

092.00.1-17. RECIPROCITY AND TEMPORARY PERMITS
(Adopted 9/11/2019)

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30. Reciprocity for Veterinarians:

A. A veterinarian applying for reciprocal licensure must meet the following requirements:

(1) The applicant must hold a substantially similar license to practice veterinary medicine in another jurisdiction of the United States.

(a) A license from another jurisdiction of the United States is substantially similar to an Arkansas license to practice veterinary medicine if the other jurisdiction's licensure qualifications require:

(i) A diploma from an accredited or approved college of veterinary medicine; or

(ii) A certificate from either the Educational Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence.

(b) The applicant's license in another jurisdiction of the United States must be in good standing;

(c) The applicant's license in another jurisdiction of the United States must not be held in a suspended or probationary status;

(d) The applicant's license in another jurisdiction of the United States must not have been revoked for an act of bad faith or a violation of a law, rule, or ethics; and

(2) The applicant must have passed the National Board Examination, Clinical Competency Test, North American Veterinary Licensing Examination, or a future equivalent.

B. A veterinarian must submit a completed application as described in Ark. Code Ann. §17-101-301, the required fee(s), and the following documentation:

(1) As evidence that the applicant's license from another jurisdiction of the United States is substantially similar to an Arkansas license to practice veterinary medicine, the applicant must submit the following:

(a) Evidence of a current and active license in that jurisdiction; and

(b) Evidence that the jurisdiction's licensure requirements match those listed in A. (1) (a) (i) or (ii).

(2) As evidence that the applicant meets the requirements in A. (1) (b) through

(d), the applicant must submit the following:

(a) The names of all jurisdictions of the United States in which the applicant is currently or has been previously licensed; and

(b) A primary source license verification from each of those jurisdictions.

(3) As evidence that the applicant meets the requirement in A. (2), the applicant must transfer his or her score on the National Board Examination, Clinical Competency Test, North American Veterinary Licensing Examination, or a future equivalent, to the Board through the American Association of Veterinary State Boards, or its future equivalent.

31. Temporary Permits for Veterinarians:

A. A temporary permit will be issued to a veterinarian immediately upon receipt of the application, the required fee(s), and the documentation required under paragraph 30. B. 1. (a) and (b).

B. If the Board determines that the applicant meets the requirements for reciprocal licensure as described in paragraph 30. A. (1) through (2), a license will be issued upon the receipt of all required documentation listed in paragraph 30. B. (1) through (3).

C. If the Board determines that the applicant does not meet the requirements for reciprocal licensure as described in paragraph 30. A. (1) through (2), the applicant may still apply for licensure by examination.

32. Reciprocity for Veterinary Technicians and Veterinary Technologists:

A veterinary technician or veterinary technologist applying for reciprocal certification will follow the process outlined in Ark. Code Ann. §17-101-306.

State of Arkansas

As Engrossed: S2/6/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1124

By: Representatives Vaught, Hillman, *Eubanks, Christiansen*

By: Senator Maloch

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING VETERINARY
MEDICINE; TO ESTABLISH A VETERINARY TECHNOLOGIST
CERTIFICATION AND A VETERINARY TECHNICIAN SPECIALIST
CERTIFICATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING VETERINARY
MEDICINE; AND TO ESTABLISH A VETERINARY
TECHNOLOGIST CERTIFICATION AND A
VETERINARY TECHNICIAN SPECIALIST
CERTIFICATION.

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

SECTION 1. Arkansas Code § 17-101-102 is amended to read as follows:
17-101-102. Definitions.

As used in this chapter:

(1) "Accredited or approved college of veterinary medicine"
means any veterinary college or any division of a university or college that
offers the degree of Doctor of Veterinary Medicine, or its equivalent, and
that conforms to the standards required for accreditation or approval by the
American Veterinary Medical Association;

(2) "Animal" means any member of the animal kingdom, other than
~~man, and includes fowl, birds, fish, and reptiles, whether wild or domestic,~~
humans, whether living or dead;



1 ~~(3) "Board" means the Veterinary Medical Examining Board;~~

2 ~~(4)~~(3) "Direct supervision" or "direct personal supervision"
3 means the licensed veterinarian must be on-site and instantly available for
4 consultation;

5 ~~(5)~~(4) "Educational Commission for Foreign Veterinary Graduates
6 Certificate" means a certificate issued by the American Veterinary Medical
7 Association Educational Commission for Foreign Veterinary Graduates
8 indicating that the holder has demonstrated knowledge and skills equivalent
9 to those possessed by a graduate of an accredited or approved college of
10 veterinary medicine;

11 ~~(6)~~(5) "Immediate supervision" means observation, in the
12 immediate vicinity, with the opportunity for the ~~supervising~~ licensed
13 veterinarian to advise or physically intervene in each procedure;

14 (6)(A) "Indirect supervision" means the licensed veterinarian is
15 not physically present but has given written or oral instructions for the
16 treatment of the animal and is readily available for communication either in
17 person or through use of electronic information and communication technology.

