

ARTICLE 1. GENERAL PROVISIONS

A. Practice of Engineering

In order to safeguard life, health and property and to promote the public welfare, the practice of engineering in the State of Arkansas is subject to regulation. It shall be unlawful for any person to practice, or to offer to practice engineering in this state, as defined in the provisions of A.C.A. 17-30-101 et. seq., and the Administrative Procedure Act, A.C.A. 25-15-101 et. seq., or to assume, advertise, or use ~~his~~the person's name and title or description tending to convey the impression that the person is an engineer unless such person has been duly licensed under the provisions of these statutes. The Practice of Engineering shall be deemed a privilege granted by the State through the Licensing Board based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

B. Practice of Surveying

In order to safeguard life, health and property and to promote the public welfare, the practice of surveying in the State of Arkansas is subject to regulation. It shall be unlawful for any person to practice, or to offer to practice, surveying in this state, as defined in the provisions of A.C.A. 17-48-101 et. seq., and the Arkansas Administrative Procedure Act, A.C.A. 25-15-101 et. seq. or to assume, advertise, or use ~~his~~the person's name, and title or description tending to convey the impression that the person is a surveyor unless such person has been duly licensed under these statutes. The Practice of Surveying shall be deemed a privilege granted by the State through the Licensing Board based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

ARTICLE 2. DEFINITIONS

A. Board – The term “Board” shall mean the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors.

B. Professional Engineer – The term “professional engineer” shall mean a person who has been duly licensed as a Professional Engineer by the Board.

C. Engineer Intern – The term “engineer intern” shall mean a person who complies with the requirements of the rules of the Board~~in education and character~~, who has passed an eight (8) hour National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination, and has been ~~duly certified~~licensed by the Board.

D. Practice of Engineering –

1. The term “practice of engineering” shall mean any service or creative work, the adequate performance of which requires engineering education and experience in the application of special knowledge in the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems relating to the use of air, land, and waters; municipal and regional planning; forensic services; teaching of junior level or above engineering subjects or courses related thereto; engineering surveys, and the observation of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects, including such architectural services as is incidental to the practice of engineering.

2. Except as provided in 3. below, a person shall be construed to practice or offer to practice engineering

who practices in any branch of engineering; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way, represents himself to be an engineer; or who through the use of some other title implies that the person is an engineer or that the person is licensed by the Board; or who holds himself out as able to perform or does perform any engineering service or work which is recognized as engineering, but such definition shall not include persons who operate or maintain machinery or equipment. The practice of engineering shall not include the act of measuring land, drawing or reading plans or other work normally done by mechanics, technicians, draftsmen or licensed surveyors.

3. A person who is a licensed engineer in another jurisdiction shall not be considered to be offering to practice engineering when soliciting work by any of the following means:

a. Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed;

b. Responding to letters of inquiry regarding requests for proposals, provides there is written disclosure that the engineer and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope and to demonstrate interest;

c. Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest;

d. Submitting proposals to prospective clients in response to notices, inquiries or solicitations provided there is written disclosure that the engineer and firm are not licensed in this jurisdiction.

Regardless of the above, contracts may not be signed, or work commenced until the engineer and firm become licensed in this jurisdiction.

E. Professional Surveyor – The term “professional surveyor” shall mean a person who, by reason of special knowledge of mathematics, surveying principles and methods, and legal requirements that are acquired by education ~~and/or practical~~ experience, is qualified to engage in the practice of land surveying and surveying measurement certification; and who has been duly licensed by the Board.

F. Surveyor Intern – The term “surveyor intern” shall mean a person who complies with the requirements of the rules of the Board, in education, and/or experience and character who has passed an approved NCEES Fundamentals of Surveying examination and who has been ~~duly certified~~licensed by the Board.

G. Practice of Surveying – Except as provided in 3. below, a person shall be construed to practice or offer to practice surveying who engages in surveying for others or who by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be able to perform surveying or who through some other title implies that the person is a professional surveyor or that the person is licensed by this Board.

1. Land Surveying – The term “land surveying” shall mean any determination of the location of land boundaries or land boundary corners; the preparation of plats showing the shape and areas of tracts of land and their subdivision into smaller tracts; the preparation of plats showing the location of streets, roads, easements or right-of-ways of tracts to give access to smaller tracts; the preparation of official plats or maps of land boundaries within the State of Arkansas; and teaching of land surveying. The term “land surveying” shall not include the measuring of acreage of timber, cotton, rice or other agricultural crops and/or surveying of irrigation levees.

2. Surveying Measurement Certification –

- a. Means providing the professional service of certification or sealing of maps, documents, digital files, or other data for the purpose of verifying that the maps, documents, digital files, or other data are authoritative professional determinations based upon accepted methods and principals of surveying measurements or analysis representing or listing the following types of surveying measurements:
 - i. The configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;
 - ii. The position or elevation of any survey boundary or control monument or reference point; and
 - iii. The alignment or elevation of any fixed works embraced within the practice of professional engineering.

b. The term "surveying measurement certification" shall not be construed to permit the preparation of engineering or architectural design documents or quantity payment documents.

3. Clarification to Offering to Practice Surveying – A person who is a licensed surveyor in another jurisdiction shall not be considered to be offering to practice surveying when soliciting work by any of the following means:

- a. Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed;
- b. Responding to letters of inquiry regarding requests for proposals, provides there is written disclosure that the surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope and to demonstrate interest;
- c. Responding to letters of inquiry from prospective clients, provided there is written disclosure that the surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest.
- d. Submitting proposals to prospective clients in response to notices, inquiries or solicitations provided there is written disclosure that the surveyor and firm are not licensed in this jurisdiction.

Regardless of the above, contracts may not be signed, or work commenced until the surveyor and firm become licensed in this jurisdiction.

H. Metadata – The term "metadata" means a description of the content, ancestry and source, quantity, database schema, and accuracy of digital map data.

I. Responsible Charge – The term "responsible charge" shall mean direct control, supervision of and legal responsibility for all engineering and surveying performed. This responsible charge shall be of such a nature that the client may reasonably presume that the licensed engineer or surveyor of the firm which the client has employed is the provider of the professional services.

~~J. These rules shall not conflict with the Arkansas Architectural Act (A.C.A. 17-15-101 et seq.)~~

~~J.K.~~ NCEES – The term "NCEES" shall mean the National Council of Examiners for Engineering and Surveying. It is composed of Boards from the U.S. and its territories. NCEES is the sole a source for the engineering and surveying examinations. The Arkansas Board of Licensure for Professional Engineers & Professional Surveyors is a member of NCEES.

~~L. ELSES, LLC – The terms "ELSES" or "ELSES, LLC" means an affiliate of NCEES or any successor organization chosen or designated by the Board for administering examinations.~~

~~K.M.~~ Firm – The term “Firm” means any form of business entity that offers professional engineering and/or professional surveying services to the public. The term shall not include an individual licensee operating in ~~his or her~~ the individual’s own name so long as:

1. The licensee is operating as a sole proprietorship;
2. The name of the entity is sufficient to identify the licensee from the Board’s roster and includes, at a minimum, the licensee’s last name and first and middle initials; and
3. The name is personal to the licensee and not a trade name, dba or otherwise fictitious name.

ARTICLE 3. BOARD – ORGANIZATION AND MEETING

A. Regular meetings of the Board shall be held bi-monthly and at such other times and places as the Board may designate. The President may call special meetings when ~~the~~ the President deems necessary or upon the written request of three members of the Board.

B. The Board shall elect a President and Vice-President annually. ~~An Executive~~ A Director shall be appointed by the Board and will serve also as Secretary-Treasurer of the Board.

C. Roberts Rules of Order Newly Revised and Arkansas Administrative Procedure Act shall govern the procedures of the Board.

D. The President shall be the executive head of the Board. ~~He~~ The President shall preside at meetings, appoint committees, and perform all the duties pertaining to the office of President.

E. The Vice-President shall exercise the duties and possess all the powers of the President in the absence or incapacity of the President.

F. The ~~Executive~~ Director, with the assistance of staff, shall:

1. Keep minutes of the Board;
2. Furnish a copy of all minutes to each member of the Board;
3. Send written notice of regular and special meetings of the Board not less than ten (10) days in advance thereof;
4. Examine each application for licensure prior to consideration by the Board;
5. Address inquiries to references to verify qualifications, ~~experience, and character~~ of applicants;
6. Make arrangements as required by the Board for examinations, interviews and hearings;
7. Report the results of every examination and other evidence of qualifications to the Board members;
8. Review and investigate, with the Complaint Committee, all complaints or alleged violations received by the Board;
9. Prepare and present required reports, budgets, and rosters as the Board or Secretary of the Department of Labor and Licensing may direct;
10. Keep all records;
11. Keep all funds and fiscal records;
12. Prepare official correspondence of the Board;
13. Perform all other duties prescribed by the statutes and the ~~R~~rules of the Board; and
14. Perform all other duties normally associated with office administration.

G. Regular and special committees appointed by the President shall perform the duties assigned to them and shall present reports to the Board in a timely fashion as specified by the President.

ARTICLE 4. BOARD – POWERS

A. The Board shall have the power to adopt and amend all ~~R~~rules consistent with Arkansas law, including the adoption and promulgation of the Rules of Professional Conduct, which shall be binding upon persons licensed under the statutes and the ~~R~~rules of the Board.

B. The Board may subpoena witnesses and require the submission of books, papers, documents, or other pertinent data, when a violation of the statutes and/or the ~~R~~rules of the Board is alleged. Upon failure or refusal to comply with any such order of the Board or upon failure to honor its subpoena, the Board may apply to a court of competent jurisdiction to enforce compliance.

