

Act 1467 (HB1623) APPROVED: 4/15/1999

For An Act To Be Entitled "AN ACT TO AMEND VARIOUS SECTIONS OF THE LAW REQUIRING CRIMINAL RECORDS CHECKS FOR PERSONS CARING FOR THE ELDERLY; AND FOR OTHER PURPOSES."

Subtitle "AN ACT TO AMEND VARIOUS SECTIONS OF THE LAW REQUIRING CRIMINAL RECORDS CHECKS FOR PERSONS CARING FOR THE ELDERLY."

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

SECTION 1. Arkansas Code 20-33-201(5) is amended to read as follows:

"(5) ~~Employee~~ means any person who provides care to the elderly or to individuals with disabilities or both on behalf of, under the supervision of, or by arrangement with a qualified entity or any person employed by a qualified entity, including persons provided by or pursuant to contract with a private placement agency or contract staffing agency, unless the person is a family member, a volunteer or works in an administrative capacity."

SECTION 2. Arkansas Code 20-33-203(b) is amended to add an additional subdivision to read as follows:

"(3) When the qualified entity determines the need to utilize temporary employees as provided by a private placement agency or other contract staffing company, it shall be the responsibility of the private placement agency or contract staffing agency to initiate the criminal background check as provided by this act, prior to the placement of the person in the qualified entity's facility, and at all times the private placement agency or contract staffing agency must be able to document the pending background check or the final determination if requested by the Office of Long Term Care."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.