18 (B) "Indirect supervision" does not include the
19 administration of a Schedule II controlled substance.

20 (C) A veterinarian shall retain control of and authority
21 over the care of the animal during indirect supervision;

22 (7) "Licensed veterinarian" means a person who is validly and
23 currently licensed to practice veterinary medicine in this state as a general
24 practitioner or in a specialty area as the ~~board~~ Veterinary Medical Examining
25 Board may by ~~regulation~~ rule provide;

26 (8) "Person" means any individual, firm, partnership,
27 association, joint venture, cooperative, or corporation, or any other group
28 or combination acting in concert, and whether or not acting as principal,
29 trustee, fiduciary, receiver, or as any kind of legal or personal
30 representative, or as the successor in interest, assigning agent, factor,
31 servant, employee, director, officer, or any other representative of such a
32 person;

33 (9) "Practice of veterinary medicine" means:

34 (A) The diagnosis, treatment, correction, change, relief,
35 or prevention of animal disease, deformity, defect, injury, or other physical
36 or mental condition, including the prescribing or administration of any

1 prescription drug, medicine, biologic, apparatus, application, anesthetic, or
2 other therapeutic or diagnostic substance or technique on any animal,
3 including, but not limited to, acupuncture, dentistry, animal psychology,
4 animal chiropractic, theriogenology, surgery, including cosmetic surgery, any
5 manual, mechanical, biological, or chemical procedure for testing for
6 pregnancy or for correcting sterility or infertility or to tender service or
7 recommendations with regard to any of the above;

8 (B) To represent, directly or indirectly, publicly or
9 privately, an ability and willingness to do any act described in subdivision
10 (9)(A) of this section;

11 (C) The use of any title, words, abbreviation, or letters
12 in a manner or under circumstances which induce the belief that the person
13 using them is qualified to do any act described in subdivision (9)(A) of this
14 section. Such use shall be prima facie evidence of the intention to represent
15 oneself as engaged in the practice of veterinary medicine; and

16 (D) Collecting blood or other samples for the purpose of
17 diagnosing disease or other conditions. This shall not apply to:

18 (i) Unlicensed personnel employed by the United
19 States Department of Agriculture or the Arkansas Livestock and Poultry
20 Commission in disease control programs carried out under the authority of the
21 United States Department of Agriculture or the State of Arkansas; and

22 (ii) Veterinary technicians or ~~assistants~~ veterinary
23 technologists acting under the ~~direct~~ indirect supervision of a veterinarian
24 as set forth in ~~§ 17-101-306(b) and (e)~~ § 17-101-306(d) except for collecting
25 ~~blood~~ samples for state or federal tests requiring that the licensed
26 veterinarian draw the sample;

27 (10) "Veterinarian" means a person who has received a
28 professional degree from a college of veterinary medicine or any person who
29 is ~~now~~ licensed to practice veterinary medicine in this state;

30 (11) "Veterinarian-client-patient relationship" means:

31 (A) The veterinarian has assumed the responsibility for
32 making medical judgments regarding the health of ~~the~~ a animal and the need
33 for medical treatment, and the client, that is, the owner or caretaker, has
34 agreed to follow the instruction of the veterinarian;

35 (B)(i) There is sufficient knowledge of the animal by the
36 veterinarian to initiate at least a general or preliminary diagnosis of the

1 medical condition of the animal.