C. In the name of the State of Arkansas, the Board is authorized to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of the statutes and the ~~R~~rules of the Board or to restrain any violation. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation. The members of the Board shall not be personally liable under these proceedings.

ARTICLE 5. RECEIPTS AND DISBURSEMENTS

The ~~Executive~~ Director of the Board shall receive and account for all money received under the provisions of the statutes and the ~~R~~rules of the Board. ~~These funds shall be deposited and paid out according to the directions of the Department of Finance and Administration. All funds in this account are specifically appropriated for the use of the Board by the General Assembly. The Executive Director shall receive such salary as the Board determines within the limits set forth by the General Assembly. The Board shall employ assistants required to properly perform its work and shall make expenditures from this account for any purpose which, in the opinion of the Board, is reasonably necessary to perform its duties under the statutes and the Rules of the Board. This shall include the membership fees in the NCEES and any of its subdivisions and the expenses of the Board's delegates to the NCEES National and Southern Zone meetings. The total amount of warrants issued in payment of the expenses and compensation provided for in the statutes and the Rules of the Board shall not exceed the amount of moneys available and/or appropriated, whichever is less.~~

ARTICLE 6. RECORDS AND REPORTS

A. The Board shall keep a record of its proceedings and of all applications for licensure. All applications shall include:

1. ~~T~~the name, age, social security number, and address of each applicant;
2. ~~T~~the date of application;
3. ~~T~~the place of business of such applicant;
4. ~~E~~education, experience and other qualifications of such applicant;
5. ~~t~~The Board's decision concerning the applicant;
6. ~~T~~the date of the Board's actions;
7. ~~T~~the examination taken and the results; and
8. ~~S~~such other information as the Board deems necessary.

B. The Board's record shall be prima facie evidence of its proceedings and a transcript thereof, duly certified by the ~~Executive~~ Director under seal, shall be admissible as evidence with the same force and effect of the original.

~~C. At the end of the fiscal year and at such other times as designated by the appropriate State Agencies and the General Assembly, the Board shall submit a report of its financial transactions, transmitting a complete statement of the receipts and expenditures of the Board. An audit of the Board records will be made by the Legislative Audit Division of the Legislative Council.~~

~~C.D.~~ At its discretion, the Board may send, accept, create and retain any records, forms, applications, etc., either in written or electronic form or may convert written records to electronic records in a manner and format prescribed by the Board, so long as they comply with the provisions of the Uniform Electronic Transactions Act ("UETA") (A.C.A. § 25-32-101 et seq.). In addition, electronic signatures may be accepted in lieu of handwritten signatures so long as they comply with the UETA and the "Electronic Signature Standard" or any current standard developed by the Department of Information Systems and/or the Department of Finance and Administration as provided for in A.C.A. § 25-32-118(a)(2) and the Board may specify the type or level and format of electronic signature that may be used.

ARTICLE 7. ROSTER

Rosters showing the names and addresses of all licensed engineers and surveyors shall be made available by the Board at intervals established by the Board. Such publication shall be in accordance with current Arkansas Law.

ARTICLE 8. GENERAL REQUIREMENTS FOR LICENSURE

A. General Information

~~1. To be eligible for licensure as a professional engineer or surveyor or certification as an engineer intern or surveyor intern, an applicant must be of good character and reputation.~~

12. Each applicant must meet all qualifications as contained within the statutes and ~~R~~rules of the Board. Each application shall be individually reviewed by the Board. Experience credit may be claimed to application date.

23. The term "Engineering Accreditation Commission of Accreditation Board for Engineering and Technology (EAC of ABET) approved, or equivalent" is used throughout these rules. The phrase "or equivalent" will be defined by the Arkansas Board as:

- a. ~~T~~hose who have both a degree from a non EAC of ABET undergraduate engineering or engineering technology program and a graduate engineering degree from an institution that offers an EAC of ABET accredited undergraduate degree in the same discipline as the graduate degree; or
- b. ~~T~~hose who have a degree or degrees from a non-accredited program(s) but have had their official transcripts evaluated and found acceptable by a Board-approved organization such as NCEES or have made up any deficiencies identified by the evaluation with courses offered by an EAC of ABET accredited degree program or equivalent.

34. An applicant will be considered as having graduated from an EAC of ABET accredited program if their program is/was accredited within three (3) years after their graduation.

4. The Board authorizes the Director to conditionally approve, subject to Board ratification, all comity and intern applicants who meet the requirements of the Board's statutes and rules.

B. Engineer Intern

1. Original Licensure.

An applicant who supplies proof of graduation from an EAC of ABET approved, or equivalent, engineering curriculum of four (4) years or more and has passed an approved NCEES examination in the

fundamentals of engineering shall be licensed as an engineer intern.

2. Reciprocity (Comity)

a. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

i. The applicant shall hold in good standing a substantially similar license in another U.S. jurisdiction.

(a) An engineer intern license from another state is substantially similar to an Arkansas engineer intern license if an applicant has, or the other state's licensure qualifications require an applicant to have, proof of graduation from an EAC of ABET- approved, or equivalent, engineering curriculum of four (4) years or more.

(b) The applicant shall not have had a license revoked for:

(1) An act of bad faith; or

(2) A violation of law, rule, or ethics;

(c) The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction; and

ii. The applicant shall be sufficiently competent in the field.

b. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

i. As evidence that the applicant's engineer intern license from another jurisdiction is in good standing and is substantially similar to an Arkansas engineer intern license, the applicant shall submit the following information:

(a) Evidence of current licensure in good standing in that state. The Board may verify this information online or by telephone; and

(b) Evidence that the applicant has, or the other state's licensure requirements match, the educational requirements in Article 8.B.2.a.i.(a). The Board may receive verification of an applicant's education directly from the applicant's school(s), or the Board may verify the applicant's education and the other state's licensure requirements online or by telephone; and

(c) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by Article 8.B.2.a.i.(b), and that the applicant does not hold a license on suspended or probationary status, as required by Article 8.B.2.a.i.(c), the applicant shall provide the Board with:

(1) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(2) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in Article 8.B.2.a.i.(b) and is not on suspended or probationary status as described in Article 8.B.2.a.i.(c). The Board may verify information online or by telephone.

ii. As evidence that the applicant is sufficiently competent, the applicant shall pass an examination in the fundamentals of engineering.

C. Professional Engineer

1. Original Licensure

- a. The applicant shall supply proof of graduation from an EAC of ABET approved, or equivalent, engineering curriculum of four (4) years or more and with a specific record of an additional four (4) or more years of progressive engineering experience of a grade and character which indicates to the Board that the applicant may be competent to practice and has experienced increased engineering responsibilities. Refer to Section Article 10. Professional Experience.
- b. Applicant shall submit five (5) references, three (3) of which shall be professional engineers having personal knowledge of the applicant's engineering experience. Preferably these references should include both present and past supervisors.
- c. One additional year of education may be substituted for experience for each Graduate Degree in engineering not to exceed two years of credit. Four (4) years must elapse after completing the requirements for the EAC of ABET degree.
- d. The applicant shall have previously passed an examination in the fundamentals of engineering that is acceptable to the Board.
- e. ~~When these requirements are met, t~~The applicant shall be admitted to an approved NCEES Professional Engineer examination once the applicant meets the above requirements, or the Board shall accept the results of an approved NCEES Professional Engineer examination that the applicant has previously passed.
- f. Upon satisfactory completion of these requirements, the applicant shall be licensed in the State of Arkansas.
- g. The Board may exempt an individual from the NCEES Fundamentals of Engineering Examination if the individual possesses an EAC of ABET accredited engineering degree and an earned doctorate in engineering from a school which has an accredited engineering degree program in that discipline. An oral interview/examination may replace the written examination. The NCEES Professional Engineering Examination will not be waived.

2. Reciprocity (Comity)

- a. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
 - i. The applicant shall hold in good standing a substantially similar license in another U.S. jurisdiction.
 - (a) A professional engineer license from another state is substantially similar to an Arkansas professional engineer license if the applicant meets one of the following, whichever is least restrictive:
 - (1) The applicant graduated from an EAC of ABET- approved, or equivalent, engineering curriculum of four (4) years or more; or
 - (2) The applicant meets the Arkansas requirements for licensure that were in effect at the time the applicant received his or her initial license as a professional engineer in another state.
 - (b) The applicant shall not have had a license revoked for:

- (1) An act of bad faith; or
 - (2) A violation of law, rule, or ethics;
 - (c) The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction;
- ii. The applicant shall be sufficiently competent in the field of professional engineering; and
- iii. The applicant shall meet the Board's least restrictive requirements, which are described below in Article 8.C.2.b.iii.

b. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

- i. As evidence that the applicant's professional engineer license from another jurisdiction is in good standing and is substantially similar to an Arkansas professional engineer license, the applicant shall submit the following information:
 - (a) Evidence of current licensure in good standing in that state. The Board may verify this information online or by telephone; and
 - (b) Evidence that the applicant meets the requirements in either Article 8.C.2.a.i.(a)(1) or (2), whichever is less restrictive. The Board may receive verification of an applicant's education directly from the applicant's school(s), or the Board may verify information online or by telephone; and
 - (c) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by Article 8.C.2.a.i.(b), and that the applicant does not hold a license on suspended or probationary status, as required by Article 8.C.2.a.i.(c), the applicant shall provide the Board with:
 - (1) The names of all states in which the applicant is currently licensed or has been previously licensed; and
 - (2) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in Article 8.C.2.a.i.(b) and is not on suspended or probationary status as described in Article 8.C.2.a.i.(c). The Board may verify information online or by telephone.
- ii. As evidence that the applicant is sufficiently competent in engineering, an applicant shall:
 - (a) Submit five (5) references, three (3) of which shall be professional engineers having personal knowledge of the applicant's engineering experience. Preferably these references should include both present and past supervisors; and
 - (b) Pass an examination in the fundamentals of engineering, except that the fundamentals exam shall be waived for:
 - (1) Individuals with at least fifteen (15) years licensed practice; or
 - (2) An individual with an EAC of ABET accredited engineering degree and an earned doctorate in engineering from a school that has an accredited engineering degree program in that discipline.
- iii. As evidence that the applicant meets the Board's least restrictive requirements, the applicant shall:
 - (a) Have passed the NCEES Professional Engineer examination; and
 - (b) Have four (4) or more years of post-graduate engineering experience. Arkansas will accept an applicant's experience if the applicant's experience has been accepted by another state in

which applicant holds a professional engineer license in good standing that is substantially similar to an Arkansas professional engineer license.

