offenses when determining fitness for licensure or

registration of a contractor under this subchapter:

(1) Conviction of a crime with an element of dishonesty or fraud under the laws of this state, another state, or the United States;

(2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-16-102;

(3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et seq.; and

(4)(A) A crime or act that is substantially related to the qualifications, functions, or duties of a contractor.

(B) A crime or act may be deemed substantially related to the qualifications, functions, or duties of a contractor if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a contractor's license or registration to perform the functions authorized by the license or registration.

SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for disciplinary action for cosmetology and other related occupations, is amended to read as follows:

(10) Conviction under the laws of the United States or any state or territory of the United States of a crime that is:

(A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102, as evidenced by a certified copy of a court record or by license application; and

(B) ~~Involves~~ A misdemeanor involving dishonesty or is in any way related to the practice or teaching of the cosmetology industry, unless the applicant or licensee can demonstrate to the board's satisfaction that the applicant or licensee has been sufficiently rehabilitated to warrant the public trust;

SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of the Cosmetology Technical Advisory Committee, is amended to read as follows:

(c) The committee shall be composed of the following representatives from within the cosmetology industry who are ~~of good moral character and who are~~ at least twenty-five (25) years of age:

(1) One (1) member shall be a licensed cosmetologist actively engaged in practicing the art of cosmetology for at least five (5) years at

the time of appointment;

(2) One (1) member shall be a licensed nail technician;

(3) One (1) member shall be an owner of a licensed school of cosmetology or shall be a director of cosmetology at a state-supported school;

(4) One (1) member shall be a licensed aesthetician; and

(5) Three (3) members shall represent the cosmetology industry at large or a related field.

SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications for a licensed professional counselor, is amended to read as follows:

(2) The applicant is highly regarded in ~~personal character and~~ professional ethics;

SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications for a licensed marriage and family therapist before January 1, 1998, is amended to read as follows:

(2) The applicant is highly regarded in ~~personal character and~~ professional ethics;

SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
17-27-313. Criminal background checks.

(a) The Arkansas Board of Examiners in Counseling may require each applicant for license renewal and each first-time applicant for a license issued by the board to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the

applicant.

~~(e) No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:~~

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree and second degree as prohibited in §§ 5-10-102 and 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- ~~(5) Kidnapping as prohibited in § 5-11-102;~~
- ~~(6) False imprisonment in the first degree as prohibited in § 5-11-103;~~
- ~~(7) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(8) Robbery as prohibited in § 5-12-102;~~
- ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(12) Introduction of controlled substance into body of another person as prohibited in § 5-13-210;~~
- ~~(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- ~~(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~
- ~~(15) Rape as prohibited in § 5-14-103;~~
- ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(17) Sexual extortion, § 5-14-113;~~
- ~~(18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- ~~(19) Incest as prohibited in § 5-26-202;~~
- ~~(20) Offenses against the family as prohibited in §§ 5-26-303—5-26-306;~~
- ~~(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~

~~(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;~~

~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

~~(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~

~~(25) Computer child pornography as prohibited in § 5-27-603;~~

~~(26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;~~

~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

~~(28) Theft of property as prohibited in § 5-36-103;~~

~~(29) Theft by receiving as prohibited in § 5-36-106;~~

~~(30) Arson as prohibited in § 5-38-301;~~

~~(31) Burglary as prohibited in § 5-39-201;~~

~~(32) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—5-64-442;~~

~~(33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~

~~(34) Stalking as prohibited in § 5-71-229; and~~

~~(35) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding such a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (e) of this section, the board shall immediately revoke the provisional license.~~

~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

~~be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

(f) For the purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102.

~~(h)(1)(g)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by:

(A) The affected applicant for licensure, or his or her authorized representative; or

(B) The person whose license is subject to revocation, or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

~~(i)(h)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(j)(i)~~ Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to fully implement the provisions of this section.

SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions and prohibited conduct of embalmers and funeral directors, is amended to read as follows:

- (1) Conviction of a felony listed under § 17-2-102;

SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the administrative violations and penalties for an engineer, is amended to read as follows:

- (A) A felony listed under § 17-2-102;

SECTION 36. Arkansas Code § 17-31-303(c), concerning application for registration with the Arkansas State Board of Registration for Foresters, is repealed.

~~(c) A person shall not be eligible for registration as a forester who is not of good character and reputation.~~

SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a certificate for a registered forester, is amended to read as follows:

(b)(1) The board may revoke the certificate of any registered forester who has been convicted of a felony listed under § 17-2-102 or who is found guilty by the board of any fraud, deceit, gross negligence, misrepresentation, willful violation of contract, misconduct, or gross incompetence.

- (2) The board shall investigate such charges.

SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the qualifications for a geologist-in-training certificate, is repealed.

~~(1) Be of good ethical character;~~

SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial, suspension, or revocation of a registration certificate of a geologist, is amended to read as follows:

- (3) Any felony listed under § 17-2-102;

SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the registration of interior designers, is amended to read as follows:

(2) Has not been convicted of an offense listed under § 17-2-102 that bears directly on the fitness of the applicant to be registered;

SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of revocation for a license of an interior designer, is amended to read as follows:

(5) The holder of the registration has been guilty of a felony listed under § 17-2-102;

SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for licensure as a landscape architect, is amended to read as follows:

(a) An applicant for licensure shall:

(1) Be at least twenty-one (21) years of age; and

~~(2) Be of good moral character; and~~

~~(3)~~(2) Pass an examination covering the matters confronting landscape architects that is prepared by:

(A) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers; or

(B) Another entity as selected by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of revocation for a landscape architect, is amended to read as follows:

(5) The holder of the license or certificate has been guilty of a felony listed under § 17-2-102;

SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the real estate license law, is amended to read as follows:

(a) The following acts, conduct, or practices are prohibited, and any licensee found guilty shall be subject to disciplinary action as provided in § 17-42-312:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment;

(2) Violating any of the provisions of this chapter or any rules ~~or regulations~~ adopted pursuant to under this chapter or any order issued under this chapter;

(3) Being convicted of or pleading guilty or nolo contendere to a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence, *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

the imposition of sentence has been deferred or suspended;

(4) Making any substantial misrepresentation;

(5) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce, persuade, or influence any person to act thereon;

(6) Failing within a reasonable time to account for or to remit any moneys coming into his or her possession which belong to others;

(7) Committing any act involving ~~moral turpitude~~ violence, *fraud*, dishonesty, untruthfulness, or untrustworthiness;

(8) Acting for more than one (1) party in a transaction without the knowledge of all parties for whom he or she acts or accepting a commission or valuable consideration for the performance of any of the acts specified in this chapter from any person except the licensed principal broker under whom he or she is licensed;

(9) Acting as a broker or salesperson while not licensed with a principal broker, representing or attempting to represent a broker other than the principal broker with whom he or she is affiliated without the express knowledge and consent of the principal broker, or representing himself or herself as a salesperson or having a contractual relationship similar to that of a salesperson with anyone other than a licensed principal broker;

(10) Advertising in a false, misleading, or deceptive manner;

(11) Being unworthy or incompetent to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public;

(12) Paying a commission or valuable consideration to any person for acts or services performed in violation of this chapter, including paying a commission or other valuable consideration to an unlicensed person for participation in a real estate auction; and

(13) Any other conduct, whether of the same or a different character from that specified in this section, which constitutes improper, fraudulent, or dishonest dealing.

SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal background check for real estate licensees, is amended to read as follows:

(f) Except as provided in subsection (g) of this section, a person

shall not receive or hold a license issued by the commission if the person has been convicted of or pleaded guilty or nolo contendere to a felony listed under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, *fraud*, dishonesty, untruthfulness, or untrustworthiness.

SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance or denial of a license for an instructor of real estate education license, is amended to read as follows:

(3) The person or entity has pleaded guilty or nolo contendere to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor involving violence, *fraud*, misrepresentation, or dishonest or dishonorable dealing in a court of competent jurisdiction; or

SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations that disqualify for a real estate educator license or licensee, is amended to read as follows:

(3) Committing an act, a felony listed under § 17-2-102, or a crime involving ~~moral turpitude~~ violence, *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether the imposition of the sentence has been deferred or suspended;

SECTION 48. Arkansas Code § 17-43-303(a), concerning the application for examination for a sanitarian certificate of registration, is amended to read as follows:

(a) The Arkansas State Board of Sanitarians shall admit to examination any person who makes application to the Secretary of the Arkansas State Board of Sanitarians on forms prescribed and furnished by the board, and pays an application fee of twenty dollars (\$20.00) to defray the expense of examination, ~~and submits evidence satisfactory to the board that he or she is of good moral character.~~

SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:
17-43-307. Reciprocity.

The Arkansas State Board of Sanitarians shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the board, pays a registration fee of ten dollars

(\$10.00), and submits satisfactory proof that he or she:

~~(1) Is of good moral character;~~

~~(2)~~(1) Has had at least two (2) years' experience in the field of environmental sanitation; and

~~(3)~~(2) Is registered as a sanitarian in a state in which the qualifications for registration are not lower than the qualifications for registration in this state at the time he or she applies for registration.

SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for suspension, revocation, or refusal to renew a sanitarian certificate of registration, is amended to read as follows:

(a) The Arkansas State Board of Sanitarians may suspend, revoke, or refuse to renew a certificate of registration upon proof that the applicant+

~~(1) Is not of good character; or~~

~~(2) Is~~ is guilty of fraud, deceit, gross negligence, incompetency, or misconduct in relation to his or her duties as a sanitarian.

SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility and application for registration as a professional soil classifier or soil classifier-in-training, is amended to read as follows:

(a) To be eligible for registration as a professional soil classifier or certification as a soil classifier-in-training, an applicant ~~must+~~

~~(1) Be of good character and reputation; and~~

~~(2) Submit~~ shall submit a written application to the Arkansas State Board of Registration for Professional Soil Classifiers containing ~~such~~ information ~~as~~ the board may require, together with five (5) references, three (3) of which shall be professional soil classifiers having personal knowledge of his or her soil classifying experience or, in the case of an application for certification as a soil classifier-in-training, three (3) character references.

SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

17-47-311. Disciplinary actions – Grounds.

The Arkansas State Board of Registration for Professional Soil Classifiers shall have the power to suspend, refuse to renew, or revoke the certificate of registration of, or reprimand, any registrant who is guilty

of:

- (1) Fraud or deceit in obtaining a certificate of registration;
- (2) Gross negligence, incompetence, or misconduct in the practice of soil classifying;
- (3) A felony listed under § 17-2-102 ~~or crime involving moral turpitude~~; or
- (4) A violation of the code of ethics adopted and promulgated by the board.

SECTION 53. Arkansas Code § 17-48-203(a), concerning the qualifications for certification as a surveyor, is amended to read as follows:

(a) A person who shows to the satisfaction of the State Board of Licensure for Professional Engineers and Professional Surveyors that he or she is a person ~~of good character and reputation and~~ over twenty-one (21) years of age ~~shall be~~ is eligible for licensure as a professional surveyor if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure to engage in the practice of land surveying issued to him or her on the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown on his or her application that in the opinion of the board are equal to or higher than the requirements of this chapter may be licensed at the discretion of the board;

(2)(A) A graduate from an approved engineering curriculum with sufficient surveying courses or a surveying technology curriculum of two (2) years or more approved by the board, followed by at least two (2) years of land surveying that must be surveying experience of a character satisfactory to the board, who has passed a written examination designed to show that he or she is qualified to practice land surveying in this state, may be licensed if he or she is otherwise qualified.

(B) Each year of teaching land surveying in an approved engineering or surveying curriculum may be considered as equivalent to one (1) year of land surveying experience; or

(3)(A) An applicant who cannot qualify under subdivision (a)(2) of this section and who has six (6) years or more of active experience in

land surveying of a character satisfactory to the board and who has passed a written examination designed to show that he or she is qualified to practice land surveying may be granted a certificate of licensure to practice land surveying in this state if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved engineering or engineering technology curriculum majoring in surveying may be considered as one (1) year of experience in land surveying, but not exceeding two (2) years.

SECTION 54. Arkansas Code § 17-48-203(c), concerning the qualifications for licensure as a surveyor intern, is amended to read as follows:

(c) ~~A person who shows to the satisfaction of the board that he or she is a person of good character~~ shall be eligible for licensure as a surveyor intern if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure as a surveyor intern issued to him or her on the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown on his or her application, which requirements and qualifications, in the opinion of the board, are equal to or higher than the requirements of this chapter, may be licensed as a surveyor intern at the discretion of the board;

(2) A graduate from an approved engineering curriculum with sufficient surveying courses, or a surveying technology curriculum of two (2) years or more, approved by the board, who has passed a written examination designed to show that he or she is proficient in surveying fundamentals, may be licensed if he or she is otherwise qualified; or

(3)(A) An applicant who cannot qualify under subdivision (c)(2) of this section and who has four (4) years or more of active experience in land surveying of a character satisfactory to the board and who has passed a written examination designed to show that he or she is proficient in surveying fundamentals may be licensed if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved engineering or engineering technology curriculum majoring in surveying may be considered as one (1) year of experience in land surveying, but not exceeding

two (2) years.

SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the administrative violations and penalties of a surveyor, is amended to read as follows:

(A) A felony listed under § 17-2-102;

SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant qualifications for registration as a certified water well driller or certified pump installer, is repealed.

