

Electronic Background Checks Frequently Asked Questions

Q. Act 674 of 2025 authorized the use of third parties for background checks. What impact does DPSQA have on these third-party checks?

A. Act 674 amends Ark. Code Ann. § 20-38-101 *et. seq* to allow providers to submit applicants for approval of their state or federal criminal background checks outside of the determinations provided by DPSQA. Please note that DPSQA is only able to review checks submitted to the Arkansas State Police under the accounts assigned to DPSQA and authorized by the Federal Bureau of Investigation (FBI). DPSQA does not have access or the ability to review or issue determinations on background checks submitted to third parties. Providers are still required to maintain copies of the determination in their files. Any questions or concerns about background checks conducted by third parties must be sent to the third party conducting the check on behalf of the provider.

Q. Why does DPSQA require the application for employment, state issued identification and other information when the background check request is submitted?

A.. The FBI requires DPSQA have sufficient proof that fingerprint- based criminal background checks (CBCs) are being submitted for the authorized pre-employment background check purpose. The FBI and ACIC audits the Division regularly to ensure compliance with state and federal law.

During audits, DPSQA must show the following:

- 1) The request for a fingerprint-based CBC is for a pre-employment background check purpose;
- 2) The applicant lived outside of Arkansas at some point during the five (5) years prior to their application;
- 3) A copy of the applicant's identifying documentation matches the information on the request; and
- 4) The applicant receives a copy of the request submitted.

Failure to comply with these requirements could result in the Division losing the authority to review background check information.

Q. What background check information is required for Early Intervention Day Treatment (EIDT) facilities?

A. EIDTs are licensed by DPSQA and certified by the Department of Education. Both entities require initial and 5-year renewal state and, as applicable, federal criminal background checks on all employees to participate in Medicaid. Criminal background check requests submitted to the

Department of Education must be run under their ECE account in the Arkansas State Police system. EIDTs must also conduct the initial and 5-year renewal state and, as applicable, federal background checks for DPSQA. Criminal background check requests submitted to DPSQA must be run under their DDP account in the Arkansas State Police system.

Q. What happens if the applicant's ID does not match the information on the request? Will they need to pay for a new ID?

A. We understand that people may have a change of address or last name. The request will be sufficient as long as we can match the following information for the individual: date of birth, social security number, race and gender as listed on their birth certificate.

Q. What proof will be sufficient for surveyors if the applicant has a state only check?

A. Examples of evidence that can be used to verify an applicant only requires a state criminal background check may include, but not limited to, employment records, payroll check stubs, tax records, rent/house payment records, utility bills, school records, bank statements, etc.