Comity Licensure

- ~~a. Applicant shall supply proof that he or she is a Professional Engineer, in good standing, in another state or jurisdiction.~~
- ~~b. Applicant must meet the requirements for original licensure as a professional engineer in Arkansas which were in effect at the time the applicant received his or her initial license as a professional engineer. For those licensees from other jurisdictions who took the Professional Engineering Examination prior to four years of experience, the Board may waive this requirement providing the acceptable experience at time of application is at least four years. For those individuals with at least fifteen (15) years licensed practice, the Fundamentals of Engineering Examination may be waived.~~
- ~~c. Applicant shall submit five (5) references, three (3) of which shall be from professional engineers having personal knowledge of the applicant's engineering experience. Preferably, these references should include both present and past supervisors.~~
- ~~d. Upon satisfactory completion of these requirements, the applicant shall be licensed in the State of Arkansas.~~

D. Surveyor Intern

- ~~1. An applicant for Surveyor Intern who shall supply proof of graduation from a Bachelor of Science (BS) curriculum with at least nine (9) hours of surveying, three (3) hours of which must be in Principles of Practice of Boundary Location, approved by the Board, or graduation from an Associate of Science (AS) Degree Program in Surveying, approved by the Board, and who has passed an approved NCEES examination in the fundamentals of surveying shall be certified as a Surveyor Intern.~~
- ~~2. An applicant who cannot qualify under Section D.1, above, and who has four (4) or more years of experience in surveying of a grade and character satisfactory to the Board, who has submitted three (3) references, two (2) of which shall be from Professional Surveyors having personal knowledge of the applicant's surveying experience, and has passed an approved NCEES examination in the fundamentals of surveying shall be certified as a Surveyor Intern. The Board, at its discretion, may grant to any applicant with education courses in engineering or surveying up to two (2) years of experience for his education. In general, an applicant's experience will be considered to be of a sufficient grade and character if it demonstrates and is verified by the applicant's supervisor to include:~~
 - ~~a. Three (3) years of field surveying methods and procedures that includes:~~
 - ~~i. At least two (2) years of performing boundary surveys, land title surveys, geodetic surveys, right-of-way and easement surveys, and corner location and restoration and sectional breakdown in a public land survey system similar to that used in Arkansas. This would include experience in cadastral surveys and maps, monumentation, legal principles and reconciliation, field measurement and analysis and state plane coordinates. The applicant shall also demonstrate he or she is familiar with the theory and proper operation of various types of surveying instruments; and~~
 - ~~ii. Not more than one (1) year in performing other types of surveys and/or surveying including construction stakeout, subdivision staking, topographic surveys, creating digital models, or any activity constituting Surveying Measurement Certification.~~

~~b. One (1) year of office surveying methods and procedures that includes:~~

~~i. At least three (3) months in record research and analysis; and~~

~~ii. At least three (3) months in survey computations including reducing, evaluating and adjusting boundary survey and networked data; and~~

~~iii. At least three (3) months in preparing legal descriptions, survey plats, and/or subdivision plats.~~

~~c. When evaluating an applicant's experience the primary consideration shall be the type, amount, and character demonstrated by the applicant rather than the title or description when obtained.~~

~~d. Time documented as spent in classroom training in engineering or surveying as described above and that would improve or enhance the applicant's skills in one or more of the areas identified in subsections a. or b. of this section may substitute for some of the field or office experience at the discretion of the Board. The burden shall be on the applicant, however, to furnish sufficient documentation so the nature and type of instruction can be ascertained.~~

31. Original Licensure. Effective January 1, 2017, an applicant shall submit:

a. Proof of graduation with a Bachelor of Science degree in Surveying, Geomatics, Geomatics Engineering, or Spatial Information Systems with a minor or emphasis in Surveying, from a program accredited by ABET or approved by the Board; or

b. Proof of graduation with an Associate of Science or Associate of Applied Science degree in Surveying or Surveying Technology from a program approved by the Board; or

c. Proof of graduation with a baccalaureate degree from a curriculum of four (4) years ~~or more that includes core general education courses in subsection i. of this section, or an engineering degree from a program that is EAC or ABET accredited. Both degrees require~~ and at least thirty (30) hours of surveying or surveying-related courses ~~as specified in subsection ii. of this section.~~

~~i. General education courses shall include:~~

~~A. Mathematics (College Algebra and higher) — twelve (12) semester credit hours or the equivalent; and~~

~~B. English, Technical Writing, Public Communication or Speech — nine (9) semester credit hours or the equivalent; and~~

~~C. Basic Sciences (General, Elementary, College or University Physics and lab) — four (4) semester credit hours or the equivalent; and~~

~~D. Additional Sciences that may include Chemistry, Earth Sciences, Dendrology, Biology, Geology, Geography, Soil Mechanics, Ecology, Engineering Science, Computer Science or Programming or other similar courses — nine (9) semester credit hours or the equivalent; and Ethics and Business Management (Unless taken as part of Surveying curriculum below) — six (6) semester hours or the equivalent.~~

~~ii. Surveying or Surveying-related courses shall consist of:~~

~~A. At least eighteen (18) semester credit hours or the equivalent to include all of the following courses or equivalent topics. One or more of the courses shall emphasize U.S. Public Land Survey System aspects and principles, and one or more of the courses shall emphasize:~~

- ~~1. Boundary Surveying principles; and~~
- ~~2. Plane Surveying; and~~
- ~~3. Survey Plats and Deeds; and~~
- ~~4. Law and Professionalism in Geomatics or Surveying; and~~
- ~~5. Plane Trigonometry; and~~
- ~~6. Route and Construction Surveying~~

~~B. At least six (6) semester credit hours or the equivalent, and at least two (2) courses or equivalent topics from the following:~~

- ~~1. Cartography; or~~
- ~~2. Remote Sensing; or~~
- ~~3. Photogrammetry; or~~
- ~~4. Advanced GPS; or~~
- ~~5. Advanced Surveying; or~~
- ~~6. Advanced GIS; or~~
- ~~7. Hydrographic Surveying.~~

~~C. Not more than six (6) semester credit hours or the equivalent, and no more than three (3) courses or equivalent topics from the following:~~

- ~~1. Intro to GIS, GPS or Remote Sensing; or~~
- ~~2. Digital Photogrammetry; or~~
- ~~3. Digital Remote Sensing; or~~
- ~~4. Spatial Statistics; or~~
- ~~5. Hydrology; or~~
- ~~6. Principles of Real Estate; or~~
- ~~7. Route or Highway Design; or~~
- ~~8. Geographic Coordinate Systems; or~~
- ~~9. Subdivision and/or Land Development; or~~
- ~~10. Any other courses or subjects deemed acceptable by the Board.~~

~~Applicants verified by an appropriate school official as being enrolled in and within 12 months of graduation from programs meeting the requirements of subsection a. or subsection b. of this section and who are otherwise qualified, shall be admitted to an approved NCEES examination in the fundamentals of surveying and licensed as a surveyor intern upon successful completion of that examination and after furnishing proof of graduation.~~

2. Other a Applicants meeting the requirements of this section shall, upon consideration and approval of all materials required by the Board, and if otherwise qualified, shall be admitted to have passed an approved NCEES examination in the fundamentals of surveying and shall be licensed as a surveyor intern upon successful completion of that examination.

3. d. Except as provided otherwise in this subsection d., a An applicant that who submitted an application prior to January 1, 2017 and found by the Board to meet the requirements in effect at that time, may take or continue to take the NCEES examination as provided in Article 11. In no case, however, shall an applicant be allowed to take the NCEES examination after January 1, 2020 unless the applicant or she meets the requirements of subsection 3D.1. of this section.