~~(2) Is of good moral character;~~

SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints against and disciplinary procedures for a home inspector, is amended to read as follows:

~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving moral turpitude or~~ of any felony listed under § 17-2-102;

~~(B) A plea of nolo contendere or no contest is considered a conviction for the purposes of this section;~~

SECTION 58. Arkansas Code § 17-52-315(a), concerning the application for registration as a home inspector, is amended to read as follows:

(a) Any person applying for registration or renewal of registration as a home inspector shall ~~be of good moral character and shall~~ submit to the Arkansas Home Inspector Registration Board:

(1) An application under oath upon a form to be prescribed by the board;

(2) A current certificate of insurance issued by an insurance company licensed or surplus lines approved to do business in this state that states that the applicant has procured general liability insurance in the minimum amount of one hundred thousand dollars (\$100,000) and, if applicable, workers' compensation insurance; and

(3) The required registration or registration renewal fee with the application.

SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

application for licensure as a chiropractor, is amended to read as follows:

(2) The applicant must submit proof satisfactory to the board of graduation from a chartered school or college of chiropractic as herein described and file with his or her application the affidavits of at least two (2) licensed and reputable doctors of chiropractic ~~showing him or her to be of good moral character.~~

SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the qualifications of applicants for licensure as a chiropractor, is repealed.

~~(6) Be of good moral character;~~

SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal background check required for a chiropractor, is amended to read as follows:

(e) Except as provided in subsection (f) of this section, a person shall not receive or hold a license issued by the board if the person has been convicted of or pleaded guilty or nolo contendere to any felony listed under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty, untruthfulness, or untrustworthiness, or is a registered sex offender or required to register as a sex offender.

SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing procedure for dentists, is amended to read as follows:

(b) An applicant:

(1) ~~Must~~ Shall:

(A) Be at least twenty-one (21) years of age ~~and of good moral reputation and character;~~

(B) Submit upon request ~~such~~ proof as required by the board ~~may require~~ touching upon age, ~~character~~, and fitness; and

(C) Have ~~been~~ graduated from an American Dental Association-accredited college of dentistry with the degree of Doctor of Dental Surgery or Doctor of Dental Medicine; or

(2) ~~Must~~ Shall:

(A) Be at least twenty-one (21) years of age ~~and of good moral reputation and character;~~

(B) Have graduated from a college of dentistry in North America with the degree of Doctor of Dental Surgery, Doctor of Dental

Medicine, or an equivalent degree approved by the board;

(C) Have passed an examination approved by the board and authorized under § 17-82-303;

(D) Be a resident of the State of Arkansas and the United States and be in compliance with federal laws of immigration; and

(E) Serve a period of at least one (1) year under a provisional license issued by the board to foreign graduates and successfully complete the monitoring requirements as ordered by the board at the time the provisional license is issued.

SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing procedures for dental hygienists, is amended to read as follows:

(b) An applicant ~~must~~ shall:

~~(1) Be of good moral reputation and character;~~

~~(2)(1)~~ (1) Have graduated from a dental hygiene program which is accredited by the American Dental Association Commission on Dental Accreditation and approved by the board for the training of dental hygienists; and

~~(3)(2)~~ (2) Submit upon request ~~such~~ proof as required by the board may require touching upon ~~character and~~ fitness.

SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the credentials for dentists and dental hygienists licensed in other states, is amended to read as follows:

(3) A certificate from the authority which issued the license, setting forth the applicant's ~~moral reputation and character~~, history with the board, professional ability, and such other information or data as the board may deem necessary or expedient.

SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation or suspension of a license for a dentist, dental hygienist, or dental assistant, is amended to read as follows:

(3) The commission of any criminal operation; habitual drunkenness for a period of three (3) months; insanity; adjudication of insanity or mental incompetency if deemed detrimental to patients; conviction of ~~an infamous crime or a felony~~ listed under § 17-2-102; addiction to

narcotics; immoral, dishonorable, or scandalous conduct; professional incompetency; failure to maintain proper standards of sanitation or failure otherwise to maintain adequate safeguards for the health and safety of patients; or employment in the practice of the profession of any drug, nostrum, unknown formula, or dangerous or unknown anesthetic not generally used by the dental profession;

SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
17-82-802. License eligibility.

A person shall not be eligible to receive or hold a license to practice dentistry or another healthcare profession issued by the Arkansas State Board of Dental Examiners if the person has pleaded guilty or nolo contendere or has been found guilty of ~~either an infamous crime that would impact his or her ability to practice dentistry or oral hygiene in the State of Arkansas or a felony, regardless of whether the conviction has been sealed, expunged, or pardoned~~ listed under § 17-2-102.

SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
17-83-307. Grounds for denial, revocation, or suspension.

The Arkansas Dietetics Licensing Board may refuse to issue or renew a license or may revoke or suspend a license issued under this chapter for any of the following, but is not limited to:

- (1) Violation of a provision of this chapter;
- (2) Engaging in unprofessional conduct or gross incompetence as defined by the rules of the board or violating the standards of professional responsibility adopted and published by the board; or
- (3) ~~Conviction in this or any other state of any crime that is a felony in this state~~ of a felony listed under § 17-2-102; ~~or~~
- ~~(4) Conviction of a felony in a federal court.~~

SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the qualifications for licensure and internship for hearing instrument dispensers, is amended to read as follows:

- (3) Show to the satisfaction of the board that he or she:
 - (A) Is twenty (20) years of age or older; and
 - (B) Has an education equivalent of two (2) or more years

of accredited college-level course work from a regionally accredited college or university; and

~~(C) Is of good moral character.~~

SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the suspension, revocation, nonissuance, or nonrenewal of a hearing instrument dispenser license, is amended to read as follows:

~~(1) Being convicted of a crime involving moral turpitude. A record of a conviction, certified by the judge or the clerk of the court where the conviction occurred, shall be sufficient evidence to warrant suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;

SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers and duties of the State Board of Health regarding massage therapy licenses, are amended to read as follows:

~~(e)(1) For purposes of this section, an applicant is not eligible to receive or hold a license issued by the Department of Health if the applicant has pleaded guilty or nolo contendere to or been found guilty of a felony or Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual misconduct, sexual solicitation, lewd behavior, child abuse or molestation, statutory rape, sexual assault, human trafficking, or other violent crimes~~ the board shall follow the licensing restrictions based on criminal records under § 17-2-102.

