

DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES

SUBJECT: Policy and Procedure for Name Removal from the Arkansas Adult Maltreatment Registry, 12 CAR pt. 100

DESCRIPTION:

Statement of Necessity

The Division of Aging, Adult, and Behavioral Health Services (DAABHS) proposes to amend the rules concerning Name Removal from Arkansas Adult Maltreatment Registry contained within 12 CAR § 100-101. The proposal allows the panel who reviews Adult Maltreatment Registry name removal requests to include a representative of the office whose finding placed that name in the registry initially. As this rule currently stands, requests for name removal from the Adult Maltreatment Registry are reviewed by a panel composed exclusively of representatives of the Arkansas Department of Human Services' (DHS) Adult Protective Services (APS) unit. The proposed rule change provides that a representative of either the Office of Long-Term Care or the Attorney General's Office will be on the review panel when reviewing a name removal request submitted by a person whose name was initially placed on the Arkansas Adult Maltreatment Registry by one of those offices.

Summary of Changes

This proposed revision provides that the Adult Maltreatment Registry Review Team will include at least one (1) member from the Office of Long-Term Care or the Attorney General's Office, respectively, depending on which office made the initial finding.

PUBLIC COMMENT: No public hearing was held on this rule. The public comment period expired on February 17, 2025. The agency indicated that it received no public comments.

The proposed effective date is June 1, 2025.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: The Secretary of the Department of Human Services has authority to adopt rules implementing the Adult and Long-Term Care Facility Resident Maltreatment Act. *See* Ark. Code Ann. § 12-12-1723. The Act established the Adult and Long-term Care Facility Resident Maltreatment Central Registry within the Department. *See* Ark. Code Ann. § 12-12-1716.



ARKANSAS
DEPARTMENT OF
**HUMAN
SERVICES**

Office of Policy and Rules

P.O. Box 1437, Slot S295, Little Rock, AR 72203-1437

P: 501.320.6383 F: 501.404.4619

January 17, 2025

Mrs. Rebecca Miller-Rice
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
#1 Capitol, 5th Floor
Little Rock, AR 72201

Dear Mrs. Rebecca Miller-Rice:

Re: Name Removal from Arkansas Adult Maltreatment Registry

Please arrange for this rule to be reviewed by the ALC-Administrative Rules Subcommittee. If you have any questions or need additional information, please contact me at 501-320-6383 or by emailing Mac.E.Golden@dhs.arkansas.gov.

Sincerely,

Mac Golden

Mac Golden
Deputy Chief

Attachments

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
 BOARD/COMMISSION _____
 BOARD/COMMISSION DIRECTOR _____
 CONTACT PERSON _____
 ADDRESS _____
 PHONE NO. _____ EMAIL _____
 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
 PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

NOTICE OF RULE MAKING

The Department of Human Services (DHS) announces for a public comment period of thirty (30) calendar days (January 19 through February 17, 2025) a notice of rulemaking for the following proposed rule under Arkansas Code: §§ 20-76-201 and 25-10-129 to be effective June 1, 2025. The proposed rule has no estimated financial impact.

The Director of the Division of Aging, Adult and Behavioral Services (DAABHS) proposes to amend the rules concerning Name Removal from Arkansas Adult Maltreatment Registry contained within 12 CAR § 100-101. The rule update provides that, if a name removal request is responsive to a finding that originated from the Office of Long-Term Care or the Arkansas Attorney General's Office, then the Adult Maltreatment Registry Review Team considering the request will include at least one member from the respective office that made the initial finding.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Policy and Rules, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at ar.gov/dhs-proposed-rules. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than **February 17, 2025**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Policy and Rules at 501-320-6428. The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed, and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color, or national origin. **4502221116**

Jay Hill, Director
Division of Aging, Adult. And Behavioral Health Services

Statement of Necessity and Rule Summary
Name Removal from the Arkansas Adult Maltreatment Registry

Statement of Necessity

The Division of Aging and Adult Behavioral Services (DAABHS) proposes to amend the rules concerning Name Removal from Arkansas Adult Maltreatment Registry contained within 12 CAR § 100-101. The proposal allows the panel who reviews Adult Maltreatment Registry name removal requests to include a representative of the office whose finding placed that name in the registry initially. As this rule currently stands, requests for name removal from the Adult Maltreatment Registry are reviewed by a panel composed exclusively of representatives of the Arkansas Department of Human Services' (DHS) Adult Protective Services (APS) unit. The proposed rule change provides that a representative of either the Office of Long-Term Care or the Attorney General's Office will be on the review panel when reviewing a name removal request submitted by a person whose name was initially placed on the Arkansas Adult Maltreatment Registry by one of those offices.