4. Reciprocity (Comity)

a. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

- i. The applicant shall hold in good standing a substantially similar license in another U.S. jurisdiction.
 - (a) A surveyor intern license from another state is substantially similar to an Arkansas surveyor intern license if an applicant has, or the other state's licensure qualifications require an applicant to have, one of the following:
 - (1) Proof of graduation with a Bachelor of Science degree in Surveying, Geomatics, Geomatics Engineering, or Spatial Information Systems with a minor or emphasis in Surveying, from a program accredited by ABET or approved by the Board; or
 - (2) Proof of graduation with an Associate of Science or Associate of Applied Science degree in Surveying or Surveying Technology from a program approved by the Board; or
 - (3) Proof of graduation with a baccalaureate degree from a curriculum of four (4) years and at least thirty (30) hours of surveying or surveying-related courses. One or more of the courses shall emphasize U.S. Public Land Survey System aspects and principles, and one or more of the courses shall emphasize Law and Professionalism in Geomatics or Surveying.
 - (b) The applicant shall not have had a license revoked for:
 - (1) An act of bad faith; or
 - (2) A violation of law, rule, or ethics;
 - (c) The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction;
 - ii. The applicant shall be sufficiently competent in the field of surveying.
- b. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - i. As evidence that the applicant's surveyor intern license from another jurisdiction is in good standing and is substantially similar to an Arkansas surveyor intern license, the applicant shall submit the following information:
 - (a) Evidence of current licensure in good standing in that state. The Board may verify this information online or by telephone; and
 - (b) Evidence that the applicant has, or the other state's licensure requirements match, the educational requirements in Article 8.D.4.a.i.(a)(1), (2), or (3). The Board may receive verification of an applicant's education directly from the applicant's school(s), or the Board may verify the information online or by telephone; and
 - (c) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by Article 8.D.4.a.i.(b), and that the applicant does not hold a license on suspended or probationary status, as required by Article 8.D.4.a.i.(c), the applicant shall provide the Board with:
 - (1) The names of all states in which the applicant is currently licensed or has been previously licensed; and
 - (2) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in Article 8.D.4.a.i.(b) and is not on suspended or probationary status as described in Article 8.D.4.a.i.(c). The Board may verify information online or by telephone.

- ii. As evidence that the applicant is sufficiently competent in surveying, an applicant shall have passed an examination in the fundamentals of surveying.

E. Professional Surveyor

1. Original Licensure

~~a. An applicant shall submit proof of graduation from a Bachelor of Science (BS) curriculum with at least nine (9) hours of surveying, three (3) hours of which must be in Principles and Practices of Boundary Location, approved by the Board, or graduation from an Associate of Science (AS) Degree Program in Surveying, approved by the Board, followed by at least two (2) years of surveying experience of a character which indicates to the Board that the applicant may be competent to practice.~~

~~In general, an applicant's experience will be considered to be of a sufficient character if it demonstrates and is verified by the applicant's supervisor to include:~~

~~i. At least nine (9) months experience in performing field duties that includes all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas including finding and evaluating evidence, monumentation, checking distances and locations, and verifying accuracies and closures; and~~

~~ii. At least nine (9) months experience performing office duties involving research and planning of boundary, title, right of way or other surveys requiring the determination of boundary lines and corners for field crews, computations for plats, and the drawing, drafting, publishing of surveys and survey plats; and~~

~~iii. The remainder of the two (2) years can be in either the office or field procedures identified above or may be in other types of surveying whether in the office or field such as construction stakeout, surveying for engineering projects, topographical surveying or any activity constituting Surveying Measurement Certification.~~

~~b. An applicant who does not have an approved degree, but can show proof of a record of six (6) or more years of experience of a character which indicates to the Board that the applicant may be competent to practice may be considered for licensure. The Board in its discretion may grant an applicant with educational courses in engineering or surveying up to two (2) years of experience for his education.~~

~~In general, an applicant's experience will be considered to be of a sufficient character if it includes and encompasses the activities as described in Subsection D.2. of this Article and subsection a. of this section.~~

ae. Effective January 1, 2017, an applicant shall submit:

i. Proof of graduation with a Bachelor of Science degree in Surveying, Geomatics, Geomatics Engineering, Spatial Information Systems with a minor or emphasis in Surveying, from a program accredited by ABET or approved by the Board; or

ii. Proof of graduation with an Associate of Science or Associate of Applied Science degree in Surveying or Surveying Technology from a program approved by the Board; or

iii. Proof of graduation with a baccalaureate degree from a curriculum of four (4) years or more that includes both core general education courses in subsection A. and surveying or surveying-related courses in subsection B., or an engineering degree from a program that is EAC or ABET accredited, and at least thirty (30) hours of surveying or surveying-related courses as specified in subsection B. below.

A. General education courses shall include:

1. Mathematics (College Algebra and higher) twelve (12) semester credit hours or the equivalent; and
2. English, Technical Writing, Public Communication or Speech nine (9) semester credit hours or the equivalent; and
3. Basic Sciences (General, Elementary, College or University Physics and lab) four (4) semester credit hours or the equivalent; and
4. Additional Sciences that may include Chemistry, Earth Sciences, Dendrology, Biology, Geology, Geography, Soil Mechanics, Ecology, Engineering Science, Computer Science or Programming or other similar courses nine (9) semester credit hours or the equivalent; and
5. Ethics and Business Management (Unless taken as part of Surveying curriculum below) six (6) semester hours or the equivalent.

B. Surveying or Surveying-related courses shall consist of:

1. At least eighteen (18) semester credit hours or the equivalent to include all of the following courses or equivalent topics. One or more of the courses shall emphasize Public Land Survey System aspects and principles, and one or more of the courses shall emphasize :
 - a. Boundary Surveying principles; and
 - b. Plane Surveying; and
 - c. Survey Plats and Deeds; and
 - d. Law and Professionalism in Geomatics or Surveying; and
 - e. Plane Trigonometry; and
 - f. Route and Construction Surveying
2. At least six (6) semester credit hours or the equivalent, and at least two (2) courses or equivalent topics from the following:
 - a. Cartography; or
 - b. Remote Sensing; or
 - c. Photogrammetry; or
 - d. Advanced GPS; or
 - e. Advanced Surveying; or
 - f. Advanced GIS; or
 - g. Hydrographic Surveying.
3. Not more than six (6) semester credit hours or the equivalent, and no more than three (3) courses or equivalent topics from the following:
 - a. Intro to GIS, GPS or Remote Sensing; or
 - b. Digital Photogrammetry; or
 - c. Digital Remote Sensing; or
 - d. Spatial Statistics; or
 - e. Hydrology; or
 - f. Principles of Real Estate; or
 - g. Route or Highway Design; or
 - h. Geographic Coordinate Systems; or
 - i. Subdivision and/or Land Development; or

~~j. Any other courses or subjects deemed acceptable by the Board.~~

iv. Proof of three (3) years of acceptable experience if the applicant's educational qualifications meet the requirements of subsection i. or subsection iii. of this section or six (6) years of acceptable experience if the applicant's educational qualifications meet the requirements of subsection ii. of this section. Refer to Section Article 10. Professional Experience.

A. Those applicants requiring three (3) years' experience shall demonstrate:

1. At least one (1) year in performing field duties that would include all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas including finding and evaluating evidence, monumentation, checking distances and locations, and verifying accuracies and closures; and
2. At least one (1) year in performing office duties involving the research and planning of boundary, title, right-of-way or other surveys requiring the determination of boundary lines and corners for field crews, computations for plats, and the drawing, drafting, publishing of surveys and survey plats; and
3. The remainder of the three (3) years in either of the office or field procedures identified above or may be in other types of surveying whether in the office or field such as construction stakeout, surveying for engineering projects, topographical surveying or any activity constituting Surveying Measurement Certification.

B. Those applicants requiring six (6) years' experience shall demonstrate:

1. At least two (2) years in performing field duties that would include all aspects of planning and performing boundary surveys in a public land survey system similar to that in Arkansas including finding and evaluating evidence, monumentation, checking distances and locations, and verifying accuracies and closures; and
2. At least two (2) years in performing office duties involving the research and planning of boundary, title, right-of-way or other surveys requiring the determination of boundary lines and corners for field crews, computations for plats, and the drawing, drafting, publishing of surveys and survey plats; and
3. The remainder of the six (6) years can be in either office or field procedures identified above or may be in other types of surveying whether in the office or field such as construction stakeout, surveying for engineering projects, topographical surveying or any activity constituting Surveying Measurement Certification.

C. Time documented as spent in classroom training in engineering or surveying topics and that improve or enhance the applicant's skills in one or more of the areas identified in subsections A.3. or B.3. of this section may substitute for ~~some of~~ the field or office experience at the discretion of the Board. Surveying Courses that meet the requirements of subsection iii.b. of this section and not taken or otherwise are not included or required as part of the applicant's degree or educational requirements shall be presumed to qualify for experience credit. The amount of credit actually provided for classes or training shall be determined based on the time spent while taking or attending the course or class as well as its content and complexity, and the total of all classroom or training credit shall not exceed ~~more than one~~ third (1/3) of the required the experience for an applicant under subsections A.3. and B.3.

~~bd.~~ Applicant shall submit five (5) references, three (3) of which shall be from Professional Surveyors having personal knowledge of ~~his~~the applicant's surveying experience. ~~Preferably, these~~ references should include both present and past supervisors.

~~ce.~~ The applicant shall have previously passed an NCEES examination in the fundamentals of surveying that is acceptable to the Board.

~~df.~~ ~~When these requirements are met, the~~The applicant shall be admitted to an approved NCEES Professional Surveying ~~examination once the applicant meets the above requirements, or the Board shall accept the results of an approved NCEES Principles and Practice of Surveying examination that the applicant has passed.~~

~~e.~~ The applicant shall pass and/or Arkansas state surveying examination(s).

~~fg.~~ Upon satisfactory completion of these requirements, the applicant shall be granted licensure in the State of Arkansas.

~~gh.~~ ~~Except as provided otherwise in this subsection h., a~~An applicant that~~who~~ submitted an application prior to January 1, 2017 and ~~was~~ found by the Board to meet the qualifications in effect at that time may take or continue to take the NCEES examination and state specific surveying examination as provided in Article 11. In no case, however, shall an applicant be allowed to take the NCEES and/or state examination after January 1, 2020 unless ~~he or she~~the applicant meets the requirements of subsection ~~eE.1.a. of this section.~~

2. Reciprocity (Comity)

a. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

i. The applicant shall hold in good standing a substantially similar license in another United States jurisdiction.