2 (ii) This means that the veterinarian has recently
3 seen and is personally acquainted with the keeping and care of the animal, by
4 virtue of an examination of the animal or by medically appropriate and timely
5 visits to the premises where the animal is kept; and

6 (C) The practicing veterinarian is readily available for
7 follow-up in case of adverse reactions or failure of the regimen or therapy;

8 (12) "Veterinary medicine" includes veterinary surgery,
9 theriogenology, dentistry, acupuncture, animal psychology, chiropractic, and
10 all other branches or specialties of veterinary practice;

11 (13) "Veterinary premises" means any place or unit from which
12 the practice of veterinary medicine is conducted; and

13 (14) "Veterinary technician" means a person who+

14 (A) Has received ~~a diploma~~ an associate degree or its
15 equivalent from a college-level program accredited by the American Veterinary
16 Medical Association; and

17 (B) Provides veterinary services under the supervision and
18 direction of a licensed veterinarian who is responsible for the performance
19 of that veterinary technician;

20 (15) "Veterinary technician specialist" means a veterinary
21 technician or veterinary technologist who has completed a formal process of
22 education, training, experience, and testing through a specialty academy
23 approved by the Committee of Veterinary Technician Specialties of the
24 National Association of Veterinary Technicians in America;

25 (16) "Veterinary technologist" means a person who performs
26 veterinary technology services and is a graduate of a four-year baccalaureate
27 program accredited by the American Veterinary Medical Association; and

28 (17)(A) "Veterinary technology" means the performance of all
29 aspects of medical care, services, and treatment of an animal where a
30 veterinary-client-patient relationship has been established.

31 (B) "Veterinary technology" does not include diagnosis,
32 prognosis, surgery, or the prescription of appliances, drugs, medications, or
33 treatment unless otherwise determined by the board.

34 (C) A veterinarian shall retain control of and authority
35 over the care of the animal during the practice of veterinary technology.
36

SECTION 2. Arkansas Code § 17-101-306 is amended to read as follows:

17-101-306. Veterinary technician, veterinary technologist, and veterinary technician specialist – Certification.

(a) ~~No~~ A person shall not assist in the practice of veterinary medicine ~~under the direction, supervision, and responsibility of a veterinarian~~ as a veterinary technician or veterinary technologist without first applying for and obtaining a ~~certificate of qualification~~ certification from the Veterinary Medical Examining Board ~~as a veterinary technician~~ and having his or her employment with a licensed veterinarian registered in ~~accordance with board regulations~~ with the Veterinary Medical Examining Board.

~~(b) A veterinary technician shall perform only those acts and duties overseen by a supervising veterinarian that are within the scope of practice of the supervising veterinarian but shall not include diagnosis, prescribing medication, treatment, or surgery in the practice of animal husbandry.~~

~~(c)(1)(b)(1)~~ An applicant for a ~~certificate of qualification~~ certification as a veterinary technician or veterinary technologist in this state may make written application to the ~~board~~ Veterinary Medical Examining Board showing that he or she is:

(A) A citizen of the United States or an applicant for citizenship; and

(B) A person of moral integrity and acceptable ethical standards.

(2) The application for certification as a veterinary technician or veterinary technologist in the State of Arkansas shall be written, signed by the applicant, and submitted to the ~~board~~ Veterinary Medical Examining Board at least thirty (30) days before the examination, including, ~~but not limited to,~~ without limitation the information set forth in this subdivision ~~(c)(2)(b)(2),~~ and the application shall be accompanied by a nonrefundable application fee established by the ~~board~~ Veterinary Medical Examining Board:

(A) A current photograph of the applicant;

~~(B)(i)~~ A copy of the applicant's diploma or its equivalent from a college-level program accredited by the American Veterinary Medical Association.

~~(ii) A photocopy of the diploma is acceptable~~ If the applicant has not graduated at the time of application, an affidavit from the

1 program certifying the applicant's ability to graduate may be accepted with a
2 copy of the diploma or its equivalent submitted upon availability;

3 (C) A certified copy of college transcripts;

4 (D) A passing score on the National Board Examination
5 passing score provided by the national testing agency or Veterinary
6 Technician National Examination, or future equivalent, reported through the
7 American Association of Veterinary State Boards or its successor; and

8 (E) A letter of recommendation signed by a licensed
9 veterinarian who is licensed in this state or another state, territory, or
10 district of the United States and notarized.

11 (3) This section does not prevent the Veterinary Medical
12 Examining Board from issuing a certification by endorsement to an applicant
13 who:

14 (A) Holds a certification, or its equivalent, as a
15 veterinary technician or veterinary technologist in another state, territory,
16 or district of the United States;

17 (B) Is not a respondent in any pending or unresolved board
18 action in any state, territory, or district of the United States;

19 (C) Has a passing score on the National Board Examination
20 or Veterinary Technician National Examination, or its future equivalent,
21 reported through the American Association of Veterinary State Boards or its
22 successor;

23 (D) Submits a completed application, including without
24 limitation a letter of recommendation that is:

25 (i) Signed by a veterinarian;

26 (ii) Notarized by a notary public; and

27 (iii) Accompanied by a nonrefundable application fee
28 established by the Veterinary Medical Examining Board; and

29 (E) Signs a statement attesting that he or she has read
30 and understands this chapter and the rules adopted by the Veterinary Medical
31 Examining Board governing the practice of veterinary medicine in Arkansas.