Summary of Changes

This proposed revision provides that the Adult Maltreatment Registry Review Team will include at least one (1) member from the Office of Long-Term Care or the Attorney General's Office, respectively, depending on which office made the initial finding.

Re: Full Ad Run - Name Removal from Arkansas Adult Maltreatment Registry

From Legal Ads <legalads@arkansasonline.com>

Date Thu 1/16/2025 2:42 PM

To Toni Roy <Toni.Roy@dhs.arkansas.gov>

[EXTERNAL SENDER]

Will run Sun 1/19, Mon 1/20, and Tues 1/21. You will receive only one bill for all three days.

Thanks,

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Toni Roy" <Toni.Roy@dhs.arkansas.gov>

To: "Legal Ads" <legalads@arkansasonline.com>

Cc: "Thomas Herndon" <Thomas.Herndon@dhs.arkansas.gov>, "Lakeya Gipson" <Lakeya.Gipson@dhs.arkansas.gov>, "Rebecca Murphy" <Rebecca.A.Murphy@dhs.arkansas.gov>

Sent: Wednesday, January 15, 2025 1:23:37 PM

Subject: Full Ad Run - Name Removal from Arkansas Adult Maltreatment Registry

Please run the attached public notice:

Sunday, January 19, 2025;
Monday, January 20, 2025; and
Tuesday, January 21, 2025.

I am aware that distribution will be provided to all counties on Sundays and limited distribution on other days. Please let me know if you have any questions or concerns.

Please invoice to: AR Dept. of Human Services
 OPR, ATTN: Lakeya Gipson
 P.O. Box 1437, Slot S295
 Little Rock, AR 72203-8068
 (501) 320.6428

ORP@dhs.arkansas.gov

Thank you,



TONI ROY

[Office of Policy and Rules](#)

Program Administrator

P: 501.320.6164

F: 501.404.4619

700 Main Street

P.O. Box 1437, Slot S295

Little Rock, AR 72203-1437

Toni.Roy@dhs.arkansas.gov

humanservices.arkansas.gov



This email may contain sensitive or confidential information.

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SoS - DHS/DAABHS - Proposed Filing - To Amend Rules Concerning Name Removal from Arkansas Adult Maltreatment Registry

From Toni Roy <Toni.Roy@dhs.arkansas.gov>

Date Fri 1/17/2025 8:12 AM

To register@sos.arkansas.gov <register@sos.arkansas.gov>

Cc Thomas Herndon <Thomas.Herndon@dhs.arkansas.gov>; Mac Golden <Mac.E.Golden@dhs.arkansas.gov>; Lakeya Gipson <Lakeya.Gipson@dhs.arkansas.gov>; Rebecca Murphy <Rebecca.A.Murphy@dhs.arkansas.gov>; Jay Hill <Jay.Hill@dhs.arkansas.gov>

 1 attachment (2 MB)

SoS - Proposed Filing - To Amend Rules Concerning NR from the AAMR.pdf;

This ad will run in the Arkansas Democrat Gazette on the following dates:

Sunday, January 19, 2025;
Monday, January 20, 2025; and
Tuesday, January 21, 2025.

The public comment period will end on **February 17, 2025**.

Please let me know if you have any questions or concerns.

NOTE: Please confirm receipt of this email.

Thank you,



TONI ROY

[Office of Policy and Rules](#)

Program Administrator

P: 501.320.6164

F: 501.404.4619

700 Main Street

P.O. Box 1437, Slot S295

Little Rock, AR 72203-1437

Toni.Roy@dhs.arkansas.gov

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Proposed Rulemaking

Title

To Amend Rules concerning Name Removal from the Arkansas Adult Maltreatment Registry

Promulgated by:
Division of Aging, Adult, and Behavioral Health Services

Title 12. Law Enforcement, Emergency Management, and Military Affairs
Chapter XVII. Division of Aging, Adult, and Behavioral Health Services,
Department of Human Services

Subchapter A. Generally

Part 100. Policy and Procedure for Name Removal from the Arkansas Adult Maltreatment Registry

Subpart 1. Generally

12 CAR § 100-101. Consideration for removal by review team.

The Adult Maltreatment Registry Review Team shall operate as follows:

(1)(A) The Director of the Division of Aging, Adult, and Behavioral Health Services will appoint the members of the review team.