(a) A professional surveyor license from another state is substantially similar to an Arkansas professional surveyor license if the applicant has, or the other state's licensure qualifications require an applicant to have, one of the following, whichever is least restrictive:

(1) Proof of graduation with a Bachelor of Science degree in Surveying, Geomatics, Geomatics Engineering, or Spatial Information Systems with a minor or emphasis in Surveying, from a program accredited by ABET or approved by the Board; or

(2) Proof of graduation with an Associate of Science or Associate of Applied Science degree in Surveying or Surveying Technology from a program approved by the Board; or

(3) Proof of graduation with a baccalaureate degree from a curriculum of four (4) years and at least thirty (30) hours of surveying or surveying-related courses. One or more of the courses shall emphasize U.S. Public Land Survey System aspects and principles, and one or more of the courses shall emphasize Law and Professionalism in Geomatics or Surveying; or

- (4) The applicant meets the Arkansas requirements for licensure that were in effect at the time the applicant received his or her initial license as a professional surveyor in another state.
 - (b) The applicant shall not have had a license revoked for:
 - (1) An act of bad faith; or
 - (2) A violation of law, rule, or ethics;
 - (c) The applicant shall not hold a suspended or probationary license in a United States' jurisdiction; and
 - ii. The applicant shall be sufficiently competent in the field of professional surveying; and
 - iii. The applicant shall meet the Board's least restrictive requirements, which are described below in Article 8.E.2.b.iii.
- b. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - i. As evidence that the applicant's professional surveyor license from another jurisdiction is in good standing and is substantially similar to an Arkansas professional surveyor license, the Board shall receive the following information:
 - (a) Evidence of current licensure in good standing in that state. The Board may verify this information online or by telephone to the other state's licensing board; and
 - (b) Evidence that the applicant has, or the other state's licensure requirements match, the educational requirements in Article 8.E.2.a.i.(a)(1), (2), or (3). The Board may receive verification of an applicant's education directly from the applicant's school(s), or the Board may verify the information online or by telephone; and
 - (c) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by Article 8.E.2.a.i.(b), and that the applicant does not hold a license on suspended or probationary status, as required by Article 8.E.2.a.i.(c), the applicant shall provide the Board with:
 - (1) the names of all states in which the applicant is currently licensed or has been previously licensed; and
 - (2) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in Article 8.E.2.a.i.(b), and is not on suspended or probationary status as described in Article 8.E.2.a.i.(c). The Board may verify information online or by telephone.
 - ii. As evidence that the applicant is sufficiently competent in surveying, an applicant shall:
 - (a) Submit five (5) references, three (3) of which shall be Professional Surveyors having personal knowledge of the applicant's surveying experience. Preferably these references should include both present and past supervisors; and
 - (b) Passed an examination in the fundamentals of surveying. For those individuals with at least fifteen (15) years licensed practice, the Fundamentals of Surveying Examination may be waived.
 - iii. As evidence that the applicant meets the least restrictive requirements, the applicant shall:
 - (a) Have passed the NCEES Principles and Practice of Surveying examination; and
 - (b) Pass the Arkansas state surveying examination; and

(c) One of the following, as applicable. Arkansas will accept an applicant's experience if the applicant's experience has been accepted by another state in which applicant holds a professional surveyor license in good standing that is substantially similar to an Arkansas professional surveyor.

(1) If the applicant has a bachelor's degree, the applicant must have three (3) years of experience; or

(2) If the applicant has an associate's degree, the applicant must have six (6) years of experience.

~~Comity Licensure~~

~~a. An applicant must supply proof that he or she is a Professional Surveyor, in good standing, in another state or jurisdiction.~~

~~b. Applicant must meet the requirements for original licensure as a professional surveyor in Arkansas which were in effect at the time the applicant received their initial license as a professional surveyor. For those licensees from other jurisdictions who took the Professional Surveying Examination prior to the required years of experience, the Board may waive this requirement providing there is acceptable experience at time of application. In addition, the applicant shall be required to have experience in a public land survey system similar to Arkansas' and take a state specific Arkansas land surveying examination to determine his knowledge of Arkansas laws, procedures and practice. For those individuals with at least fifteen (15) years licensed practice, the Fundamentals of Surveying Examination may be waived.~~

~~c. Applicant shall submit five (5) references, three (3) of which shall be Professional Surveyors having personal knowledge of the applicant's surveying experience. Preferably these references should include both present and past supervisors.~~

~~d. Upon satisfactory completion of these requirements, the applicant shall be granted licensure in the State of Arkansas.~~

F. Reinstatement

1. Engineer and Surveyor Intern – Any Intern licensee ~~whose certificate who meets the requirements of Ark. Code Ann. § 17-1-107 has been non-renewed may apply in writing and shall~~ be reinstated administratively by paying the appropriate fees and penalties as provided in Article 9.D

2. Professional Engineers and Surveyors - Any licensee whose ~~certificate license~~ has been on inactive status or non-renewed may apply in writing for reinstatement. Inactive license holders seeking reinstatement shall submit a written request, proof of 15 hours per year of Continuing Professional Competency Training (CPC), not to exceed a total of 30 hours and pay a fee as prescribed in Article 9.E. Those seeking to be reinstated for non-renewing a license may do so in one of the following 3 ways:

a. ~~Those Licensees~~ who have been non-renewed for 2 years or less may be reinstated administratively by paying the appropriate fees and penalties as provided in Article 9.D.;

b. ~~Those Licensees~~ who have been non-renewed for more than 2 years but can demonstrate continuous active registration in another jurisdiction with no disciplinary actions during that period can be reinstated conditionally by the ~~Executive~~ Director subject to later ratification by the Board by submission of a completed application for reinstatement covering all experience and/or activities

subsequent to the date of licensure, proof of 15 hours per year of Continuing Professional Competency Training (CPC), not to exceed a total of 30 hours and payment of a reinstatement fee and 2 years renewal fees and late penalties as prescribed in Article 9.E.;

c. ~~Those Licensees~~ who have been non-renewed for more than 2 years and meets the requirements of Ark. Code Ann. § 17-1-107 ~~cannot demonstrate continuous active registration in another jurisdiction or who otherwise don't qualify for reinstatement under a. or b. above~~ shall submit a completed application covering all experience and/or activities subsequent to the date of licensure, five (5) references, proof of 15 hours per year of Continuing Professional Competency (CPC) training, not to exceed a total of 30 hours, and payment of a reinstatement fee and ~~2 year~~the biennial renewal fees and late penalties as prescribed by Article 9.E.. ~~Upon receipt of the request, the Board will determine whether to reinstate the license or require an interview and/or written examination(s).~~

G. ARTICLE 21. CERTIFICATE OF AUTHORIZATION-Certificate of Authorization (COA)

~~A. The cover sheet of each volume of final engineering drawings, written plans, specifications, and similar documents carrying the seal of a professional engineer, or each survey carrying the seal of a professional surveyor, are required to also carry the seal evidencing the firm's COA to practice in Arkansas. In the alternative, the COA seal may be placed on each sheet thereof. The one exception to this requirement is where the firm is a sole proprietorship practicing in the name of the licensee.~~

1.B. The practice of or offer to practice for others as defined in A.C.A. 17-30-101, or A.C.A. 17-48-101, by individuals licensed under this chapter through a firm as officers, employees, or agents, is permitted, subject to the provisions of this chapter; provided, that:

1a. One (1) or more personnel of said firm designated as being responsible for the engineering or surveying activities and decisions is a professional engineer or surveyor under this chapter;

2b. All personnel of said firm who act in its behalf as professional engineers or surveyors are licensed under A.C.A. 17-30-101 et. seq. or 17-48-101 et. seq.; and

3c. Said firm has been issued a Certificate of Authorization by the board as hereinafter provided. The one exception to this requirement is where the firm is a sole proprietorship practicing in the name of the licensee.

2.C. A firm desiring a certificate of authorization shall file with the board an application, using the form provided by the Board, provide all the information required by the Board, and also of the individual duly licensed to practice engineering or surveying in this state who shall be in responsible charge of the practice of engineering or surveying in the state through said firm, ~~and other information,~~ must accompany the renewal fee. If the person in responsible charge changes during the year, an updated form must be filed with the Board within thirty (30) days of the effective date of the change.

3. The COA shall expire ~~annually or~~ biennially and any firm that does not renew may later reapply for reinstatement by submitting an updated application along with reinstatement fee and up to two (2) years accumulated dues and penalties. In the event there shall be a change in any of these persons during the year, such changes shall be designated on the same form and filed with the Board within thirty (30) days after effective date of said changes.

4. If all of the requirements of this ~~section~~subsection G are met, the Director may conditionally approve the application and Board ~~shall issue~~shall ratify the issuance of a COA to such firm and such firm shall be authorized to contract for and to collect fees for furnishing engineering and surveying services.

5D. The requirements of this chapter shall not prevent a firm from performing engineering or surveying services for the firm itself or a subsidiary or an affiliate of said firm.

6E. No such firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with the provisions of this section. No individual practicing engineering or surveying under the provisions of this chapter shall be relieved of responsibility for engineering or surveying services performed by reason of employment or other relationship with a firm holding an authorization certificate.

7F. An engineer or surveyor who renders occasional, part-time or consulting engineering or surveying services to or for a firm may not, for the purposes of subsection ~~B.1.G~~, be designated as being in responsible charge of the professional activities of the firm unless the engineer or surveyor is an officer or owner of the firm.