32 ~~(d)(c)(1)~~ Each certified A veterinary technician or veterinary
33 technologist shall annually register his or her employment with the board
34 Veterinary Medical Examining Board, stating:

35 (A) ~~his~~ His or her name and current address;

36 (B) ~~the~~ The name and office address of both his or her

1 employer and the supervising licensed veterinarian; and

2 (C) Any additional information as the board deems
3 necessary required by the Veterinary Medical Examining Board.

4 (2) Upon any change of employment as a veterinary technician or
5 veterinary technologist, the registration shall be considered suspended
6 certification is inactive until:

7 (A) new New employment as a veterinary technician or
8 veterinary technologist has been obtained; and

9 (B) the board The Veterinary Medical Examining Board has
10 been notified in writing of the new employment.

11 ~~(e) Nothing in this section shall prevent a veterinarian from~~
12 ~~utilizing the services of an employee to perform services not requiring the~~
13 ~~skill and judgment of a veterinary technician, which services are performed~~
14 ~~under the direct personal supervision of the veterinarian. Such a lay~~
15 ~~employee shall not be identified as a "veterinary technician", "animal~~
16 ~~technician", or "technician".~~

17 ~~(f) A veterinarian licensed under the provisions of this chapter may~~
18 ~~not establish a separate office or clinic in a location other than his or her~~
19 ~~regular office and place the separate office or clinic under the control or~~
20 ~~supervision of a veterinary technician.~~

21 ~~(g) After obtaining a degree from an accredited program in veterinary~~
22 ~~technology, and upon completing the application form for certification in~~
23 ~~Arkansas, the applicant will be issued a certificate of qualification.~~

24 (d)(1) A veterinary technician or veterinary technologist shall
25 perform veterinary technology under the direction, supervision, and
26 responsibility of the licensed veterinarian with which he or she is employed.

27 (2) Supervision of a veterinary technician or veterinary
28 technologist may be direct supervision, indirect supervision, or immediate
29 supervision.

30 (3) A veterinarian who utilizes indirect supervision of a
31 veterinary technician or veterinary technologist shall:

32 (A) Retain control of and authority over the care of the
33 animal; and

34 (B) Review all recordkeeping and notes documented by the
35 veterinary technician or veterinary technologist on the charts regarding the
36 care of the animal.

1 (e) The Veterinary Medical Examining Board shall promulgate rules to
2 establish the appropriate level of supervision under which a veterinary
3 technician or veterinary technologist can perform veterinary technology.

4 (h)(1)(f)(1) Every A licensed veterinarian using, supervising, or
5 employing a registered veterinary technician or veterinary technologist shall
6 be is individually responsible and liable for the performance of the acts and
7 omissions delegated to the veterinary technician or veterinary technologist.

8 (2) Nothing in this subsection shall be construed to This
9 subsection does not relieve the a veterinary technician or veterinary
10 technologist of any responsibility and liability for any of his or her own
11 acts and omissions.

12 (g) A licensed veterinarian shall not establish a separate office or
13 clinic in a location other than his or her regular office and place the
14 separate office or clinic under the control or supervision of a veterinary
15 technician or veterinary technologist.

16 (h)(1) This section does not prevent a licensed veterinarian from
17 utilizing the services of an employee to perform services not requiring the
18 skill and judgment of a veterinary technician, veterinary technologist, or
19 veterinary technician specialist, if the services performed by the employee
20 are under the direct personal supervision of a licensed veterinarian.

21 (2) An employee described under subdivision (h)(1) of this
22 section shall not be identified as a "veterinary technician", "animal
23 technician", "technician", "veterinary technologist", "animal technologist",
24 "technologist", or "veterinary technician specialist".

25 (i) A veterinary technician, veterinary technologist, or veterinary
26 technician specialist shall not receive a fee or other compensation for
27 veterinary services or veterinary technology services other than the salary
28 or other compensation paid to the veterinary technician, veterinary
29 technologist, or veterinary technician specialist by the veterinary clinic,
30 veterinary practice, or veterinarian where he or she is employed.

31 (j)(1) The Veterinary Medical Examining Board may issue additional
32 certifications for a veterinary technician specialist.