~~(2) A provision of this section may be waived by the Department of Health if:~~

~~(A) The conviction is for a Class A misdemeanor and:~~

~~(i) The completion of the applicant's sentence and probation or completion of the applicant's sentence or probation of the offense is at least three (3) years from the date of the application; and~~

~~(ii) The applicant has no criminal convictions during the three-year period; or~~

~~(B) The conviction is for a felony of any classification and:~~

~~(i) The completion of the applicant's sentence and probation or the completion of the applicant's sentence or probation of the offense is at least five (5) years from the date of the application; and~~

~~(ii) The applicant has no criminal convictions during the five-year period.~~

~~(f) The Department of Health may permit an applicant to be licensed regardless of having been convicted of an offense listed in this section, upon making a determination that the applicant does not pose a risk of harm to any person served by the Department of Health.~~

~~(g) In making a determination under subsection (f) of this section, the Department of Health may consider the following factors:~~

~~(1) The nature and severity of the crime;~~
~~(2) The consequences of the crime;~~
~~(3) The number and frequency of crimes;~~
~~(4) The relationship between the crime and the health, safety, and welfare of persons served by the Department of Health, such as:~~

~~(A) The age and vulnerability of victims of the crime;~~
~~(B) The harm suffered by the victim; and~~
~~(C) The similarity between the victim and persons served by the Department of Health;~~

~~(5) The time elapsed without a repeat of the same or similar event;~~

~~(6) Documentation of successful completion of training or rehabilitation pertinent to the incident; and~~

~~(7) Any other information that bears on the applicant's ability to care for others or other relevant information.~~

~~(h) If the Department of Health waives the provisions of subsection (e) of this section, the Department of Health shall submit the reasons for waiving this provision in writing, and the determination and reasons shall be made available to the members of the Department of Health for review.~~

SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications for licensure as a massage therapist, is amended to read as follows:

(1) Furnish to the Department of Health satisfactory proof that he or she is eighteen (18) years of age or older ~~and of good moral character;~~

SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary actions and penalties for massage therapists, is amended to read as follows:

(a) The Massage Therapy Technical Advisory Committee may deny,

suspend, place on probation, or revoke a license upon any one (1) of the following grounds:

- (1) ~~Conviction of, finding of guilt, or entry of a plea of guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A felony listed under § 17-2-102;
- (2) Malpractice or gross incompetency;
- (3) The use in advertisements of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims concerning the licensee's professional excellence or abilities;
- (4) Habitual drunkenness or habitual use of any illegal drugs;
- (5) Serving alcoholic beverages at the clinic or school in a room where massage therapy is being performed or in a massage therapy school;
- (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional conduct;
- (7) Failure to comply with the Department of Health's Massage Therapy Code of Ethics or any valid regulation or order of the committee;
- (8) Invasion of the field of practice of any profession for which a license is required, the diagnosis of ailments, diseases, or injuries of human beings, the performance of osseous adjustments, prescription of medications, or other breaches of the scope of practice of massage therapy;
- (9) Failure of any licensee to comply with this chapter; or
- (10) Failure to have licensed personnel to perform massage therapy techniques in his or her clinic or school.

SECTION 73. Arkansas Code § 17-87-301(a), concerning the qualifications for an applicant for licensure as a registered nurse, is amended to read as follows:

(a) Qualifications. Before taking the examination or before the issuance of a license by endorsement, an applicant for a license to practice professional nursing shall submit to the Arkansas State Board of Nursing written evidence, verified by oath, that the applicant:

- ~~(1) Is of good moral character;~~
- ~~(2)~~(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- ~~(3)~~(2) Has completed the required approved professional nursing

education program.

SECTION 74. Arkansas Code § 17-87-304(a), concerning the qualifications of an applicant for licensure as a licensed practical nurse, is amended to read as follows:

(a) Qualifications. An applicant for a license to practice practical nursing shall submit to the Arkansas State Board of Nursing evidence, verified by oath, that the applicant:

~~(1) Is of good moral character;~~

~~(2)~~(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and

~~(3)~~(2) Has completed a prescribed curriculum in a state-approved program for the preparation of practical nurses and holds a diploma or certificate therefrom. However, the board may waive this requirement if the board determines the applicant to be otherwise qualified.

SECTION 75. Arkansas Code § 17-87-305(a), concerning the qualifications of an applicant for licensure as a licensed psychiatric technician nurse, is amended to read as follows:

(a) Qualifications. An applicant for a license to practice psychiatric technician nursing shall submit to the Arkansas State Board of Nursing evidence, verified by oath, that the applicant:

~~(1) Is of good moral character;~~

~~(2)~~(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and

~~(3)~~(2) Has completed a prescribed curriculum in a state-approved program for the preparation of psychiatric technician nurses and holds a diploma or certificate therefrom. However, the board may waive this requirement if the board determines the applicant to be otherwise qualified.

SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal background checks for nurses, are amended to read as follows:

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall

forward to the board all releasable information obtained concerning the applicant ~~in the commission of any offense listed in subsection (e) of this section.~~

(e) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102. ~~Except as provided in subdivision (1)(1) of this section, a person shall not be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or has been found guilty of any of the following offenses by a court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:~~

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- ~~(5) Kidnapping as prohibited in § 5-11-102;~~
- ~~(6) False imprisonment in the first degree as prohibited in § 5-11-103;~~
- ~~(7) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(8) Robbery as prohibited in § 5-12-102;~~
- ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;~~
- ~~(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- ~~(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~
- ~~(15) Rape as prohibited in § 5-14-103;~~
- ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(17) Sexual extortion, § 5-14-113;~~
- ~~(18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- ~~(19) Incest as prohibited in § 5-26-202;~~

~~(20) Felony offenses against the family as prohibited in §§ 5-26-303—5-26-306;~~

~~(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~

~~(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;~~

~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

~~(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~

~~(25) Computer child pornography as prohibited in § 5-27-603;~~

~~(26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;~~

~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

~~(28) Felony theft of property as prohibited in § 5-36-103;~~

~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

~~(30) Arson as prohibited in § 5-38-301;~~

~~(31) Burglary as prohibited in § 5-39-201;~~

~~(32) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—5-64-442;~~

~~(33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~

~~(34) Stalking as prohibited in § 5-71-229; and~~

~~(35) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(f)(1)(A) The board may issue a nonrenewable temporary permit for licensure to a first-time applicant pending the results of the criminal background check.

~~(B)(2)~~ The permit shall be valid for no more than six (6)

months.

~~(2) Except as provided in subdivision (1)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding the letter of provisional licensure has pleaded guilty or nolo contendere to, or has been found guilty of, any offense listed in subsection (e) of this section, the board shall immediately revoke the provisional license.~~

~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of the public.~~

~~(h)(1)(g)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by:

(A) The affected applicant for licensure or his or her authorized representative; or

(B) The person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

~~(i)(h)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(j)(i)~~ Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

~~(k)(j)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

~~(1)(1)~~ For purposes of this section, an expunged record of a conviction or a plea of guilty or nolo contendere to an offense listed in subsection (c) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (1)(2) of this section.

~~(2)~~ Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:

- ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- ~~(D)~~ Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- ~~(E)~~ Rape as prohibited in § 5-14-103;
- ~~(F)~~ Sexual extortion, § 5-14-113;
- ~~(G)~~ Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- ~~(H)~~ Incest as prohibited in § 5-26-202;
- ~~(I)~~ Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
- ~~(J)~~ Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- ~~(K)~~ Adult abuse that constitutes a felony as prohibited in § 5-28-103; and
- ~~(L)~~ Arson as prohibited in § 5-38-301.

SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary actions for nurses, is amended to read as follows:

(1) Has been found guilty of or pleads guilty or nolo contendere to:

- (A) Fraud or deceit in procuring or attempting to procure a medication assistive person certificate; or
- (B) Providing services as a medication assistive person

without a valid certificate; ~~or~~

~~(C) Committing a crime of moral turpitude;~~

SECTION 78. Arkansas Code § 17-88-302(2), concerning the qualifications of an applicant for licensure as an occupational therapist, is repealed.

~~(2) The applicant must be of good moral character;~~

SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial, revocation, or suspension of an occupational therapist license, is amended to read as follows:

(4) Being convicted of a ~~crime, other than minor offenses defined as "minor misdemeanors", "violations", or "offenses", in any court if the acts for which the applicant or licensee was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant~~ felony listed under § 17-2-102; and

SECTION 80. Arkansas Code § 17-89-302(a), concerning the qualifications of an applicant for licensure as a licensed dispensing optician, is amended to read as follows:

(a) Every applicant for examination as a licensed dispensing optician shall present satisfactory evidence to the Arkansas Board of Dispensing Opticians that he or she is over twenty-one (21) years of age, ~~of good moral character,~~ a high school graduate or the equivalent thereof, and either:

(1) Is a graduate of a school of opticianry whose curriculum consists of at least eighteen (18) months of didactic and practical instruction which is accredited by a national accreditation organization and approved by the board; or

(2)(A) Has been engaged in the providing of ophthalmic dispensing services, as defined in this chapter, in the State of Arkansas for a period of not less than five (5) years immediately before application.

(B) No more than three (3) years may consist of:

(i) Working in a qualified service optical laboratory approved by the board; or

(ii) Providing ophthalmic dispensing services under

the direct supervision of an Arkansas-licensed or registered dispensing optician, Arkansas-licensed optometrist, or Arkansas physician skilled in diseases of the eye.

SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

17-89-303. Qualifications – Registered dispensing opticians.

Every applicant for examination as a registered dispensing optician shall present satisfactory evidence to the Arkansas Board of Dispensing Opticians that he or she is over twenty-one (21) years of age, ~~of good moral character,~~ a high school graduate or the equivalent thereof, and either:

- (1) Has a minimum of three (3) years' dispensing experience in Arkansas under the direct supervision of an Arkansas-licensed optometrist or Arkansas-licensed physician skilled in disease of the eye;
- (2) Has a minimum of three (3) years' experience under the direct supervision of a licensed or registered dispensing optician holding a certificate of licensure or registry in the State of Arkansas, one (1) year of which may be while working in a qualified full-service optical laboratory approved by the board; or
- (3) Is a graduate of an approved school of opticianry which has been accredited by a national accreditation organization and is recognized by the board.

SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for dispensing opticians, is amended to read as follows:

(b) The certificate may be issued without a written or practical examination upon payment of the fee prescribed in § 17-89-304(f) to the Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon satisfactory proof that the applicant:

- (1) Is qualified under the provisions of this chapter;
- ~~(2) Is of good moral character;~~
- ~~(3)~~(2) Has provided ophthalmic dispensing services to the public as a dispensing optician in the state of licensure or registration for a period of at least five (5) years for licensure or three (3) years for registration immediately before his or her application for reciprocity to this state; and
- ~~(4)~~(3) Is licensed or registered in a state which grants like

reciprocal privileges to opticians who hold certificates of licensure or registry issued by this state.

SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic dispensers from nonlicensing states seeking licensure as a dispensing opticians in Arkansas, is amended to read as follows:

(b) The applicant ~~must~~ shall:

(1) Be qualified under the provisions of this chapter;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have been engaged in ophthalmic dispensing as described in § 17-89-102(4) for a period of:

(A) Five ~~(5)~~ years for applicants for licensure, of which no more than three ~~(3)~~ years may be while working in a qualified full-service optical laboratory approved by the board; or

(B) Three ~~(3)~~ years for applicants for registry, of which no more than one ~~(1)~~ year may be while working in a qualified full-service laboratory approved by the board immediately before the date of application;

~~(4)~~(3) Successfully complete the written and practical examination for licensure or registry prepared and conducted by the board; and

~~(5)~~(4) Have paid the fee prescribed in § 17-89-304(f) to the Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of denial, suspension, or revocation of a licensure or registration of an ophthalmic dispensers, is amended to read as follows:

(3) The applicant, licensee, or registrant being convicted of a felony listed under § 17-2-102 ~~in any state or federal court, and not pardoned, if the acts for which the person is convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of a dispensing optician;~~

SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for licensure as an optometrist, is amended to read as follows:

(b) Every applicant for examination shall present satisfactory evidence that he or she is:

(1) ~~Over~~ At least twenty-one (21) years of age;
 (2) A successful candidate having passed all parts of the National Board of Examiners in Optometry examination since January 1, 1997;
and

~~(3) Of good moral character; and~~
~~(4)~~(3) A graduate of a college of optometry that has been accredited by the Accreditation Council on Optometric Education of the American Optometric Association.

SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by endorsement for optometrists, is amended to read as follows:

(3) A certificate of good standing from each authority which issued the license, setting forth the applicant's ~~moral reputation and character~~, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;

SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds for denial, revocation, or suspension of an optometrist license, is amended to read as follows:

(3) Conviction of a felony listed under § 17-2-102 or the conviction of a misdemeanor, if the misdemeanor conduct would denote an impairment in the ability to practice optometry;

SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing requirements for an osteopathic physician, is amended to read as follows:

(a) The Arkansas State Medical Board shall accept for licensure by examination any person who:

(1) Is at least twenty-one (21) years of age;
 (2) Is a citizen of the United States;
~~(3) Is of good moral character;~~
~~(4)~~(3) Has not been guilty of acts constituting unprofessional conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose course of study has been recognized by the Department of Education of the

American Osteopathic Association; and

~~(6)~~(5) Has completed a one-year internship in a hospital approved by the American Medical Association or the American Osteopathic Association.

SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of applicants for licensure as a pharmacist, is amended to read as follows:

(a) Each applicant for examination as a pharmacist shall:

(1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

~~(2) Shall be of good moral character and temperate habits; and~~

~~(3)~~(2) ~~Shall have~~ Have:

(A) Graduated and received the first professional undergraduate degree from a pharmacy degree program which has been approved by the Arkansas State Board of Pharmacy; or

(B) Graduated from a foreign college of pharmacy, completed a transcript verification program, taken and passed a college of pharmacy equivalency exam program, and completed a process of communication ability testing as defined under board regulations so that it is assured that the applicant meets standards necessary to protect public health and safety.

SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for revocation, suspension, or nonrenewal of licensure or registration, is amended to read as follows:

(3) The person has been found guilty or pleaded guilty or nolo contendere in a criminal proceeding, regardless of whether or not the adjudication of guilt or sentence is withheld by a court of this state, another state, or the United States Government for:

(A) Any felony listed under § 17-2-102;

(B) Any act involving ~~moral turpitude~~, gross immorality, or which is related to the qualifications, functions, and duties of a licensee; or

(C) Any violation of the pharmacy or drug laws or rules of this state, or of the pharmacy or drug statutes, rules, and regulations of any other state or of the United States Government;

SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

background check requirements for an intern or pharmacist license or a pharmacy technician registration, is amended to read as follows:

(e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~ person is not eligible to receive or hold an intern or pharmacist license or pharmacy technician registration issued by the board if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any of the following offenses, regardless of whether an adjudication of guilt or sentencing or imposition of sentence is withheld, by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Any felony listed under § 17-2-102;
- (2) Any act involving ~~moral turpitude~~, gross immorality, dishonesty, or which is related to the qualifications, functions, and duties of a person holding the license or registration; or
- (3) Any violation of Arkansas pharmacy or drug law or regulations, including, but not limited to, this chapter, the Uniform Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and Cosmetic Act, § 20-56-201 et seq.

SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of applicants for licensure as a physical therapist, is amended to read as follows:

- (b) Each physical therapist applicant shall:
- (1) Be at least twenty-one (21) years of age;
 - ~~(2) Be of good moral character;~~
 - ~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the board;
 - ~~(4)~~(3) Have passed examinations selected and approved by the board; and
 - ~~(5)~~(4) Submit fees as determined by the board.

SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of applicants for licensure as a physical therapist assistant, is amended to read as follows:

- (b) Each physical therapist assistant applicant shall:
- (1) Be at least eighteen (18) years of age;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

~~(4)~~(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

~~(5)~~(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

~~(4) Has been convicted of a crime involving moral turpitude;~~

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony ~~or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
17-95-307. License eligibility.

~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of ~~either an infamous crime that would impact his or~~

~~her ability to practice medicine in the State of Arkansas or a felony listed under § 17-2-102, regardless of whether the conviction has been sealed, expunged, or pardoned.~~

SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification of applicants for licensure as a physician, is amended to read as follows:

(2) ~~Is of good moral character and has~~ Has not been guilty of acts constituting unprofessional conduct as defined in § 17-95-409;

SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual registration for licensure as a physician, is amended to read as follows:

(2) If application for reinstatement is made, the board shall consider the ~~moral character and~~ professional qualifications of the applicant upon notice and hearing before ordering reinstatement. Unless such a showing shall thereupon be made to the board as would entitle the applicant to the issuance of an original license, reinstatement shall be denied.

SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the grounds for denial, suspension, or revocation of a physician license, is amended to read as follows:

(A)(i) Conviction of ~~any crime involving moral turpitude or conviction of~~ a felony listed under § 17-2-102.

(ii) The judgment of any such conviction, unless pending upon appeal, shall be conclusive evidence of unprofessional conduct;

SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning qualifications of an applicant for licensure as a graduate registered physician, is repealed.

~~(7) Is of good moral character; and~~

SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
17-95-910. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline a graduate registered physician who:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;

- (2) Fraudulently or deceptively uses a license;
- (3) Violates any provision of this subchapter or any rules adopted by the board pertaining to this chapter;
- (4) Is convicted of a felony listed under § 17-2-102;
- (5) Is a habitual user of intoxicants or drugs to the extent that he or she is unable to safely perform as a graduate registered physician; or
- (6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a graduate registered physician; ~~or~~
- ~~(7) Has committed an act of moral turpitude.~~

SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications of an applicant for licensure as a podiatrist, is amended to read as follows:

(a) ~~No person shall be entitled to~~ A person shall not take any examination for such registration unless that person shall furnish the Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- (1) Is twenty-one (21) years of age or over; and
- ~~(2) Is of good moral character; and~~
- ~~(3)~~(2) Has received a license or certificate of graduation from a legally incorporated, regularly established school of podiatric medicine recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association within the states, territories, districts, and provinces of the United States or within any foreign country.

SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the definition of "unprofessional and dishonest conduct" regarding podiatric medicine licensure, is repealed.

~~(C) Being guilty of an offense involving moral turpitude;~~

SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the membership of the Arkansas Psychology Board, is amended to read as follows:

- (B) The Governor shall remove any member from the board if he or she:
 - (i) Ceases to be qualified;
 - (ii) Fails to attend three (3) successive board

meetings without just cause as determined by the board;

(iii) Is found to be in violation of this chapter;

(iv) Pleads guilty or nolo contendere to or is found guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under § 17-2-102 by a court of competent jurisdiction; or

(v) Pleads guilty or nolo contendere to or is found guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her board duties by a court of competent jurisdiction.

SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning qualifications of an applicant for licensure as a psychologist, is amended to read as follows:

(b)(1) A candidate for a license shall furnish the board with satisfactory evidence that he or she:

~~(A) Is of good moral character;~~

~~(B)~~(A) Has received a doctoral degree in psychology from an accredited institution recognized by the board as maintaining satisfactory standards at the time the degree was granted or, in lieu of a degree, a doctoral degree in a closely allied field if it is the opinion of the board that the training required therefor is substantially similar;

~~(C)~~(B) Has had at least two (2) years of experience in psychology of a type considered by the board to be qualifying in nature with at least one (1) of those years being postdoctoral work;

~~(D)~~(C) Is competent in psychology, as shown by passing examinations, written or oral, or both, as the board deems necessary;

~~(E)~~(D) Is not considered by the board to be engaged in unethical practice;

~~(F)~~(E) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-97-312(f); and

~~(G)~~(F) Has not failed an examination given by the board within the preceding six (6) months.

SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning qualifications of an applicant for licensure as a psychological examiner, is amended to read as follows:

(b)(1) A candidate for a license shall furnish the board with satisfactory evidence that he or she:

~~(A) Is of good moral character;~~

~~(B)(A)~~ Has a master's degree in psychology or a closely related field from an accredited educational institution recognized by the board as maintaining satisfactory standards;

~~(C)(B)~~ Is competent as a psychological examiner as shown by passing examinations, written or oral, or both, as the board deems necessary;

~~(D)(C)~~ Is not considered by the board to be engaged in unethical practice;

~~(E)(D)~~ Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-97-312(f); and

~~(F)(E)~~ Has not failed an examination given by the board within the preceding six (6) months.

SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the qualifications for examination for a provisional license as a psychologist, is repealed.

~~(C) Has good moral character;~~

SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the qualifications for a provisional license for psychologists and psychological examiners, is amended to read as follows:

(F) Has not been convicted of ~~a crime involving moral turpitude~~ or a felony listed under § 17-2-102;

SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual registration for licensure as a psychologist, is amended to read as follows:

(2) If application for reinstatement is made, the board shall consider the ~~moral character and~~ professional qualifications of the applicant as in the case of an original application.

SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal background checks for psychologists and psychological examiners, are amended

to read as follows:

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant ~~in the commission of any offense listed in subsection (f) of this section.~~

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102. ~~Except as provided in subdivision (m)(1) of this section, no person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:~~

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- ~~(5) Kidnapping as prohibited in § 5-11-102;~~
- ~~(6) False imprisonment in the first degree as prohibited in § 5-11-103;~~
- ~~(7) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(8) Robbery as prohibited in § 5-12-102;~~
- ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;~~
- ~~(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- ~~(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~

- ~~(15) Rape as prohibited in § 5-14-103;~~
- ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(17) Sexual extortion, § 5-14-113;~~
- ~~(18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- ~~(19) Incest as prohibited in § 5-26-202;~~
- ~~(20) Offenses against the family as prohibited in §§ 5-26-303—5-26-306;~~
- ~~(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;~~
- ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
- ~~(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~
- ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
- ~~(26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;~~
- ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
- ~~(28) Theft of property as prohibited in § 5-36-103;~~
- ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
- ~~(30) Arson as prohibited in § 5-38-301;~~
- ~~(31) Burglary as prohibited in § 5-39-201;~~
- ~~(32) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—5-64-442;~~
- ~~(33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~
- ~~(34) Stalking as prohibited in § 5-71-229; and~~
- ~~(35) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(g)~~(1)~~ The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this

section shall not extend to any document created for purposes other than this background check.

~~(l)(k)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

~~(m)(1)~~ For purposes of this section, an expunged record of a conviction or plea of guilty of or nolo contendere to an offense listed in subsection (f) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (m)(2) of this section.

~~(2)~~ Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:

- ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- ~~(D)~~ Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- ~~(E)~~ Rape as prohibited in § 5-14-103;
- ~~(F)~~ Sexual extortion, § 5-14-113;
- ~~(G)~~ Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- ~~(H)~~ Incest as prohibited in § 5-26-202;
- ~~(I)~~ Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
- ~~(J)~~ Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;
- ~~(K)~~ Adult abuse that constitutes a felony as prohibited in § 5-28-103; and
- ~~(L)~~ Arson as prohibited in § 5-38-301.

SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to examination for licensure as a disease intervention specialist, is amended to read as follows:

- (a) The State Board of Disease Intervention Specialists shall admit to

examination any person who makes application to the Secretary of the State Board of Disease Intervention Specialists on forms prescribed and furnished by the board, pays an application fee set by the board to defray the expense of examination, and submits satisfactory proof to the board that he or she:

~~(1) Is a person of good moral character;~~

~~(2)~~(1) Meets the minimum educational requirements;

~~(3)~~(2) Meets the minimum specialized training requirements, as determined by the board;

~~(4)~~(3) Has had two (2) years of field experience in human immunodeficiency virus/sexually transmitted disease intervention; and

~~(5)~~(4) Is actively engaged in the field of human immunodeficiency virus/sexually transmitted disease intervention at the time he or she makes application.

SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
17-98-303. Issuance of certificate without examination.

The State Board of Disease Intervention Specialists shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the board, pays a registration fee set by the board, and submits satisfactory proof that he or she:

~~(1) Is of good moral character;~~

~~(2)~~(1) Has had at least two (2) years' experience in the field of human immunodeficiency virus/sexually transmitted disease intervention; and

~~(3)~~(2) Is registered as a disease intervention specialist in a state in which the qualifications for registration are not lower than the qualifications for registration in this state at the time he or she applies for registration.

SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to read as follows:

17-98-305. Application for reinstatement.

(a) A former registered disease intervention specialist whose certificate has expired or has been suspended or revoked may make application for reinstatement by paying a renewal fee and submitting satisfactory proof

to the State Board of Disease Intervention Specialists that he or she has complied with the continuing education requirements.

(b) The board shall consider the ~~moral character and~~ professional qualifications of the applicant as in the case of an original application.

17-98-306. Refusal to renew – Suspension or revocation.

The State Board of Disease Intervention Specialists may refuse to renew or may suspend or revoke a certificate upon proof that the applicant+

~~(1) Is not of good character; or~~

~~(2) Is~~ is guilty of fraud, deceit, gross negligence, incompetency, or misconduct relative to his or her duties as a disease intervention specialist.

SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications of an applicant for licensure as a respiratory care practitioner, is amended to read as follows:

(b) Each applicant ~~must~~ shall:

(1) Be at least eighteen (18) years of age;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have been awarded a high school diploma or its equivalent;

~~(4)~~(3) Have satisfactorily completed training in a respiratory care program which has been approved by the Arkansas State Respiratory Care Examining Committee, to include adequate instruction in basic medical science, clinical science, and respiratory care theory and procedures; and

~~(5)~~(4) Have passed an examination approved by the Arkansas State Medical Board and the committee, unless exempted by other provisions of this chapter.

SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for denial, suspension, or revocation of a respiratory care practitioner license, is repealed.

~~(3) Has been convicted of any crime involving moral turpitude;~~

SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications of an applicant for licensure as a speech-language pathologist or

audiologist, is amended to read as follows:

(b) To be eligible for licensure by the board as a speech-language pathologist or audiologist, a person shall:

~~(1) Be of good moral character;~~

~~(2)~~(1) Possess at least a master's degree in the area of speech-language pathology or a master's degree in audiology obtained on or before December 30, 2006, or a doctoral degree obtained after January 1, 2007, from an educational institution recognized by the board;

~~(3)~~(2) Submit evidence of the completion of the educational, clinical experience, and employment requirements, which shall be based on appropriate national standards and prescribed by the rules adopted under this chapter; and

~~(4)~~(3) Pass an examination approved by the board before the board approves a license.

SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications of an applicant for provisional licensure as a speech-language pathologist or audiologist, is amended to read as follows:

(d) To be eligible for provisional licensure by the board as a speech-language pathologist or audiologist, a person shall:

~~(1) Be of good moral character;~~

~~(2)~~(1) Possess at least a master's degree in the area of speech-language pathology or audiology, as the case may be, from an educational institution recognized by the board;

~~(3)~~(2) Be in the process of completing the postgraduate professional experience requirement; and

~~(4)~~(3) Pass an examination approved by the board.

SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds for denial, suspension, or revocation of a license, or other disciplinary action for speech-language pathologists and audiologists, is amended to read as follows:

(3)(A) Being convicted of a felony listed under § 17-2-102 ~~in any court of the United States if the acts for which the licensee or applicant is convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of~~

~~a speech language pathologist or audiologist.~~

~~(B) A plea or verdict of guilty made to a charge of a felony or of any offense involving moral turpitude is a conviction within the meaning of this section.~~

~~(C)~~(B) At the direction of the board, and after due notice and an administrative hearing in accordance with the provisions of applicable Arkansas laws, the license of the person so convicted shall be suspended or revoked or the board shall decline to issue a license when:

(i) The time for appeal has elapsed;

(ii) The judgment of conviction has been affirmed on appeal; or

(iii) An order granting probation has been made suspending the imposition of sentence, without regard to a subsequent order under the provisions of state law allowing the withdrawal of a guilty plea and the substitution of a not guilty plea, or the setting aside of a guilty verdict, or the dismissal of the acquisition, information, or indictment;

SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the grounds for denial, suspension, or revocation of a veterinarian license, is amended to read as follows:

(4)(A) Conviction of a felony ~~or other crime involving moral turpitude~~ listed under § 17-2-102.

SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning qualifications of an applicant for provisional licensure as an acupuncturist, is amended to read as follows:

(3) Before any applicant shall be eligible for an examination, the applicant shall furnish satisfactory proof to the board that he or she:

~~(A) Is of good moral character by filing with his or her application the affidavits of at least two (2) reputable acupuncturists who attest to his or her character;~~

~~(B)~~(A) Has successfully completed not fewer than sixty (60) semester credit hours of college education, to include a minimum of thirty (30) semester credit hours in the field of science; and

~~(C)~~(B) Has completed a program in acupuncture and related techniques and has received a certificate or diploma from an institute

approved by the board as described in this section. The training received in the program shall be for a period of no fewer than four (4) academic years and shall include a minimum of eight hundred (800) hours of supervised clinical practice.

SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning qualifications of an applicant for provisional licensure as an acupuncturist, is amended to read as follows:

(4) Not have been convicted of a felony listed under § 17-2-102;
and

SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for renewal, revocation, or suspension of a social worker license, is amended to read as follows:

(b) The board shall refuse to issue or shall revoke the license of a person who has been found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable unless the person requests and the board grants a waiver under § 17-103-307(f).

SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning qualifications of an applicant for licensure as a licensed social worker, is repealed.

~~(D) Has good moral character;~~

SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning qualifications for a Licensed Social Worker license, is amended to read as follows:

(G) Has not pleaded guilty or nolo contendere to or been found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable;

SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the qualifications for a Licensed Master Social Worker license, is amended to

read as follows:

(G) Has not pleaded guilty or nolo contendere to or been found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable;

SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the qualifications for a Licensed Certified Social Worker license, is amended to read as follows:

(H) Has not pleaded guilty or nolo contendere to or been found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable;

SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal background check requirements for social workers, are amended to read as follows:

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant ~~in the commission of any offense listed in subsection (e) of this section.~~

(e) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102. ~~Except as provided in subdivision (k)(1) of this section, a person is not eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of a felony, any crime involving moral turpitude, or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable, including without limitation:~~

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- ~~(5) Kidnapping as prohibited in § 5-11-102;~~

- ~~(6) False imprisonment in the first degree as prohibited in § 5-11-103;~~
- ~~(7) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(8) Robbery as prohibited in § 5-12-102;~~
- ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;~~
- ~~(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- ~~(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~
- ~~(15) Rape as prohibited in § 5-14-103;~~
- ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(17) Sexual extortion, § 5-14-113;~~
- ~~(18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- ~~(19) Incest as prohibited in § 5-26-202;~~
- ~~(20) Offenses against the family as prohibited in §§ 5-26-303—5-26-306;~~
- ~~(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;~~
- ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
- ~~(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~
- ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
- ~~(26) Computer exploitation of a child in the first degree as~~

~~prohibited in § 5-27-605;~~

~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

~~(28) Theft of property as prohibited in § 5-36-103;~~

~~(29) Theft by receiving as prohibited in § 5-36-106;~~

~~(30) Arson as prohibited in § 5-38-301;~~

~~(31) Burglary as prohibited in § 5-39-201;~~

~~(32) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—5-64-442;~~

~~(33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~

~~(34) Stalking as prohibited in § 5-71-229; and~~

~~(35) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

~~(f)(1) The provisions of subsection (c) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted include, but are not limited to, the following:~~

~~(A) The applicant's age at the time the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children or endangered adults.~~

~~(g)(1)(f)(1)~~ Information received by the board from the Identification Bureau of the Department of Arkansas State Police under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the

custody of the department.

~~(h)(g)~~ Information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(i)(h)~~ Rights of privilege and confidentiality established in this section do not extend to any document created for purposes other than the criminal background check.

~~(j)(i)~~ The board shall adopt the necessary rules to fully implement the provisions of this section.

~~(k)(1) As used in this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (e) of this section shall not be a felony, any crime involving moral turpitude, or a criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable unless the offense is also listed in subdivision (k)(2) of this section.~~

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

- ~~(A) Capital murder as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- ~~(D) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- ~~(E) Rape as prohibited in § 5-14-103;~~
- ~~(F) Sexual extortion, § 5-14-113;~~
- ~~(G) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- ~~(H) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(I) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;~~
- ~~(J) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual~~

~~conduct, or pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~

~~(K) Adult abuse that constitutes a felony as prohibited in § 5-28-103; and~~

~~(L) Arson as prohibited in § 5-38-301.~~

SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations of the Perfusionist Licensure Act, is amended to read as follows:

(F) A plea of guilty, nolo contendere, or a finding of guilt of a felony listed under § 17-2-102 or any offense substantially related to the qualifications, functions, or duties of a perfusionist, in which event the record shall be conclusive evidence; or

SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning qualifications of an applicant for licensure as a physician assistant, is repealed.

~~(6) Is of good moral character;~~

SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
17-105-113. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline any physician assistant who:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license;
- (2) Fraudulently or deceptively uses a license;
- (3) Violates any provision of this chapter or any regulations adopted by the board pertaining to this chapter;
- (4) Is convicted of a felony listed under § 17-2-102;
- (5) Is a habitual user of intoxicants or drugs to such an extent that he or she is unable to safely perform as a physician assistant;
- (6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a physician assistant; or

- ~~(7) Has committed an act of moral turpitude; or~~
~~(8)(7)~~ Represents himself or herself as a physician.

SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the licensing requirements for healthcare professionals who use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes, is amended to read as follows:

(2) Submit satisfactory evidence verified by oath or affirmation that the applicant:

(A) Is qualified to administer radioactive materials or operate medical equipment emitting or detecting ionizing radiation upon human beings;

~~(B) Is of good moral character;~~

~~(C)(B)~~ Is at least eighteen (18) years of age at the time of application; and

~~(D)(C)~~ Has been awarded a high school diploma or has passed the General Educational Development Test or the equivalent.

SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline for healthcare professionals who use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes, is amended to read as follows:

(2) Has been convicted of a felony listed under § 17-2-102 ~~in a court of competent jurisdiction either within or outside of this state unless the conviction has been reversed and the holder of the license has been discharged or acquitted or if the holder has been pardoned with full restoration of civil rights, in which case the license shall be restored;~~

SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary action for orthotists, prosthetists, and pedorthists, is amended to read as follows:

(1) Has pleaded guilty or nolo contendere to or has been found guilty of a felony listed under § 17-2-102;

/s/J. Cooper

APPROVED: 4/15/19