Exhibit No. 2
Date 2-11-05
SB 357

| State | Fitness to Practice Provisions in State Codes as of 11/29/2004 |
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| Alabama | Ascribe to a Professional Code of Ethics |
| Alaska | Good Moral Character, Good Professional Standing |
| Arizona | None |
| Arkansas | Applicants Shall be Required to Submit to a State and National Fingerprint Criminal Background Check, Licensure May be Denied for Commission of Any of a List of Thirty-Two Criminal Offenses |
| California | Absence of Crimes or Acts Constituting Grounds for Denial of Licensure, Zero Tolerance for Licensing Sex Offenders, Applicant Required to Self-Report All Felonies and Misdemeanors (Except Minor Traffic Violations) on Application Form |
| Colorado | Jurisprudence Exam |
| Connecticut | None |
| Delaware | Absence of Disciplinary Action |
| District of Columbia | None |
| Florida | Knowledge of the Rules Governing the Practice of Clinical Social Work |
| Georgia | None |
| Hawaii | None |
| Idaho | Good Moral Character |
| Illinois | Good Moral Character |
| Indiana | Absence of a Conviction for a Crime that has a Direct Bearing on the Individual's Ability to Practice Competently, Absence of a Disciplinary Action, Applicant Required to Self-Report All Felonies and Misdemeanors (Except for minor Traffic Violations) on Application Form |
| Iowa | Adherence to Standards of Professional Conduct |
| Kansas | Merits Public Trust |
| Kentucky | Good Moral Character |
| Louisiana | Good Moral Character |
| Maine | Adherence to Professional Ethics, Demonstrate Trustworthiness |
| Maryland | Good Moral Character |
| Massachusetts | Adherence to Professional Standards |
| Michigan | None |
| Minnesota | Adherence to Standards of Professional Conduct, Absence of Conduct Warranting |

| | Disciplinary Action |
|---|---|
| Mississippi | Continuing Good Moral Character, Absence of the Conviction of a Felony Related to the Practice of Social Work for the Previous Ten Years, Absence of a Declaration of Mental Incompetence, Freedom from Dependency on Alcohol or Drugs, Applicant Must Check "Yes" or "No" Regarding Convictions for Any Crime or Violation of Law (Except Minor Traffic Violations) on Application Form |
| Missouri | Good Moral Character, Absence of Felony Convictions for the Previous Ten Years, Applicant Must Self-Report on the Application Form All Convictions, Pleas or Suspended Imposition of Sentence for Felonies and Misdemeanors |
| Montana | Abides by Social Worker Ethical Standards |
| Nebraska | None |
| Nevada | Effective 2005, Applicant Must Submit to a National Fingerprint Criminal Background Check, if any Criminal History Exists Within Previous Ten Years, Applicant Must Appear Before the Board to Demonstrate Rehabilitation and that the Public Is Not Endangered, Prior to the Issuance of a License, if Rehabilitation is Not Demonstrated or if a Previous Criminal Offense Indicates a Danger to the Public, the License is Denied |
| New Hampshire | None |
| New Jersey | None |
| New Mexico | None |
| New York | Good Moral Character |
| North Carolina | None |
| North Dakota | Adhere to a Professional Code of Ethics |
| Ohio | Good Moral Character |
| Oklahoma | Good Moral Character |
| Oregon | Exam Regarding Oregon Statutes and Administrative Rules Governing the Practice Standards and Responsibilities of a Licensed Clinical Social Worker |
| Pennsylvania | Good Moral Character, Absence of the Conviction, Admission of Guilt or Plea of Nolo Contendere of a Drug Felony, Applicant Must Self-Report on the |

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|---|---|
| | Application Form All Convictions, Pleas or Pending Charges |
| Rhode Island | Merits the Public Trust, Absence of the Conviction of a Felony that Would Impair the Ability to Conduct Practice With Safety to the Public, Absence of a NASW Sanction, Absence of a Declaration of Mental Incompetence, Absence of Substance Use that Impairs the Ability to Conduct Practice With Safety to the Public, Applicant Must Self-Report on the Application Form All Convictions, Pleas or Pending Charges |
| South Carolina | Good Moral Character |
| South Dakota | None |
| Tennessee | None |
| Texas | Worthy of Public Trust & Confidence |
| Utah | Good Moral Character |
| Vermont | None |
| Virginia | None |
| Washington | None |
| West Virginia | Merit Public Trust, Sworn Statement Indicating Absence of Felony Convictions Involving Moral Turpitude |
| Wisconsin | None |
| Wyoming | Absence of Felony Convictions and Misdemeanor Convictions Involving Moral Turpitude, Applicant Must Self-Report on the Application Form All Convictions or Pleas for Felonies or High Misdemeanors for Moral Turpitude or Drug Offenses |