33 (2) For an applicant seeking certification as a veterinary
34 technician specialist, the Veterinary Medical Examining Board may require an
35 initial application, application fee as determined by the Veterinary Medical
36 Examining Board, renewal application, renewal application fee as determined

1 by the Veterinary Medical Examining Board, and any other relevant information
2 determined by the Veterinary Medical Examining Board.

3
4 SECTION 3. Arkansas Code § 17-101-307(b)(6), concerning exemptions for
5 licensing of veterinarians and veterinary technicians, is amended to read as
6 follows:

7 (6) A member of the faculty of a veterinary school from
8 performing his or her regular functions or a person from lecturing or giving
9 instruction or demonstration at a veterinary school or in connection with a
10 continuing education course or seminar for licensed veterinarians, ~~or~~
11 registered veterinary technicians, or veterinary technologists;

12
13 SECTION 4. Arkansas Code § 17-101-307(b)(9)(A), concerning exemptions
14 for licensing of veterinarians and veterinary technicians, is amended to read
15 as follows:

16 (9)(A) Any act, task, or function performed by a veterinary
17 technician or veterinary technologist at the direction of and under the
18 supervision of a licensed veterinarian, when:

19 (i) The veterinary technician or veterinary
20 technologist is certified by ~~and annually registered with~~ the board as ~~one~~
21 being qualified by training or experience to function as an assistant to a
22 veterinarian;

23 (ii) The act, task, or function is performed at the
24 direction of and under the supervision of a licensed veterinarian in
25 accordance with rules promulgated by the board; and

26 (iii) The services of the veterinary technician or
27 veterinary technologist are limited to assisting the veterinarian in the
28 particular fields for which ~~the assistant~~ he or she has been trained, and
29 certified, ~~and registered.~~

30
31 SECTION 5. Arkansas Code § 17-101-309(a)(2), concerning renewal and
32 reinstatement of a license, certificate, and registration, is amended to read
33 as follows:

34 (2) Not later than March 1 each year, the board shall mail a
35 notice to each licensed veterinarian, ~~and registered veterinary technician,~~
36 and veterinary technologist that his or her license, ~~registration,~~ or

1 certificate will expire on March 31 and shall provide a renewal application
2 form.

3
4 SECTION 6. Arkansas Code § 17-101-309(b) and (c), concerning renewal
5 and reinstatement of a license, certificate, and registration, are amended to
6 read as follows:

7 (b)(1) Any person may reinstate an expired license, ~~registration~~, or
8 certificate within five (5) years of its expiration by making application to
9 the board for renewal and paying the current renewal fee along with all
10 delinquent renewal fees.

11 (2) After five (5) years have elapsed since the date of
12 expiration, a license, ~~registration~~, or certificate may not be renewed, and
13 the holder must apply for a new license, ~~registration~~, or certificate and
14 take the required examinations.

15 (c) The board may provide by regulation rule for waiver of payment of
16 any renewal fee of a licensed veterinarian, ~~or registered veterinary~~
17 technician, or veterinary technologist during any period when he or she is on
18 active duty with any branch of the United States Armed Forces for not to
19 exceed three (3) years or for the duration of a national emergency, whichever
20 is longer.

21
22 SECTION 7. Arkansas Code § 17-101-310 is amended to read as follows:
23 17-101-310. Continuing education required – Exemptions.

24 (a)(1) ~~Each~~ A veterinarian, ~~or veterinary technician, or veterinary~~
25 technologist under this chapter ~~shall be~~ is required to attend an educational
26 program in the twelve (12) months preceding each renewal date.

27 (2) The postgraduate study or attendance at an institution or at
28 an educational session approved by the Veterinary Medical Examining Board
29 shall be considered equivalent to continuing education requirements.

30 (3) The board shall have the right, for good cause shown, to
31 prescribe the type and character of postgraduate study to be done by any
32 licensed veterinarian in order to comply with the requirements of this
33 chapter.

34 (b) The board shall excuse licentiates or certificate holders, as a
35 group or as individuals, from the annual educational requirements in any of
36 the following instances:

(1) When no educational program meeting the requirements approved by the board is conducted within the state;

(2) When an affidavit is submitted to the board evidencing that the licensee, for good cause assigned, was prevented from attending an educational program at the proper time;

(3) In the event of an unusual emergency; or

(4) If that person holds an inactive license or certificate.

(c)(1) ~~Each A veterinarian, or veterinary technician, or veterinary technologist must~~ shall fulfill his or her annual education requirements at his or her own expense.

