



# RSB Nursing Assistant Training Program



## Main Classroom Location

1000 South Caraway Suite 210 Jonesboro, Ar. 72450

On the corner of Stalling and Caraway

Phone 870-926-9496 Fax 870-573-7525

[sbishop@waspwireless.com](mailto:sbishop@waspwireless.com)



## State Criminal History Check

A review of state criminal records conducted by the Identification Bureau of the Arkansas State Police. October 1, 1997 (Revised July 27, 2011)

## List of Disqualifying Criminal Offenses

Below was taken from “Rules and Regulations for Conducting Criminal Record Checks” Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care. Post Office Box 8059, Little Rock, Arkansas 72203-8059

<http://humanservices.arkansas.gov/dms/oltcDocuments/crc.pdf>

201. Before making an offer of employment, the service provider shall inform an applicant that employment is contingent on the satisfactory results of criminal history record checks. Effective October 1, 1997, long term care facilities shall not knowingly employ or hire a person who has been found guilty or has pled guilty or nolo contendere, **regardless whether the record of the offense is expunged, pardoned, or otherwise sealed**, to any of the offenses listed below by any court in the State of Arkansas or any similar offense by a court in another state or of any similar offense by a federal court.

1. Capital murder
2. Murder in the first or second degree
3. Manslaughter
4. Negligent homicide
5. Kidnapping
6. False imprisonment in the first degree or second degree
7. Permanent detention or restraint
8. Robbery
9. Aggravated robbery
10. Battery in the first, second or third degree
11. Aggravated assault, or assault in first, second, or third degree
12. Introduction of controlled substance into body of another person
13. Terroristic threatening in the first or second degree
14. Rape
15. Sexual assault in the first, second, third or fourth degree
16. Sexual indecency with a child
17. Violation of a minor in the first or second degree
18. Incest



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19. Domestic Battery (all degrees)
20. Endangering the welfare of incompetent person in the first or second degree
21. Endangering the welfare of a minor in the first or second degree
22. Permitting abuse of a minor
23. Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, or pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or employing or consenting to the use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child
24. Felony abuse of an endangered or impaired person
25. Theft of property
26. Theft by receiving
27. Arson
28. Burglary
29. Felony violation of the Uniform Controlled Substances Act
30. Prostitution, Patronizing a prostitute, or Promotion of prostitution (all degrees)
31. Stalking
32. Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy, to commit any of the offenses listed in this section.
33. Forgery
34. Breaking or entering
35. Obtaining a controlled substance by fraud
36. Computer child pornography or failure to report computer child pornography
37. Computer exploitation of a child or distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child
38. Coercion
39. Terroristic act
40. Voyeurism
41. Communicating death threat concerning a school employee or student
42. Interference with visitation or interference with court-ordered custody
43. Contributing to the delinquency of a minor or juvenile
44. Soliciting money or property from incompetents
45. Theft of services
46. Criminal impersonation
47. Financial identity fraud
48. Resisting arrest
49. Felony interference with a law enforcement officer



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50. Cruelty to animals, or aggravated cruelty to a dog, cat, or horse
51. Public display of obscenity
52. Promoting obscene materials, or Promoting obscene performance
53. Obscene performance at a live public show
54. Public sexual indecency
55. Indecent exposure
56. Bestiality
57. Exposing another person to human immunodeficiency virus (HIV)
58. Registered sex offenders
59. Criminal use of a prohibited weapon
60. Simultaneous possession of drugs and firearms
61. Unlawful discharge of a firearm from a vehicle

**201.1** Except as provided in Section 201.2 below, a conviction for an offense listed in Section 201 shall not disqualify an employee or applicant for employment if:

1. The conviction, or plea of nolo contendere or guilty, was a misdemeanor offense and the date of conviction, or plea of nolo contendere or guilty, of the offense is at least five (5) years from the date of the application for the criminal record check, and the person has no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the record check; or
2. The conviction, or plea of nolo contendere or guilty, was a felony offense and the date of the conviction, or plea of nolo contendere or guilty, of the offense is at least ten (10) years from the date of the application for the criminal record check, and the person has no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding the record check.

