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)