

DEPARTMENT OF HEALTH

SUBJECT: Rules for Conducting Criminal History Record Checks for Home Health, Hospice, and Private Care Agencies in Arkansas, 20 CAR pt. 42

DESCRIPTION: The proposed amendments to the Rules for Conducting Criminal History Record Checks for Home Health, Hospice, and Private Care Agencies in Arkansas are to: add provisions allowing third-party evaluation services to conduct criminal history record checks and revising applicable language throughout the rules (Act 674); and remove DHS DPSQA certification for PCAs (Act 853).

PUBLIC COMMENT: No public hearing was held on this rule. The public comment period expired on August 4, 2026. The agency indicated that it received no comments.

The proposed effective date is pending legislative review and approval.

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

LEGAL AUTHORIZATION: A licensing or certifying agency shall cooperate with the Arkansas Crime Information Center and Arkansas State Police to “promulgate consistent rules as necessary to implement” Title 20, Chapter 38, Subchapter 1 of the Arkansas Code, regarding criminal background checks. The Department of Health has rulemaking authority regarding home healthcare services, personal care services, and hospice care. *See Ark. Code Ann. §§ 20-7-117(b)(1)(B), 20-10-806(b)(1), and 20-10-2304(a).*

This rule implements Acts 674 and 853 of 2025.

Act 674, sponsored by Representative Mary Bentley, amended the laws concerning criminal history records checks for employees of service providers, allowed third-party employee evaluation services to perform criminal history records checks, and included independent contractors.

Act 853, sponsored by Representative Jack Ladyman, removed the certification process of the Department of Human Services from licensure as a private care agency.

**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.



Sarah Huckabee Sanders
GOVERNOR

Renee Mallory, RN, BSN
SECRETARY OF HEALTH

Jennifer Dillaha, MD
DIRECTOR

To: Members, Arkansas State Board of Health

From: Paula Day, Section Chief
Health Systems Licensing and Regulation
Division for Health Protection

Date: October 11, 2025

Subject: To request approval by the State Board of Health of the following proposed amendments to the Rules for Conducting Criminal History Record Checks for Home Health, Hospice, and Private Care Agencies in Arkansas.

Authority: Ark. Code § 20-38-101, et seq.

Relevant Acts: Acts 674 and 853 of 2025

20 CAR § 42-102. Definitions

- Act 674 – added provision to allow third-party evaluation service to conduct criminal history records checks. (page 1)
- Act 674 – updated definition of “employee” to include an independent contractor (page 2)
- Act 674 – added definition for “third-party evaluation service” (page 4)

20 CAR § 42-103. Evidence of criminal history records checks

- Act 853 – removes DHS DPSQA certification for PCAs (page 5)
- Act 674 – revised wording for applicable agencies covered by the Rule set in several areas of the Rules. (Pages 5, 6, & 8)

20 CAR § 42-106. Applicants, employees, and temporary employees.

- Act 674 - added provision to allow third-party evaluation service to conduct criminal history records checks. (page 7)

20 CAR § 42-109. Applications

- Revised the process for completing criminal history record checks to the electronic process (page 8)

Arkansas Department of Health
4815 West Markham St. • Little Rock, AR 72205

HEALTHY.ARKANSAS.GOV

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the **Rules for Conducting Criminal History Record Checks for Home Health, Hospice, and Private Care Agencies in Arkansas, 20 CAR Pt. 42** from July 5, 2026 to August 4, 2026. The comment period is provided to allow interested parties and the public to provide any comments. “The proposed changes update the rule to current requirements regarding Definitions, Evidence of criminal history records checks, Applicants, employees, & temporary employees, and Applications.” The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-661-2201.

Comments on the proposed changes can also be mailed to Comments, Arkansas Department of Health, Comments, Section of Health Facilities Services, Freeway Medical Tower, 5800 West Tenth Street, Suite 400, Little Rock, Arkansas 72204, or emailed to paula.day@arkansas.gov. All comments must be received by 10:00 a.m. on August 4, 2026.