8. Each firm that is issued a Certificate of Authorization (COA) shall obtain a seal. Refer to Article 12 subsection B.3 and B.4 for seal requirements and placement on engineering and surveying documents and drawings.

H. ARTICLE 19. TEMPORARY PERMITS- License

- i. The Board's Director shall issue a temporary license immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to an Arkansas engineer intern, professional engineer, surveyor intern, or professional surveyor license.
- ii. An applicant shall submit a completed the application with all required remaining documentation in order to receive a license.
- iii. The temporary license shall be effective for 90 days or until the Board makes a decision on the application, whichever occurs first.

~~Subject to final approval by the Board, the Executive Director shall be authorized to issue a temporary written permit to an engineer under the following conditions:~~

- ~~1. An applicant shall have submitted an application for comity licensure as provided by Article 8.C.2., paid a fee as prescribed by Article 9. and possess a valid license in another state or jurisdiction that was obtained with the qualifications for original licensure as provided by Article 8.C.1. with the exception of the references as required in subsection b of that section;~~
- ~~2. A temporary permit for sixty (60) calendar days is a one-time courtesy extended to authorize practice during the period or time required to process an application and obtain Board action for Arkansas licensure;~~
- ~~3. Information relative to licensure in other states, education and experience shall be verified before issuance of a temporary permit;~~
- ~~4. The holder of a temporary permit shall seal plans, specifications, or documents only in accordance with the statutes and the Rules of the Board. The seal used shall be the seal of the state on which the issuance of the temporary permit was based, and immediately under the seal the following shall be inserted;~~

Arkansas Temporary Permit Number _____

Issued __ for the year _____

I. Military Licensure

1. As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.
2. The Board shall grant expedited licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:
 - a. An active duty military service member stationed in the State of Arkansas;
 - b. A returning military veteran applying for licensure within one (1) year of his or discharge from active duty; or
 - c. The spouse of a person under Article 8.I.2.a. or b.
3. The Board shall grant such expedited licensure upon receipt of all of the below:
 - a. Payment of the initial licensure fee;
 - b. Evidence that the individual holds a substantially equivalent license in another state; and
 - c. Evidence that the applicant is a qualified applicant under Article 8.I.2.a., b., or c.; and
 - d. For professional surveying applicants, evidence that the applicant has passed the Arkansas state surveying examination.

ARTICLE 9. FEES

A. Application

1. Application for licensure as a professional engineer or engineer intern or a professional surveyor or surveyor intern may be on forms furnished by, or electronically in a format specified by, the Board.
 - a. The prescribed fees shall be submitted when the application is filed. The applicant will be responsible for delivery of the blank reference forms to ~~his or her~~ the applicant's references.
 - b. The application will not be considered complete and processed until all references and verifications of degrees and licensing have been received at the Board office.
 - c. The Board may accept the information contained in the NCEES record in lieu of the information required on the forms prescribed by the Board.
2. Examinations may be given in various formats and with different application submittal dates depending on the examination format.
 - a. For examinations administered once or twice a year, completed applications for original licensure by examination must be received at the office of the Board by January 1st for the spring examination administration and July 1st for the fall examination administration.
 - b. For examinations administered in a computer-based format at more frequent intervals, there is no prior application required and no deadline, and an applicant or examinee may take an exam at any time and will be subject to the requirements imposed by the exam developer or administrator. See Article 11 for more information.
 - c. Regardless of the examination format, applicable experience requirements must be satisfied by the date of the application.

B. Fees

1. Application

a. Professional Engineer

Original	\$ 75.00
Comity	\$200.00
Engineer Intern	\$ 50.00

b. Professional Surveyor

Original	\$ 75.00
Comity	\$200.00
Surveyor Intern	\$ 50.00

c. Certificate of Authorization \$150.00

2. Examination Fees

~~a. Fees for examination administered prior to January 1, 2014 shall be in accordance with the following:~~

a. Arkansas State-Specific Surveying Examination

~~{Fees for all the Arkansas state-specific surveying examinations shall be paid to the Board. Applicants and/or examinees approved by the Board, but that who cancel or postpone a scheduled exam administration (15) or more days prior to the date of the exam shall be charged a fee of 50% of the exam fee amount and be credited the remainder for the next exam administration. The fee for cancelling or postponing an examination less than 15 days prior to the exam, failing to appear or complete an examination after being admitted to the examination room for any reason shall be 100% of the exam fee amount.}~~

Principles and Practice of Engineering	\$180.00
ii. Fundamentals of Engineering, non-student and retakes	\$ 65.00
iii. Fundamentals of Engineering, Student	\$ 30.00
iv. Principles and Practice of Surveying (6 Hr.)	\$180.00
v. Arkansas State Specific Surveying	\$100.00*
vi. Fundamentals of Surveying non-student and retakes	\$110.00
vii. Fundamentals of Surveying, student	\$ 30.00
viii. NCEES Structural (Lateral) PE	\$500.00
ix. NCEES Structural (Vertical) PE	\$500.00
x. Proctor Exam for another Board	\$ 50.00
xi. Administration fee	(payable to NCEES)

b. Fees for examinations developed and administered by NCEES ~~after January 1, 2014~~, shall be paid to NCEES at the amounts established by that organization. Payments shall be in accordance with any procedures and policies established by NCEES, and any credits, refunds, cancellations, postponements or any other action or request shall also be in accordance with NCEES policies and procedures.

~~*Professional Surveyor applicants or candidates approved to take or retake the Arkansas Specific Surveying examination shall pay a fee of \$100 to the Board prior to taking the examination. The manner and method of payment shall be at the discretion of the Board. Board staff may accommodate reasonable requests to postpone or cancel a scheduled administration. Requests for a refund or credit of the examination fee shall be at the discretion of the Board or Board staff after considering the timing of and reasons for the postponement or cancellation.~~

C. Biennial License Renewal

1. Engineer	\$ 80.00
2. Engineer Intern	\$ 10.00
3. Surveyor	\$ 60.00
4. Surveyor Intern	\$ 10.00
5. Certificate of Authorization	\$100.00

D. License Renewal Late Penalty

1. 50% of renewal fee amount 1 to 60 days after renewal date
2. 100% of renewal fee amount 61 days to 2 years

E. Other Charges

1. Reinstatement from Inactive Status (see Article 8.F)	\$100.00
2. Reinstatement from non-renewed status (see Article 8.F)	\$100.00
3. Returned check \$ 25.00	
4. Temporary Permit <u>License</u>	\$150.00
5. Replacement License Certificate	\$ 5.00

F. Refunds

There will be no refunds for application fees unless the refund request comes immediately after payment, and before Board staff has begun processing the application. Other than as specifically provided for in subsection B.2. of this Article, examination fees shall be refunded or credited to the next exam cycle only when the fee is paid at the time of application and the application is not approved. There will be no refund of full or partial license renewal fees.

ARTICLE 10. PROFESSIONAL EXPERIENCE

A. Professional experience of an applicant will include only such experience gained after the applicant's eighteenth (18th) birthday and shall be experience that requires the exercise of original thought and independent responsibility.

~~B. In the field, experience shall begin when the surveyor applicant reaches a position of responsible charge.~~

~~BC.~~ In the field or shop or laboratory, experience shall begin only after apprenticeship, or other subordinate position, unless the work accomplished specifically shows the applicant possesses originality and has responsibility in the subordinate position.

~~CD.~~ In the office, experience shall begin when the applicant ceases to do technicians duties and begins work that requires original thought and responsibility.

DE. Teaching

1. Teaching engineering at the junior level or above in an approved curriculum of four (4) years or more may be considered as engineering experience.

2. Teaching surveying in an approved curriculum of two (2) or four (4) year or more may be considered surveying experience.

EF. Experience gained from training programs, sales, applications, contracting and manufacturer's representation or any other non-defined experience will be evaluated by the Board.

FG. Experience shall be obtained under the direct supervision of a professional licensee of the respective profession, which is generally presumed to mean that the professional licensee is in close proximity and available for regular personal interaction and mentoring rather than in a remote manner. This provision may be waived at the discretion of the Board if the applicant can demonstrate that another supervisory arrangement provides similar oversight and guidance.

GH Professional experience shall begin only after completing the requirements for graduation for those applicants graduating from an approved engineering or surveying program.

H. The provisions of this Article 10 shall not apply to Reciprocity applicants to the extent that the applicant's experience has been accepted by another state in which applicant holds a license that is substantially similar to Arkansas's.

ARTICLE 11. EXAMINATIONS

A. Examinations will be held semi-annually or at such other times and at places designated by the Board, NCEES or the Exam Administrator.

B. Examinees seeking to take or retake the NCEES Fundamentals of Engineering Examination or the NCEES Fundamentals of Surveying Examination in a computer-based format ~~may~~ shall register directly with NCEES.

C. Examinees seeking or required to take the NCEES Principles and Practice of Engineering Examination, the NCEES Principles and Practice of Surveying Examination or the Arkansas ~~S~~specific ~~S~~surveying examination as part of an application for original, or comity ~~or reinstatement~~ licensure shall be admitted in accordance with the following procedures:

1. Prior to admitting applicants, the Board will review all applications and may interview applicants. On the basis of all formally submitted information, supplemented by information obtained at the interview, (if held), the Board will either admit or deny the applicant to the examination.

2. Upon being approved for an examination the applicant will be referred to ~~ELSES~~, NCEES or other designated firm or entity for further instructions, fee payments, and examination administration.