**NOTE:** The provisions in 201.1(1) and 201.1(2) shall be applied at the initial criminal record check performed by a service provider. A person who has previously been disqualified by the Office of Long Term Care, and for whom the time for disqualification has passed (five years for misdemeanors or ten years for felonies) may have the disqualification removed by having a new criminal record check conducted.



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3. Even if a person would otherwise be disqualified under Section 201, a person shall not be disqualified if the person:

- a. Was not disqualified on August 31, 2009; and,
- b. Has not been found guilty of or pleaded guilty or nolo contendere to any offense listed in Section 201, a similar offense in another state, or a similar federal offense.

**201.2 Because of the serious nature of the offense** and close relationship to the type of work that is to be performed, **the following offenses** by any court in the State of Arkansas or any similar offense by a court of another state or federal court, whether or not the record of the offense is expunged, pardoned, or otherwise sealed, **shall result in permanent disqualification of employment:**

1. Capital murder
2. Murder in the first or second degree
3. Kidnapping
4. Rape
5. Sexual assault in the first or second degree
6. Endangering the welfare of an incompetent person in the first degree
7. Felony abuse of an endangered or impaired person
8. Arson

**203** Nursing assistant trainees shall be subject to a criminal record check under the following provisions:

1. Prior to a nursing home placing a person in a facility-based nursing assistant training program or sponsoring a person in a non-facility-based training program, the facility shall conduct a criminal record check on the person. This is based on the requirement that a job offer has been made to the person to be an employee of the facility,



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or an on-call employee of the facility and sponsored through an intent to employ by the nursing home.

**2. Nursing assistants who have received training as an independent student and not connected to an employment offer as discussed in #1 above will be subject to a criminal record check at the time an employment offer has been made by any type of long term care facility.**

**Note: The above requirements do not apply to independent (non-employment status) trainees performing clinical training in a long term care facility.**

Clinical training does not involve the provision of “care” as that term is defined herein. Trainees, independent of an employment connection to a facility, are not required to have a criminal record check. However, nursing assistant trainees who are employed while still in training and used in staffing by a facility to provide care are subject to a criminal record check.

**205** Criminal record checks as required in these regulations shall include both a state and national record check. A "state only" criminal record check is allowed if the facility can verify the applicant has lived continuously in the State of Arkansas for the past five (5) years.

**Note:** Examples of evidence that can be used to verify the above may include, but not limited to, employment records, payroll check stubs, tax records, rent/house payment records, utility bills, school records, etc. Facilities shall maintain copies of such verification evidence in cases where a state only criminal record check was conducted.



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If there are any questions, have a Long Term Care Facility, (Nursing Home), run a criminal background first.

Per OLTC policy, OLTC CANNOT issue any type of verbal determination, unless the individual's results are in front of them. They most certainly CANNOT and will not issue a hypothetical determination based on a "what-if" scenario. OLTC does not have open access to view anyone's criminal record. The only way OLTC can see the result is after the individual has a background check ran through a Long Term Care Facility. Therefore, (potential) students with questions please follow the steps below:

- Read through the list of disqualifiers.
- Note that a misdemeanor holds a 5-year disqualification from testing and working in a Long Term Care Facility, while a felony has a 10 year disqualification period. Additionally, any charges received AFTER the disqualifier will cause the 5/10 year period to start over, even if the 2<sup>nd</sup> charge is not a disqualifier.
- **Be** Informed that all sealed, expunged, and governor-pardoned records are viewable to OLTC, (Office Of Long Term Care).
- **If a questions arises**, you should go to a long term care facility,
  - Pay the fee, and
  - Have a background check ran.
  - **Wait 2-3 business days AFTER the facility has ran the background check,** and **then** contact OLTC at 501-320-6229.
  - If the conviction occurred in another state, he/she will have to pay to have both the State and National Background Check ran. State results can be obtained within 2-3 business days.
  - **Note: National results take several months to return.**

You should know, an individual Nursing Home, as any employer may choose not to allow a CNA Student to enter after preforming a CRC. Even though



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the Student is allowed to take the Certification Test and if passed be Certified.

CNA Students may complete training but find the CRC Disqualifies them for Testing or Certification.