Proposed Rulemaking

Rules for Conducting Criminal History Record Checks for Home Health, Hospice, and Private Care Agencies in Arkansas

Promulgated by:
Department of Health

Title 20. Public Health and Welfare

Chapter I. Generally, Department of Health

Subchapter B. Health Facilities

Part 42. Rules for Conducting Criminal History Record Checks for Home Health, Hospice, and Private Care Agencies in Arkansas

Subpart 1. Generally

20 CAR § 42-101. Purpose.

The purpose of this part is to provide direction to home health, hospice, and private agencies in the State of Arkansas as it relates to criminal record checks for employees, operators, and applicants.

20 CAR § 42-102. Definitions.

As used in this part:

(1) "Bureau" means the Identification Bureau of the Division of Arkansas State Police;

(2) "Care" means treatment, services, assistance, education, training, instruction, or supervision for which the service provider is compensated either directly or indirectly;

(3) "Department" means the Department of Health;

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(4) "Determination" means the determination made by the licensing or certifying agency or a third-party employee evaluation service that a service provider, operator, applicant for employment with, or employee of a service provider is or is not disqualified from licensure, exemption from licensure, certification, any other operating authority, or employment based on the criminal history of the:

- (A) Service provider;
- (B) Operator;
- (C) Applicant; or
- (D) Employee;

(5)(A) "Employee" means any person who has unsupervised access to clients of a service provider except as provided in subdivision (5)(B) of this section, below, and:

(i) Provides care to clients of a service provider on behalf of, under the supervision of, or by arrangement with the service provider;

(ii) Is employed by a service provider to provide care to clients of the service provider;

(iii) Is engaged as an independent contractor to provide care to clients of the service provider;

~~(iiiiv)~~ Is a temporary employee placed by an employment agency with a service provider to provide care to clients of the service provider; or

~~(ivv)~~ Resides in an alternative living home in which services are provided to individuals with developmental disabilities.

(B) "Employee" does not include a person who:

(i) Is a family member of a client receiving care from a service provider;

(ii) Is a volunteer; or

(iii) Works in an administrative capacity and does not have unsupervised access to clients of a service provider;

(6) "HFS" means the Division of Health Facility Services of the Department of Health;

(7) "Home health agency" means a service as defined by Arkansas Code § 20-10-801 et seq., whether or not the agency has applied for or possesses any license necessary for operation;

(8) "Hospice agency" means a service as defined by Arkansas Code § 20-7-117 whether or not the agency has applied for or possesses a license;

(9) "Index" means the database, maintained by the Identification Bureau of the Division of Arkansas State Police, of criminal records checks that have been conducted on applicants for employment with and employees of home health or hospice agencies;

(10) "Licensing or certifying agency" means the state agency charged with licensing, exempting from licensure, certifying, or granting other operating authority to a service provider;

(11) "National criminal history records check" means a review of national criminal records maintained by the Federal Bureau of Investigation based on fingerprint identification or other positive identification methods;

(12) "Operator" means the person signing the application of:

(A) A service provider for licensure;

(B) An exemption from licensure;

(C) A certification; or

(D) Any other operating authority;

(13) "Private care agency" means a service as defined in Arkansas Code § 20-10-2201 et seq., whether or not the agency has applied for or possesses a license;

(14) "Registry records check" means the review of one (1) or more database systems maintained by a state agency that contain information relative to a person's suitability for licensure, certification, exemption from licensure, or any other operating authority to be a service provider or for employment with a service provider to provide care;

(15) "Report" means a statement of the criminal history of a service provider, operator, applicant for employment with, or employee of, a service provider issued by the Identification Bureau of the Division of Arkansas State Police;

(16) "Service provider" means any of the following:

(A) An Alternative Community Services Waiver Program provider certified by the Division of Developmental Disabilities Services of the Department of Human Services;

(B) A childcare facility as defined by Arkansas Code § 20-78-202;

(C) A church-exempt childcare facility as recognized under Arkansas Code § 20-78-209;

(D) An early intervention program provider certified by the Division of Developmental Disabilities Services of the Department of Human Services;

(E) An Elder Choices provider certified by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(F) A home healthcare service under § 20-10-801;

(G) A hospice program under § 20-7-117;

(H) A long-term care facility as defined by § 20-10-702; or

(I) A nonprofit community program as defined by § 20-48-101; **and**

(17) "State criminal history records check" means a review of state criminal records conducted by the Identification Bureau of the Division of Arkansas State Police; **and**:

(18) "Third-party employee evaluation service" means an independent, third party, not associated with the licensing or certifying agency or the service provider, authorized or otherwise eligible under state and federal law to perform national criminal history record checks and state criminal history records checks in order to provide the determination of eligibility for employment under Arkansas Code §20-38-101, et seq.

