

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1460

By: Representatives Tosh, Pilkington

By: Senator D. Wallace

For An Act To Be Entitled

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

Subtitle

TO AUTHORIZE INDIVIDUALS WITH VIOLENCE
OFFENSES TO WORK WITH INDIVIDUALS
RECEIVING SUBSTANCE ABUSE TREATMENT AS
PEER SUPPORT SPECIALISTS OR SIMILAR
POSITIONS REQUIRING A HISTORY OF
RECEIVING BEHAVIORAL HEALTH SERVICES.

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

SECTION 1. Arkansas Code § 20-38-105(g), concerning disqualification from employment based on criminal background checks, is amended to read as follows:

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

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

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



(3)(A) The only offense on the person's criminal background check that would disqualify him or her from employment is an offense that does not involve violence or a sexual act.

(B) If the offense on the person's criminal background check that would disqualify him or her from employment is an offense that involves violence, the Department of Human Services shall evaluate the offense and make a determination, on the basis of criteria and limitation adopted by the department in rule, as to whether the person may be employed as a peer support specialist.

SECTION 2. Arkansas Code § 20-77-135(4), concerning conditions that do not disqualify or exclude an individual as a peer support specialist within the Arkansas Medicaid Program, is amended to read as follows:

(4)(A) The criminal offense does not involve violence or a sexual act.

(B) If the offense on the person's criminal background check that would disqualify him or her from employment is an offense that involves violence, the Department of Human Services shall evaluate the offense and make a determination, on the basis of criteria and limitation adopted by the department in rule, as to whether the person may be employed as a peer support specialist; and

APPROVED: 3/6/23