# 17-103-306. Qualifications - Issuance.

(a) The Arkansas Social Work Licensing Board shall issue a license as a licensed social worker to an applicant who qualifies as follows:

(1) Has a baccalaureate degree in a social work program accredited by the Council on Social Work Education or received before June 17, 1986, a baccalaureate degree in a social work program from an accredited educational institution;

(2) Has passed an examination approved by the board for this purpose and level of practice; and

(3) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-103-307(f).

(b) The board shall issue a license as a licensed master social worker to an applicant who qualifies as follows:

(1) Has a master's degree from an accredited social work program in an accredited institution approved by the Council on Social Work Education;

(2) Has passed an examination approved by the board for this purpose and level of practice; and

(3) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-103-307(f).

(c) The board shall issue a license as a licensed certified social worker to an applicant who qualifies as follows:

(1) Has a master's degree from an accredited social work program in an accredited institution approved by the Council on Social Work Education;

(2) Has two (2) years of supervised social work experience in a clinical or nonclinical concentration by a licensed certified social worker licensed under this law beyond the master's degree;

(3) Has passed an examination approved by the board for this purpose and level of practice; and

(4) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-103-307(f).

**History.** Acts 1999, No. 1122, § 1.

# 17-103-307. Criminal background checks.

(a) Each first-time applicant for a license issued by the Arkansas Social Work Licensing Board shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in subsection (f) of this section to the board.

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to, or been found guilty of, any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

(1) Capital murder, as prohibited in § 5-10-101;

(2) Murder in the first degree and second degree, as prohibited in §§ 5-10-102 and 5-10-103;

(3) Manslaughter, as prohibited in § 5-10-104;

(4) Negligent homicide, as prohibited in § 5-10-105;

(5) Kidnapping, as prohibited in § 5-11-102;

(6) False imprisonment in the first degree, as prohibited in § 5-11-103;

(7) Permanent detention or restraint, as prohibited in § 5-11-106;

(8) Robbery, as prohibited in § 5-12-102;

(9) Aggravated robbery, as prohibited in § 5-12-103;

(10) Battery in the first degree, as prohibited in § 5-13-201;

(11) Aggravated assault, as prohibited in § 5-13-204;

(12) Introduction of controlled substance into body of another person, as prohibited in § 5-13-210;

(13) Terroristic threatening in the first degree, as prohibited in § 5-13-301;

(14) Rape, as prohibited in § 5-14-103;

(15) Sexual indecency with a child, as prohibited in § 5-14-110;

(16) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;

(17) Incest, as prohibited in § 5-26-202;

(18) Offenses against the family, as prohibited in §§ 5-26-303 - 5-26-306;

(19) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;

(20) Endangering the welfare of a minor in the first degree, as prohibited in § 5-27-203;

(21) Permitting abuse of a child, as prohibited in § 5-27-221(a)(1) and (3);

(22) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in §§ 5-27-303 - 5-27-305, 5-27-402, and 5-27-403;

(23) Felony adult abuse, as prohibited in § 5-28-103;

(24) Theft of property, as prohibited in § 5-36-103;

(25) Theft by receiving, as prohibited in § 5-36-106;

(26) Arson, as prohibited in § 5-38-301;

(27) Burglary, as prohibited in § 5-39-201;

(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 - 5-64-608, as prohibited in § 5-64-401;

(29) Promotion of prostitution in the first degree, as prohibited in § 5-70-104;

(30) Stalking, as prohibited in § 5-71-229;

(31) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;

(32) Computer child pornography, as prohibited in § 5-27-603; and

(33) Computer exploitation of a child in the first degree, as prohibited in § 5-27-605.

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding such a letter of provisional licensure has pleaded guilty or nolo contendere to, or been found guilty of, any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.

(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:

(A) An affected applicant for licensure; or

(B) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.

(i) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for licensure, his or her authorized representative, or the person whose license is subject to revocation or his or her authorized representative. No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

(j) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(k) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

(l) The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

**History.** Acts 1999, No. 1122, § 1; 2003, No. 1087, § 17; 2003, No. 1384, § 1.