(B) The review team will be made up of the Adult Protective Services Unit of the Department of Human Services central office and field staff.

(C) There will be five (5) members with five (5) alternates in case of scheduling conflicts.

(D) A representative of OCC may provide legal advice and assistance to the team but will not be a member of the review team.

(E) In cases where the Name Removal Request is responsive to a "Founded" finding made by either the Office of Long-Term Care or the

DRAFT

12/31/2024 01:43:16 PM

Attorney General's office, the Review Team will include at least one (1) member from the Office of Long-Term Care or the Attorney General's office, depending on which office made the initial "Founded" finding.

(2) The review team will select an alternating chairperson for each quarter;

(3) The review team will determine a regular meeting schedule for the review of any requests that meet all criteria but shall meet no less than on an annual, quarterly basis;

(4) Review requests must be received sixty (60) days in advance of the review meeting, and all review team members will be provided with the case information fifteen (15) days prior to the review team meeting;

(5) All decisions will be determined by a majority vote of the review team members; and

(6)(A) All review team decisions will be sent in writing by the director or designee.

(B) Denials will be sent to the applicants by certified mail within fifteen (15) days from the review team's decision.

(C) Approvals will be sent to the applicants by regular mail within fifteen (15) days of the review team's decision.

12 CAR § 100-102. Name request removal.

(a) An offender may request his or her name be removed from the Adult and Long-term Care Facility Resident Maltreatment Central Registry when:

(1) The individual has not had a subsequent true report for one (1) year;

(2) More than one (1) year has passed since the offender's name was placed on the registry; and

(3) More than one (1) year has passed from the completion of any court-imposed sentence.

(b) However, the offender may not request removal from the registry if any of the following apply:

(1) The offender was placed into the registry for any type of maltreatment that resulted in a fatality as a direct result of the offender's act or omission;

(2) The offender:

(A) Is still involved in an open criminal court case based on the same underlying facts for which he or she was placed onto the registry; or

(B) Has not completed the terms and the conditions of any sentence arising from the conviction based on the same underlying facts for which he or she was placed onto the registry;

(3) The offender was placed onto the registry for any of the maltreatment types or type involving any of the injury characteristics or details listed below:

(A) Abuse with deadly weapon;

(B) Bone fractures;

(C) Brain damage/skull fracture;

(D) Burns/scalding;

(E) Human trafficking;

(F) Immersion;

(G) Interfering with a person's breathing;

(H) Internal injuries;

(I) Malnutrition;

(J) Oral sex;

(K) Poison/noxious substances;

(L) Restraint of the liberty of another involving threats or violence;

(M) Sexual exploitation;

(N) Sexual penetration;

(O) Sexual violence;

(P) Subdural hematoma; or

(Q) Suffocation; or

(4) The offender is convicted of a criminal offense for an act or omission listed in subdivision (b)(3) of this section that constitutes adult maltreatment and for which the offender is named in the registry regardless of any subsequent expungement of the

offense from the offender's criminal record, so long as the offender's conviction has not been reversed or vacated.

12 CAR § 100-103. Application format for an offender.

(a) An application for name removal from the Adult and Long-term Care Facility Resident Maltreatment Central Registry shall conform to the following:

(1) The offender will submit his or her request/petition to:

DAABHS/Adult Maltreatment Registry Name Removal
P.O. Box 1437 – Slot W241
Little Rock, AR 72203-1437

; and

(2) The offender shall also submit:

(A) A personal letter describing:

(i) The offender's reason for the removal request;

(ii) The events and circumstances surrounding the adult maltreatment

finding;

(iii) The offender's rehabilitation; and

(iv) Why the offender does not pose a risk of maltreatment to

vulnerable populations, including without limitation:

(a) Children;

(b) The elderly;

(c) Persons with a disability; and

(d) Persons with a mental health illness;

(B) Registry results free from a true finding of the same maltreatment type for the preceding year, or for one (1) year following the completion of any court-ordered sentence, if applicable;

(C) Registry results from the offender's current state of residence and any state in which the offender has resided in the preceding year free from a true finding of the same maltreatment type for the preceding year, or for one (1) year following the completion of any court-ordered sentence, if applicable;

(D) Arkansas Crime Information Center background check and an adult maltreatment-related check that is free from disqualifying offenses for the preceding one (1) year, one (1) year prior to the date of application;

(E) State background check results from the offender's current state of residence and any state in which the offender has resided in the preceding year free from adult maltreatment-related offenses for the preceding one (1) year, one (1) year prior to the date of the application;