20 CAR § 42-103. Evidence of criminal history records checks.

(a) **Home health and hospice agencies.** All home health and hospice agencies must maintain evidence that criminal history records checks have been completed on all operators, applicants for employment, and employees of the service provider.

(b) **Private care agencies.**

(1) Private care agencies must be ~~certified as Elder Choices providers by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in order to obtain Arkansas licensure~~licensed by the Department of Health.

(2) Private care agencies must therefore maintain evidence that criminal history records checks have been completed on all:

- (A) Operators;
- (B) Applicants for employment; and
- (C) Employees.

~~—————(3) Elder Choices providers are also subject to Department of Human Services certification requirements for registry records checks.~~

(c) A service provider shall maintain on file, subject to inspection by the Arkansas Crime Information Center, the Identification Bureau of the Division of Arkansas State Police, or the licensing or certifying agency evidence that criminal history records checks have been completed on all operators, applicants for employment, and employees of the service provider.

(d) Each home health, ~~or hospice,~~ or private care agency must have safeguards to ensure the confidentiality of criminal history check records maintained.

20 CAR § 42-104. Failure to comply.

(a) **Home health, ~~and hospice,~~ and private care agency.** Failure to comply with this part shall be grounds to deny or revoke a home health, ~~or hospice,~~ or private care agency's license.

(b) **Private care.** Loss of Elder Choices certification shall be grounds to deny or revoke a private care agency's license.

20 CAR § 42-105. Operators.

(a) Each home health, ~~and hospice,~~ and private care agency shall obtain a state criminal history records check and a national criminal history records check on each operator no fewer than one (1) time every five (5) years.

(b) For a home health or hospice agency initially applying for licensure, the process will include the following:

(1) Evidence of a completed application for a criminal history records check on the operator; and

(2) Upon receiving the results of the state criminal history records check and the national criminal history records check, the Division of Health Facilities Services will issue a determination of whether the home health or hospice agency is disqualified from licensure.

(c) For a home health, ~~or hospice~~, or private care agency that is currently licensed but is completing the application for the annual renewal of the agency, the process will include the following:

(1) Evidence of current completed criminal history records checks or of new applications for criminal history records checks on the operator must be submitted to the division with the annual renewal application; and

(2) For new criminal history records checks applications, upon receiving results of the state criminal history check and national history check the division will issue a determination of whether the agency may continue licensure based on results of the operator's criminal history records check.

20 CAR § 42-106. Applicants, employees, and temporary employees.

(a) Each home health, ~~or hospice~~, or private care applicant or employee must complete a state criminal history check unless the applicant or employee is licensed as a professional as described in 20 CAR § 42-111.

(b)(1) A federal criminal history check must also be completed if the applicant or employee has not continuously lived in the State of Arkansas for the past five (5) years.

(2) The home health, ~~or hospice~~, or private care agency will be responsible for verification of this information.

(3) Examples of evidence that can be used to verify the above may include, but is not limited to, employment records, payroll check stubs, tax records, rent/house payment records, utility bills, school records, etc.

(c) **Temporary employees.** If a service provider uses temporary employees to provide care, the service provider shall:

(1) Use a contract to detail the requirements for placing temporary employees with the service provider; and

(2) Ensure that the contract pertaining to the service provider's use of temporary employees requires the entity providing the temporary employees to comply with the following terms:

(A) The entity is responsible for conducting a criminal history records check on each temporary employee under Arkansas Code § 20-38-101 et seq., before the placement of the temporary employee with the service provider; and

(B) The entity shall:

(i) Maintain all documentation regarding criminal history records checks for each temporary employee placed with a service provider; and

(ii) Provide copies of the documentation to the service provider, which shall be made available to the appropriate licensing or certifying agency upon request.

(d) A service provider shall:

(1) Inform employees that continued employment is contingent on the satisfactory results of criminal history records checks; and

(2) Conduct periodic criminal history records checks on all employees no fewer than one (1) time every five (5) years.

(e) If the licensing or certifying agency determines that an applicant or employee is disqualified from employment based on the criminal history of the applicant or employee, the service provider shall:

(1) Deny employment to the applicant; or

(2) Terminate the employment of the employee.