(2) The ~~registration~~ fee for his or her annual education requirements is not included in the license fee.

SECTION 8. Arkansas Code Title 17, Chapter 101, Subchapter 3, is amended to add an additional section to read as follows:

17-101-317. Veterinary technologist and veterinary technician specialist – Grounds for denial, suspension, or revocation.

(a) Upon written complaint by any person or on the Veterinary Medical Examining Board's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the board may deny or suspend any certification or deny or revoke any certificate of qualification of the applicant, veterinary technologist, or veterinary technician specialist for the following conduct:

(1) Solicitation patients on behalf of a veterinarian or veterinary technician;

(2) Solicitation or receiving any form of compensation from any person other than his or her registered employer for his or her employment;

(3) Willfully or negligently disclosure a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)(A) Any offense punishable by incarceration in the Department of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be evidence;

(5) Inability to practice as a veterinary technologist or a veterinary technician specialist with reasonable skill and safety to patients

1 due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a
2 result of any mental or physical condition;

3 (6) Fraud or misrepresentation in applying for or procuring:

4 (A) A certificate of qualification to perform as a
5 veterinary technologist or veterinary technician specialist in Arkansas; or

6 (B) An annual employment registration;

7 (7) Impersonation of another person registered as a veterinary
8 technologist or veterinary technician specialist or authorization of any
9 person to use his or her certificate of qualification or registration;

10 (8) Aids or abets the practice of veterinary medicine by a
11 person not licensed by the board;

12 (9) Incompetence, gross negligence, or other malpractice in the
13 performance of duties, tasks, or functions assigned to him or her by a
14 licensed veterinarian;

15 (10) Incapacity or incompetence to perform as a veterinary
16 technologist or veterinary technician specialist;

17 (11) Cruelty to animals;

18 (12) Failure:

19 (A) Of any applicant or licensee to cooperate with the
20 board during any investigation, if the investigation does not concern the
21 applicant or licensee;

22 (B) To comply with any subpoena or subpoena duces tecum
23 from the board or an order of the board; or

24 (C) To timely pay certification or renewal fees; or

25 (13) Unprofessional conduct or conduct that is detrimental to
26 the best interests of the public.

27 (b) At the discretion of the board, a person whose certificate of
28 qualification is suspended or revoked by the board under this section may be:

29 (1) Recertified or reinstated by the board at any time upon
30 written application to the board showing cause to justify recertification or
31 reinstatement; and

32 (2) Subject to civil penalties under § 17-101-311 as determined
33 by the board.

34
35 /s/Vaught

36 02-18-2019

State of Arkansas

As Engrossed: H2/13/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1301

By: Representative Cozart

For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
INDIVIDUALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RED TAPE REDUCTION
EXPEDITED TEMPORARY AND PROVISIONAL
LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR
CERTAIN INDIVIDUALS.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction
Expedited Temporary and Provisional Licensure Act."

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
4 to the Red Tape Reduction Working Group to review and address occupational
5 licensing regulations that create unnecessary barriers to labor market entry;
6 and

7 (4) The Red Tape Reduction Working Group issued a final report
8 to the Governor in the fall of 2018 with five (5) recommendations for
9 substantive legislative reform, which are to:

10 (A) Establish an expedited procedure for occupational
11 licensing entities to collectively submit administrative rules that are
12 responsive to new legislation;

13 (B) Extend Acts 2017, No. 781, to allow repeal of
14 subsections of rules;

15 (C) Establish provisions to allow certain agencies to
16 consider occupational relevance with regard to criminal background issues;

17 (D) Authorize occupational licensing entities to identify
18 types of individuals or entities that may be issued temporary or provisional
19 licenses; and

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
22 licensing entities; and

23 (ii) Existing occupational licensure and
24 occupational licensing entities.

25 (b) It is the intent of the General Assembly to authorize occupational
26 licensing entities to identify types of individuals or entities that may be
27 issued temporary or provisional licenses.

28
29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

33 (1) "Individual" means a natural person, firm, association,
34 partnership, corporation, or other entity that may hold an occupational
35 licensure;

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
2 having authority to license, certify, register, permit, or otherwise
3 authorize an individual to engage in a particular occupation or profession;
4 and

5 (3) "Occupational licensure" means a license, certificate,
6 registration, permit, or other form of authorization required by law or rule
7 that is required for an individual to engage in a particular occupation or
8 profession.