(F) Description and documentation (e.g., court records, letter from the offender's attorney, probation officer, or prosecuting attorney) of any current pending criminal charges, if applicable;

(G) Evidence of the offender's rehabilitation, including, but not limited to:

(i) Documentation proving completion of treatment, remediation, or rehabilitation programs as related to the specific offense, if applicable; and

(ii) For removal requests related to sexual abuse, proof of rehabilitation must include documentation from a licensed mental health professional that:

(a) States that the requestor has participated in therapy with the licensed mental health professional to address the issues related to the sexual abuse offense;

(b) States total length of time the requestor has participated in therapy with the licensed mental health professional to address the issues related to the sexual abuse offense and the frequency of therapy sessions during that period of time;

(c)(1) Indicates whether a sex offender specific assessment was conducted during the therapy period (e.g., the Vermont Assessment of Sex Offender Risk (VASOR), Clarke Sex History Questionnaire for Males Revised, Hare Psychotherapy Scale).

(2) **Note.** The use of such an assessment is not necessarily a requirement for removal but the presence or absence of such an assessment will be considered; and

(d) Provides the licensed mental health professional's assessment of the requestor's participation during the therapy period; and

(H)(i) One (1) to three (3) letters of reference from professionals (not to include Adult Protective Services Unit of the Department of Human Services employees), employers, spiritual counselors, friends, or family describing the offender's rehabilitation and whether the offender poses a risk of maltreatment to vulnerable populations, including without limitation:

(a) Children;

(b) The elderly;

(c) Persons with a disability; and

(d) Persons with a mental health illness.

(ii) No more than one (1) letter of reference can be submitted from a family member.

(b) The Adult Maltreatment Registry Review Team may select additional, nonadult maltreatment-related offenses which prevent name removal from the registry.

12 CAR § 100-104. Determination of name removal request by an offender.

(a) The Adult Maltreatment Registry Review Team will consider requests for removal of names from the registry.

(b) In determining whether to remove an offender from the registry, the review team shall consider any relevant evidence, which may include without limitation the following:

(1) The circumstances surrounding the maltreatment;

(2) The seriousness of the harm caused by the maltreatment;

(3) The probability of the offender engaging in future maltreatment;

(4) Evidence of the offender's:

- (A) Completion of training;
 - (B) Rehabilitation; and
 - (C) Efforts to learn effective strategies to care for adults;
- (5) Information submitted by the petitioner;
- (6) Any other information that is relevant to the specific offense; and
- (7) Input from any victim or surviving family member of a victim of the underlying facts for which the offender/petitioner was placed onto the registry.

(c) If the review team denies the request-for-removal of the name from the registry, the review team shall send a denial letter to the offender explaining the reason for denial as it relates to:

- (1) The circumstances surrounding the maltreatment;
- (2) The seriousness of the harm caused by the maltreatment;
- (3) The probability of the offender engaging in future maltreatment;
- (4) Evidence of the offender's:
 - (A) Completion of training;
 - (B) Rehabilitation; and
 - (C) Efforts to learn effective strategies to care for adults;
- (5) Any pending criminal charges surrounding the maltreatment; and
- (6) Any other information that is relevant to the specific offense.

(d)(1) The offender shall wait one (1) year from the date of the request for removal before filing a new petition with the Adult Protective Services Unit of the Department of Human Services requesting the offender's name be removed from the registry.

(2) However, if the review team needs additional information from the offender in order to make the determination as to whether to remove his or her name from the registry, the review team may request that the offender provide the additional information without requiring the offender to wait an additional year to file a new petition.

(3) The review team shall inform the offender in writing of the specific additional information requested.

(4)(A) The offender shall have ten (10) calendar days from the date of the request to submit the requested additional information.

(B) If the request is sent via mail, the offender shall be given an additional three (3) calendar days to submit the information.

(C) If the requested information is not submitted within the specified timeframe, then the offender shall wait one (1) year from the date of the request to file a new petition requesting his or her name be removed from the registry.

(e) If the review team denies the request-for-removal of the name from the registry, the offender may request judicial review pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

12 CAR § 100-105. Notice.

In addition to the above, we propose that notice of the petition for removal be given to the Medicaid Fraud Control Unit of the Office of the Attorney General if:

- (1) The underlying conduct resulted in a criminal prosecution; and
- (2) One (1) of its attorneys represented the State of Arkansas in the proceeding, so that the unit's prosecutor is given the opportunity to provide a response/recommendation.