3. The applicant must receive a minimum passing grade or meet standards for passing as established by NCEES. ~~If the applicant fails he may be re-admitted to two (2) subsequent administrations at times and locations specified by the Board upon payment of the examination and administration fees. Applicants who fail three or more times, or that do not pass within 5 years after the date an application is approved whichever comes first, must submit a new application, and if readmitted, must wait at least 11 months before retaking and thereafter only once every calendar year.~~

4. Applicants who fail to pass the Arkansas state-specific surveying exam will be notified and those desiring to sit again must notify the Board of their intentions. The date and time for readmission will be at the discretion of the Board but will generally be at the next regularly scheduled administration ~~or not earlier than 6 months from the previous examination whichever is later.~~

D. Examinees shall abide by the Board's and exam administrator's examination policies and procedures. An examinee ~~that who~~ does not fully comply with the exam administrator's policies or engages in other misconduct may be subject to dismissal or score invalidation by the exam administrator and be subject to any of the following:

1. An examinee may be subject to disciplinary or other Board action following a written report from the exam administrator that the examinee engaged in misconduct including, but not limited to:

- a. Cheating on the examination;
- b. Giving assistance to, or receiving assistance from, another person;
- c. Compromising the integrity or security of the examination;
- d. Disruptive or abusive behavior;
- e. Violation of any exam policies or procedures.

2. An examinee failing to comply with the Board's or exam administrator's policies and procedures or engaging in any of the misconduct identified in subsection ~~DF~~.1. before, during or subsequent to an examination may be subject to:

- a. ~~H~~Having ~~his or her~~the examinee's exam results invalidated either by the exam administrator or the Board;
- b. ~~B~~Being prohibited from taking the examination(s) for a period of time as determined by the Board;
- c. ~~H~~aving any pending application for examination or licensure denied or re-evaluated.

3. The Board may consider an applicant's or examinee's conduct before, during or subsequent to an examination in another state or jurisdiction when evaluating the applicant's qualifications or fitness for licensure in this state.

4. The Board may choose not to consider or accept the results of any licensure examination taken and passed in another state by an applicant or licensee during the time an applicant or licensee has been prohibited from taking an examination in this state for failing to comply with the provisions of this section.

ARTICLE 12. CERTIFICATES AND SEALS

A. Certificates

1. For all Professional Engineers and Professional Surveyors, all Engineer Interns and Surveyor Interns, the Board shall issue a Certificate. The certificate shall show the name of the licensee, the license number and shall be signed by the President and ~~Executive~~ Director with the embossed seal of the Board.

2. The issuance of a Certificate of Licensure by the Board shall be Prima Facie Evidence that the person named therein is licensed while the certificate remains unrevoked.

B. Seals

1. Upon licensure each professional engineer may obtain a seal of the design authorized by the Board bearing the licensee's name, license number and the legend "Licensed Professional Engineer".

- a. Each page of each final engineering document to include drawings, and the cover sheet of ~~each volume of~~ specifications, and the signature page of written reports prepared by a licensee shall, when issued, be dated, signed and stamped with the said seal or facsimile thereof by the responsible licensee(s).

b. It shall be unlawful for an engineer to affix, or permit ~~his~~the engineer's seal or facsimile thereof to be affixed to any engineering drawing, specifications, plats or reports after the expiration of ~~his~~the engineer's license or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of the statutes and the ~~R~~rules of the Board.

~~c~~b. Record or as-built drawings representing what is believed to be constructed shall not be sealed unless specifically required by contract and shall then contain a caveat or disclaimer that provides as applicable:

i~~1.~~ T~~he~~ information in the drawing is a compiled representation of the constructed project;

ii~~2.~~ I~~d~~entifies the source and basis of information used in preparing the drawing;

iii~~3.~~ S~~s~~tates or declares that the drawing is believed to be correct to the best of the professional's knowledge but it cannot be guaranteed accurate.

2. Upon licensure each professional surveyor may obtain a seal of the design authorized by the Board, bearing the licensee's name, license number and the legend "Licensed Professional Surveyor". Each page of Final drawings, plats, and the signature page of reports, and the cover sheet of specifications prepared by a licensee shall, when issued, be dated, signed and stamped with the said seal or a facsimile thereof. It shall be unlawful for a licensee to affix or permit ~~his~~the licensee's seal and signature or facsimile thereof to be affixed to any ~~drawings, plats or reports~~ document ~~he~~the licensee did not personally prepare ~~himself~~ or supervise the preparation of or after the expiration of ~~his~~the licensee's license or for aiding or abetting any other person to evade or attempt to evade any provision of the ~~S~~statutes and ~~R~~rules of the Board.

3. Each firm that is issued a Certificate of Authorization (COA) shall obtain a seal of the design authorized by the Board, bearing the name of the firm and the COA number and attach, at a minimum, to the cover sheet of the plans, or cover page or the seals page of specifications, and reports for documents— where the professional seal is required.

4. The Board hereby establishes the design of and clarifies the use of the seal by a licensee as follows:

a. The engineer and surveyor and certificate of authorization seals shall use the following designs, however, seals previously acquired in compliance with then current rules need not be changed nor modified as a result of subsequent rule changes unless specifically required;



b. The seal shall be from 1 ¼ to 2 inches diameter and have a milled edge in conformance with the above designs. A facsimile rubber stamp is authorized in lieu of a seal. The stamp may have either a milled edge, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling on the seal. The licensee's name and number inscribed in the seal shall correspond to the name and certificate number shown on the Certificate of Licensure;

- c. The seal shall be affixed to documents and instruments only when the license certificate is current and in good standing, and then only on such documents and instruments which have been prepared by the licensee or under the supervision of the licensee. The licensee shall be responsible for assuring the seal, however affixed, is legible on the document;
- d. By affixing ~~his~~ the licensee's seal to any documents or instruments, ~~at~~ the licensee accepts full responsibility and liability for the professional work represented on such documents or instruments; and
- e. Documents may be sealed electronically and may be signed and/or transmitted electronically if done in one of the following ways:
 - i. Documents digitally signed may be transmitted electronically as long as the signature is unique to and under the sole control of the person who applied it, be capable of verification and be linked to the document in such a manner that the signature is invalidated if any data on the document is altered;
 - ii. Documents manually or digitally sealed but not signed may be transmitted electronically so long as an original signature and date shall be affixed over the seal and maintained on a paper or electronic copy of the document in the office of record. The electronically transmitted file shall contain the following: "This document was originally issued and sealed by (name of licensee), (license number) on (date). This copy is not a signed and sealed document."; or
 - iii. Documents manually or digitally signed and sealed may be digitally copied and transmitted by electronic means;

ARTICLE 13. EXPIRATIONS AND RENEWALS.

- A. License certificates for professional engineers shall expire ~~annually or~~ biennially. The ~~Executive~~ Director of the Board will mail, to every licensee, a notice showing the date of the expiration of said license and the fee required for renewal. Such notice will be mailed to the licensee at ~~his~~ the licensee's last known address at least one month in advance of the date of the expiration of said certificate. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.
- B. License certificates for professional surveyors shall expire ~~annually or~~ biennially. The ~~Executive~~ Director of the Board will mail, to every licensee, a notice showing the date of the expiration of said license and the amount of the fee required for its renewal. Such notice shall be mailed to the licensee at ~~his~~ the licensee's last known address at least one month before the expiration date. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.
- C. License certificates of dual registrants shall expire ~~annually or~~ biennially. The ~~Executive~~ Director of the Board will mail, to every licensee, a notice showing the date of the expiration of said license and the amount of the fee required for its renewal. Such notice shall be mailed to the licensee at ~~his~~ the licensee's last known address at least one month before the expiration date. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.
- D. Certificates of Authority shall expire ~~annually or~~ biennially. The ~~Executive~~ Director of the Board will mail, to every firm and licensee not operating as a sole proprietorship licensee, a notice showing the date of the expiration of said license and the amount of the fee required for its renewal. Such notice shall be mailed to the licensee at ~~his~~ the licensee's last known address at least one month before the expiration date. It is the responsibility of each licensee to notify the Board, in writing, of a change of address.
- E. Late penalty for renewals shall be as described in Article 9.

ARTICLE 14. DISCIPLINARY ACTION

A. The Board may take disciplinary action to the fullest extent permitted by law against any licensee who is convicted of a felony listed under Ark. Code Ann. § 17-3-102 or whom the Board finds found guilty of any of the following:

1. Fraud or deceit in obtaining a certificate of licensure or authorization;
2. Any gross negligence, incompetence or misconduct in the practice of engineering as a professional engineer or surveying as a professional surveyor;
- ~~3. Any felony or crime involving moral turpitude;~~
- ~~34.~~ Any violation of the Rules of Professional Conduct and/or ~~R~~rules of the Board;
- ~~45.~~ Violations of the Arkansas Minimum Standards of Practice No. 1 for Property Boundary Surveys and Plats (~~Minimum Standards~~), in force at the time of the survey; and
- ~~56.~~ Practicing engineering or surveying with an invalid or expired license.

~~B. The Board has adopted Rules of Professional Conduct which shall be given in writing to every professional licensee and applicant and shall be made available in accordance with Arkansas law. Such publication shall constitute due notice to all professional licensees. The Board may revise and amend the Rules of Professional Conduct pursuant to the procedure set forth in the Arkansas Administrative Procedure Act as deemed appropriate and shall notify each licensee promptly of such revisions or amendments in writing.~~

~~BC. The Board may discipline nonlicensees who violate this chapter by imposing a fine of not more than five thousand dollars (\$5,000) per violation. The Board shall have the power to impose a civil penalty against any individual who violated any portion of the Act or Rules of the Board by a non-licensee.~~

ARTICLE 15. COMPLAINTS, ~~DISCIPLINARY ACTION~~HEARING PROCEDURES, & DECLARATORY ORDERS — PROCEDURE

A. ~~COMPLAINTS~~Complaints

Any person, including, the ~~Executive~~ Director of the Board, may file a written complaint alleging violation of the statutes and/or the ~~R~~rules of the Board. The respondent shall be mailed a copy of the complaint and ~~may~~shall enter an answer within 20 days unless an extension is granted by the Board.