(f) If the licensing ~~agency, or~~ certifying agency, or third-party employee evaluation service issues a determination that an applicant or employee is not disqualified from employment or if there is no criminal history on an applicant or employee, the service provider may employ the applicant or continue the employment of the employee.

20 CAR § 42-107. Challenges to criminal history information.

A person may challenge the completeness or accuracy of his or her criminal history information under Arkansas Code § 12-12-1013.

20 CAR § 42-108. Assignment of facility identification numbers.

(a) Each home health, ~~and hospice, and private care agency-facility~~ shall have a facility identification number assigned.

(b) Contact the Division of Health Facilities Services criminal history records program at (501) 661-2201 to obtain an ID number.

20 CAR § 42-109. Applications.

(a) Completed applications for either national criminal history records checks, state criminal history records checks, or both, are shall be submitted by the agency ~~to the Division of Arkansas State Police~~ via the electronic Division of State Police's Online Criminal Background Check System at <https://cbc.ark.org>.

(b) National criminal history records checks shall only be required for individuals that have resided in Arkansas for less than five (5) years.

(c) For applications for national criminal history records checks, the agency shall submit, with the completed electronic application:

(1) The consent form provided by the Department of Health; and

(2) The applicant's fingerprints obtained through an approved harvester.

~~(b) Applications may be completed and mailed or completed online and submitted electronically.~~

~~(1) Applications by mail.~~

~~(A)(i) Application forms for state criminal history records checks are available from the Division of Health Facilities Services.~~

~~(ii) No other applications will be accepted.~~

~~(B) Fingerprint cards for national criminal history records checks are available from the Division of Health Facilities Services.~~

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~~—————(C)(i) The application must be completely filled out.~~

~~—————(ii) The application shall be signed by the subject of the criminal history records check and notarized by a notary public.~~

~~—————(D)(i) The original application with the appropriate fee must be sent directly to the Identification Bureau of the Division of Arkansas State Police at the address provided on the application.~~

~~—————(ii) A copy of the application for a criminal history must be sent to the Division of Health Facilities Services.~~

~~—————(E) If a national history check is required, the completed fingerprint card must accompany the application.~~

~~—————(2) **Electronic applications.** Electronic applications are completed online through the Division of Arkansas State Police website: www.asp.state.ar.us.~~

20 CAR § 42-110. List of disqualifying offenses.

The following is a list of disqualifying offenses:

- (1) Criminal attempt, Arkansas Code § 5-3-201, criminal complicity, Arkansas Code § 5-3-202, criminal solicitation, Arkansas Code § 5-3-301, or criminal conspiracy, Arkansas Code § 5-3-401;
- (2) Capital murder, Arkansas Code § 5-10-101;
- (3) Murder, Arkansas Code §§ 5-10-102 and 5-10-103;
- (4) Manslaughter, Arkansas Code § 5-10-104;
- (5) Negligent homicide, Arkansas Code § 5-10-105;
- (6) Kidnapping, Arkansas Code § 5-11-102;
- (7) False imprisonment in the first degree, Arkansas Code § 5-11-103;
- (8) Permanent detention or restraint, Arkansas Code § 5-11-106;
- (9) Robbery, Arkansas Code §§ 5-12-102 and 5-12-103;
- (10) Battery, Arkansas Code §§ 5-13-201 and 5-13-202;
- (11) Assault, Arkansas Code §§ 5-13-204 and 5-13-206;
- (12) Coercion, Arkansas Code § 5-13-208;