9 (b) An occupational licensing entity shall by rule adopt the least
10 restrictive requirements for occupational licensure for an individual who:

11 (1) Demonstrates that he or she:

12 (A) Holds an occupational licensure that is substantially
13 similar to practice in the field of his or her occupation or profession in
14 another state, territory, or district of the United States;

15 (B) Holds his or her occupational licensure in good
16 standing;

17 (C) Has not had his or her occupational licensure revoked
18 for:

19 (i) An act of bad faith; or

20 (ii) A violation of law, rule, or ethics;

21 (D) Is not holding a suspended or probationary
22 occupational licensure in any state, territory, or district of the United
23 States; and

24 (E) Is sufficiently competent in his or her field; and

25 (2) Pays any occupational licensure fee required by law or rule.

26 (c)(1)(A) An occupational licensing entity shall comply with the
27 requirements under subsection (b) of this section by adopting the least
28 restrictive rule that allows for reciprocity or licensure by endorsement.

29 (B) The rule adopted under subdivision (c)(1)(A) of this
30 section shall provide the procedure by which an occupational licensing entity
31 shall grant a temporary and provisional occupational licensure for ninety
32 (90) days or longer to an individual under subsection (b) of this section if
33 presented with evidence of a current and active occupational licensure that
34 is substantially similar to practice in the field of his or her occupation or
35 profession in another state, territory, or district of the United States.

36 (2) If a state, territory, or district of the United States does

1 not require occupational licensure for a profession that requires
2 occupational licensure in this state, an occupational licensing entity shall
3 adopt a rule that is least restrictive to permit an individual who is
4 sufficiently competent in his or her field to obtain occupational licensure
5 for that occupation or profession in this state.

6 (3) The occupational licensing entity may require additional
7 state-specific education for an individual with an occupational licensure in
8 another state, territory, or district of the United States that does not
9 offer reciprocity similar to reciprocity under this section to individuals
10 with occupational licensure in this state.

11 (d)(1) Except as provided under subdivision (d)(2) of this section, an
12 occupational licensing entity shall not require an individual who meets the
13 requirements of subsection (b) of this section to participate in the
14 apprenticeship, education, or training required as a prerequisite to
15 occupational licensure of a new professional in the field.

16 (2) The occupational licensing entity may require the individual
17 to participate in continuing education or training if the continuing
18 education or training is required for all professionals in the field to
19 maintain the occupational licensure.

20 (e) If a criminal background check is required of an applicant for an
21 initial occupational licensure or of a person currently holding an
22 occupational licensure, then the occupational licensing entity may require a
23 person seeking his or her occupational licensure under this section to meet
24 the same criminal background check requirements as the applicant for an
25 initial occupational licensure or as the person currently holding an
26 occupational licensure.

27 (f) The occupational licensing entity may require the individual
28 applying for occupational licensure under this section to meet any bonding,
29 financial statement, or insurance requirements that are applicable to all
30 applicants.

31 (g) This section shall not apply to:

32 (1) Reciprocity or license by endorsement provisions under §§
33 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
34 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
35 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

36 (2) The occupational licensing entities that administer the

1 reciprocity provisions under subdivision (g)(1) of this section.

2 (h) An occupational licensing entity may enter into written agreements
3 with similar occupational licensing entities of another state, territory, or
4 district of the United States as necessary to assure for licensees in this
5 state have comparable nonresident licensure opportunities as those
6 opportunities available to nonresidents by occupational licensing entities in
7 this state.

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9 /s/Cozart

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12 **APPROVED: 3/12/19**
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State of Arkansas

As Engrossed: H2/4/19 S4/5/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1255

By: Representative Dotson

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
THE LAW CONCERNING LICENSING, REGISTRATION, AND
CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING LICENSING,
REGISTRATION, AND CERTIFICATION FOR
CERTAIN PROFESSIONS; AND TO ESTABLISH A
SYSTEM OF ENDORSEMENT, RECOGNITION, AND
RECIPROCITY FOR LICENSING.

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

SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:
17-1-107. Reinstatement of licenses – Definition.

