

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1427

By: Representative Miller

## For An Act To Be Entitled

AN ACT TO REQUIRE IN-HOME CAREGIVERS FOR MEDICAID BENEFICIARIES TO PASS REGISTRY RECORDS CHECKS IN ORDER TO BE PAID WITH MEDICAID FUNDS; TO CLARIFY REQUIREMENTS FOR REGISTRY RECORDS CHECKS AND CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS OF MEDICAID BENEFICIARIES; AND FOR OTHER PURPOSES.

## Subtitle

TO CLARIFY REQUIREMENTS FOR REGISTRY RECORDS CHECKS AND CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS OF MEDICAID BENEFICIARIES.

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

SECTION 1. Arkansas Code § 20-77-128(a), concerning the definitions for in-home caregiver drug tests and criminal background checks, is amended to read as follows:

(a) As used in this section:

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

(2) "Registry records check" means the review of one (1) or more database systems maintained by a state agency that contain information relative to the suitability of a person to be a caregiver.

SECTION 2. Arkansas Code § 20-77-128(c), concerning in-home caregiver



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPROVED: 4/14/21**