- (13) Introduction of controlled substance into body of another person, Arkansas Code § 5-13-210;
- (14) Terroristic threatening, Arkansas Code § 5-13-301;
- (15) Terroristic act, Arkansas Code § 5-13-310;
- (16) Any sexual offense, Arkansas Code § 5-14-101 et seq.;
- (17) Voyeurism, Arkansas Code § 5-16-102;
- (18) Death threats concerning a school employee or student, Arkansas Code § 5-17-101;
- (19) Incest, Arkansas Code § 5-26-202;
- (20) Domestic battery, Arkansas Code §§ 5-26-303 — 5-26-306;
- (21) Interference with visitation, Arkansas Code § 5-26-501;
- (22) Interference with court-ordered custody, Arkansas Code § 5-26-502;
- (23) Endangering the welfare of an incompetent person, Arkansas Code §§ 5-27-201 and 5-27-202;
- (24) Endangering the welfare of a minor, Arkansas Code §§ 5-27-205 and 5-27-206;
- (25) Contributing to the delinquency of a minor, Arkansas Code § 5-27-209;
- (26) Contributing to the delinquency of a juvenile, Arkansas Code § 5-27-220;
- (27) Permitting abuse of a minor, Arkansas Code § 5-27-221;
- (28) Soliciting money or property from incompetent persons, Arkansas Code § 5-27-229;
- (29) Engaging children in sexually explicit conduct for use in visual or print media, Arkansas Code § 5-27-303;
- (30) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, Arkansas Code § 5-27-304;
- (31) Transportation of minors for prohibited sexual conduct, Arkansas Code § 5-27-305;
- (32) Employing or consenting to the use of a child in a sexual performance, Arkansas Code § 5-27-402;

- (33) Producing, directing, or promoting a sexual performance by a child, Arkansas Code § 5-27-403;
- (34) Computer crimes against minors, Arkansas Code § 5-27-601 et seq.;
- (35) Adult felony abuse of an endangered or impaired person, Arkansas Code § 5-28-103;
- (36) Theft of property, Arkansas Code § 5-36-103;
- (37) Theft of services, Arkansas Code § 5-36-104;
- (38) Theft by receiving, Arkansas Code § 5-36-106;
- (39) Forgery, Arkansas Code § 5-37-201;
- (40) Criminal impersonation, Arkansas Code § 5-37-208;
- (41) Financial identity fraud, Arkansas Code § 5-37-227;
- (42) Arson, Arkansas Code § 5-38-301;
- (43) Burglary, Arkansas Code § 5-39-201;
- (44) Breaking or entering, Arkansas Code § 5-39-202;
- (45) Resisting arrest, Arkansas Code § 5-54-103;
- (46) Felony interference with a law enforcement officer, Arkansas Code § 5-54-104;
- (47) Cruelty to animals, Arkansas Code § 5-62-101;
- (48) Felony violation of the Uniform Controlled Substances Act, Arkansas Code §§ 5-64-101 – 5-64-501 et seq.;
- (49) Public display of obscenity, Arkansas Code § 5-68-205;
- (50) Promoting obscene materials, Arkansas Code § 5-68-303;
- (51) Promoting obscene performance, Arkansas Code § 5-68-304;
- (52) Obscene performance at a live public show, Arkansas Code § 5-68-305;
- (53) Prostitution, Arkansas Code § 5-70-102;
- (54) Patronizing a prostitute, Arkansas Code § 5-70-103;
- (55) Promotion of prostitution, Arkansas Code §§ 5-70-104, 5-70-105, and 5-70-106;
- (56) Stalking, Arkansas Code § 5-71-229;
- (57) Criminal use of a prohibited weapon, Arkansas Code § 5-73-104;

(58) Simultaneous possession of drugs and firearms, Arkansas Code § 5-74-106; and

(59) Unlawful discharge of a firearm from a vehicle, Arkansas Code § 5-74-107.

20 CAR § 42-111. Professional licenses excluded from requirement.

The following is a list of professional licenses excluded from requirement:

(1) Licensed professional counselors, as outlined in Arkansas Code § 17-27-101 et seq.;

(2) Dentists, as outlined in Arkansas Code § 17-82-101 et seq.;

(3) Nurses, as outlined in Arkansas Code § 17-87-101 et seq.;

(4) Occupational therapists, as outlined in Arkansas Code § 17-88-101 et seq.;

(5) Pharmacists, as outlined in Arkansas Code § 17-92-101 et seq.;

(6) Physical therapists, as outlined in Arkansas Code § 17-93-301 et seq.;

(7) Physicians and surgeons, as outlined in Arkansas Code § 17-95-201 et seq.;

(8) Podiatrists, as outlined in Arkansas Code § 17-96-101 et seq.;

(9) Psychologists and psychological examiners, as outlined in Arkansas Code § 17-97-101 et seq.;

(10) Speech-language pathologists and audiologists, as outlined in Arkansas Code § 17-100-101 et seq.; and

(11) Social workers, as outlined in Arkansas Code § 17-46-101 et seq.
[repealed].