~~(a)(1) It is not the intent of the General Assembly to cause the
licensing entity to engage in simple comparisons of the required hours of
training and other personal qualifications under Arkansas's occupational
licensing statutes with those qualifications required in the state where the
person is credentialed.~~

~~(2) It is the intent of the General Assembly to ensure that a
person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

3 ~~(b)(a)~~ A An occupational licensing entity shall by rule adopt reduced
4 requirements for reinstatement of a license, registration, permit, or
5 certification for a person who:

6 (1) Demonstrates that he or she:

7 (A) Was previously licensed, registered, permitted, or
8 certified to practice in the field of his or her profession at any time in
9 this state;

10 (B) Held his or her license, registration, permit, or
11 certification in good standing at the time of licensing, registration,
12 permitting, or certification;

13 (C) Did not have his or her license, registration, permit,
14 or certification revoked for:

15 (i) An act of bad faith; or

16 (ii) A violation of law, rule, or ethics;

17 (D) Is not holding a suspended or probationary license,
18 registration, permit, or certification in any state; and

19 (E) Is sufficiently competent in his or her field; and

20 (2) Pays any reinstatement fee required by law.

21 ~~(e)(b)~~ The occupational licensing entity may require that sufficient
22 competency in a particular field be demonstrated by:

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

25 (3) Both proficiency testing and letters of recommendation.

26 ~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this
27 section, the occupational licensing entity shall not require a person who
28 meets the requirements of subsection (a) of this section to participate in
29 the apprenticeship, education, or training required as a prerequisite to
30 licensing, registration, permitting, or certification of a new professional
31 in the field.

32 (2) The occupational licensing entity may require the person to
33 participate in continuing education or training if the continuing education
34 or training is required for all professionals in the field to maintain the
35 license, registration, permit, or certification.

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 registration, permit, or certification if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, registration, permit, or certification, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor,~~ that has the duty to license,
17 register, permit, certify, or otherwise approve a person to work in a
18 particular field or industry.

19 (2) As used in subdivision (f)(1) of this section "agency"
20 does not include the General Assembly, the courts, or the Governor.

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

30 (2) It is not the intent of the General Assembly to cause the
31 licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 individual is credentialed.

35 ~~(a)~~(b) As used in this section:

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

3 (2) "Occupational licensing entity" means an office, board,
4 commission, committee, department, council, bureau, or other agency of state
5 government having authority to license, certify, register, permit, or
6 otherwise authorize an individual to engage in a particular occupation or
7 profession; and

8 (3) "Occupational licensure" means a license, certificate,
9 registration, permit, or other form of authorization required by law or rule
10 that is required for an individual to engage in a particular occupation or
11 profession.

12 ~~(b)~~(c) An occupational licensing entity shall by rule adopt the least
13 restrictive requirements for occupational licensure for an individual who:

14 (1) Demonstrates that he or she:

15 (A) Holds an occupational licensure that is substantially
16 similar to practice in the field of his or her occupation or profession in
17 another state, territory, or district of the United States;

18 (B) Holds his or her occupational licensure in good
19 standing;

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

23 (ii) A violation of law, rule, or ethics;

24 (D) Is not holding a suspended or probationary
25 occupational licensure in any state, territory, or district of the United
26 States; and

27 (E) Is sufficiently competent in his or her field; and

28 (2) Pays any occupational licensure fee required by law or rule.

29 ~~(e)-(1)-(A)~~(d)(1)(A) An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)~~(c) of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)-(1)-(A)~~(d)(1)(A)
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)(c)~~ of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

5 (2) If a state, territory, or district of the United States does
6 not require occupational licensure for a profession that requires
7 occupational licensure in this state, an occupational licensing entity shall
8 adopt a rule that is least restrictive to permit an individual who is
9 sufficiently competent in his or her field to obtain occupational licensure
10 for that occupation or profession in this state.

11 (3) The occupational licensing entity may require additional
12 state-specific education for an individual with an occupational licensure in
13 another state, territory, or district of the United States that does not
14 offer reciprocity similar to reciprocity under this section to individuals
15 with occupational licensure in this state.

16 ~~(d)(1)(e)(1)~~ Except as provided under subdivision ~~(d)(1)(e)(2)~~ of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)(c)~~ of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)(f)~~ If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)(g)~~ The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)(h)~~ This section shall not apply to:

1 (1) Reciprocity or license by endorsement provisions under §§
2 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
3 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
4 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

5 (2) The occupational licensing entities that administer the
6 reciprocity provisions under subdivision ~~(g)~~~~(1)~~(h)(1) of this section.

7 ~~(h)~~(i) An occupational licensing entity may enter into written
8 agreements with similar occupational licensing entities of another state,
9 territory, or district of the United States as necessary to assure ~~for~~ that
10 licensees in this state have comparable nonresident licensure opportunities
11 as those opportunities available to nonresidents by occupational licensing
12 entities in this state.

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15 /s/Dotson
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