1. A preliminary investigation shall be conducted by a Complaint Committee appointed by the President. The Complaint Committee may:
 - a. ~~F~~find that probable cause exists that a violation has occurred, and recommend to the Board that the matter be set for hearing; or
 - b. ~~F~~find that the allegations are not evidence of a violation or are otherwise unfounded and recommend to the Board that the Complaint be dismissed; or
 - c. ~~H~~hold informal meetings with any persons or parties it deems appropriate and recommend informal disposition by stipulation, settlement, consent order or default; or

d. ~~If~~ directed or authorized by the Board, adjudicate and prepare a proposal for Board decision as provided for and in accordance with the Administrative Procedure Act (A.C.A. § 15-201 et seq).

2. Unless dismissed or otherwise resolved, all charges shall be heard by the Board within 12 months from the time the complaint is received unless the time limit is waived by agreement of the Board and the respondent or respondents.

B. ~~HEARING PROCEDURES~~Hearing Procedures

This sub article applies in all administrative adjudications conducted by the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors. This procedure is developed to provide a process by which the Board formulates orders (for example, an order revoking a license to practice, or imposing civil penalties).

1. The Board shall preside at the hearing or may designate one or more members of the Board or one or more examiners, referees, or hearing officers to preside at a hearing.

2. ~~Parties may appear in person and/or be represented by counsel. Unless otherwise specified in these rules, all hearings will be conducted in accordance with the Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201 et seq.~~

3. If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just and speedy resolution of the proceedings, and would not unduly prejudice the rights of a party.

4. If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

5. An administrative adjudication is initiated by the issuance by the Board of a notice of hearing.

a. The notice of hearing may be sent to the respondent by U.S. Mail to the named recipient or ~~his~~ agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the Board.

b. Notice will be mailed at least 20 days before the scheduled hearing and shall include:

i. A statement of the time, place, and nature of the hearing;

ii. A statement of the legal authority and jurisdiction under which the hearing is to be held; and

iii. A short and plain statement of the matters of fact and law asserted.

~~6.—Any requests for relief shall be made on the record during a hearing, must fully state the action requested and the grounds relied upon. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However, a presiding officer, other than the Board will not enter a dispositive order unless expressly authorized to do so.~~

~~7.—Upon written request, the Board shall provide the information designated in A.C.A §25-15-208(a)(3).~~

~~Such requests should be received by the Board at least 10 days before the scheduled hearing.~~

~~6.8.~~ The Board, either through its Attorney or ~~Executive~~ Director may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Board may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal disposition;
- d. The existence of an emergency;
- e. Any objection;
- f. Any applicable time requirement, although the respondent may choose to waive the time limitation in subsection A.2. of this Article when making the request;
- g. The existence of a conflict of the schedules of counsel, parties, or witnesses;
- h. The time limits of the request; and
- i. Other relevant factors.

The Board may require documentation of any grounds for continuance.

~~9.—The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Board shall not enter a dispositive order or proposed decision unless expressly authorized to do so, and:~~

~~a.—All objections must be made in a timely manner and stated on the record;~~

~~b.—Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.~~

~~c.—Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the Board, may submit briefs and engage in oral argument.~~

~~7.~~ The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

~~10.—The presiding officer will conduct the hearing in the following manner:~~

~~a.—The presiding officer will give an opening statement, briefly describing the nature of the proceedings;~~

~~b.—The parties are to be given the opportunity to present opening statements;~~

~~c.—The parties will be allowed to present their cases in the sequence determined by the presiding officer;~~

~~d.—Each witness must be sworn or affirmed by the presiding officer, or the court reporter, and be subject to examination and cross-examination as well as questioning by the Board. The presiding officer may limit questioning in a manner consistent with the law.~~

~~e.—When all parties and witnesses have been heard and when time allows, parties may be given the opportunity to present final arguments.~~

~~11.—The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law, and:~~

~~a.—Stipulation of facts is encouraged. The agency may make a decision based on stipulated facts;~~

~~b.—Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings;~~

8e. A party seeking admission of an exhibit ~~may shall~~ provide ~~10~~ a sufficient number of copies of each exhibit at the hearing. The presiding officer shall provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence should be appropriately marked and be made part of the record;

~~d.—Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision;~~

~~e.—Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record;~~

~~f.—Irrelevant, immaterial, and unduly repetitive evidence may be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs;~~

9g. Reasonable inferences. The Board may base its findings of fact upon reasonable inferences derived from other evidence received.

1012. If a party fails to appear or participate in an administrative adjudication after proper service of notice, the Board may proceed with the hearing and render a decision in the absence of the party.

~~1143.~~ Subpoenas requiring attendance of witnesses and/or production of documents at a hearing may be issued by the Board, and:

- a. The requesting party shall specify whether the witness is requested to bring documents and reasonably identify said documents;
- b. A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause, the Board may authorize the subpoena to be served less than two days before the hearing;
- c. The Board shall reasonably comply with any request for issuing a subpoena but may refuse if the party requesting it fails or refuses to provide sufficient justification that the witness or documents will provide relevant evidence and/or are not otherwise obtainable. Any objection to refusal to issue a subpoena shall be made on the record at the hearing.

~~14. The responsibility to record the testimony heard at a hearing is borne by the Board. Upon the filing of a petition for judicial review, the Board will provide a transcript of testimony taken before the Board.~~

~~1245.~~ In addition to any other considerations permitted by A.C.A. §§ 17-30-101 et. seq. and A.C.A. §§ 17- 48- 101 et. seq. if applicable, the Board in imposing any sanction may consider the following:

- a. The nature and degree of the misconduct for which the licensee is being sanctioned;
- b. The seriousness and circumstances surrounding this misconduct;
- c. The loss or damage to clients or others;
- d. The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found;
- e. The profit to the licensee;
- f. The avoidance of repetition;
- g. Whether the conduct was deliberate, intentional, or negligent;
- h. The deterrent effect on others;
- i. The conduct of the individual during the course of the disciplinary proceeding;
- j. The professional's prior disciplinary record, including warnings;
- k. Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates ~~that he or she is~~ the successfully pursuing and good faith pursuit in good faith of a program of recovery;

I. Any other factors or circumstances deemed relevant or important.

~~16. The Board will serve on the respondent a written order that reflects the action taken by the Board. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent. The order will be served personally or by mail on the respondent. If counsel represents respondent, service of the order on respondent's counsel shall be deemed service on the respondent.~~

C. ~~DECLARATORY ORDERS~~Declaratory Orders

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the Board has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from a Board. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

The process to obtain a declaratory order is begun by filing with the ~~Executive~~ Director at the Board's Offices a petition that provides the following information:

1. The caption shall read: Petition for Declaratory Order Before the Board of Licensure for Professional Engineers and Professional Surveyors;
2. The name, address, telephone number, and facsimile number of the petitioner;
3. The name, address, telephone number, and facsimile number of the attorney of the petitioner;
4. The statutory provision(s), Board rule(s), or Board order(s) on which the declaratory order is sought;
5. A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order;
6. The signature of the petitioner or petitioner's attorney;
7. The date;
8. Request for a hearing, if desired.

The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with A.C.A. §25-15-208 and §25-15-213, and the Board's rules for adjudicatory hearings.

The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

ARTICLE 16. VIOLATIONS AND PENALTIES

A. Any person or entity who commits any of the following actions shall be subject to disciplinary action by the Board:

1. shall pPractice, or offer to practice, engineering or surveying in the State of Arkansas without being licensed under the provisions of the Acts;
2. or any person, firm, partnership, organization, association, corporation or other entity uUsing or employing the words "engineer", "engineering", "surveyor", or "surveying" or any modification or derivative thereof in its name, form of business, or activity except as authorized in the statutes and Rrules of the Board;
3. or any persons pPresenting or attempting to use the license or the seal of another;
4. or any person who shall giveGiving false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain licensure;
5. or any person who shall fFalsely impersonate impersonating any other licensee of like or different name;
6. or any persons who shall aAttempt to use an expired, revoked, or non-existent license; ~~or~~
7. who shall pPractice or offer to practice when not qualified; or
8. or any person who fFalsely claims claiming that he to be is licensed under the statutes and the Rrules of the Board, ~~shall be guilty of a misdemeanor, and may, upon conviction in a criminal court, be sentenced to pay a fine not more than five thousand dollars (\$5000.00), or suffer imprisonment, for a period not exceeding three (3) months, or both.~~

B. Any complaint filed with the State Surveyor's office or the Board against a surveyor for any reason shall automatically authorize the state surveyor to investigate the subject surveyor's compliance with the Arkansas- Minimum Standards of Practice No. 1 which requires the filing of plats with ~~his~~ the State Surveyor's office. Violations of the Arkansas Minimum Standards of Practice No. 1 shall become part of the original complaint or may, at the discretion of the Board, constitute a complaint in their own right. Each plat which is found not to have been properly filed shall constitute a separate violation. Each violation shall be punished by a penalty of no more than \$100.00.

C. The Board is empowered to impose a civil penalty of not more than five thousand dollars (\$5,000.00), per instance, against any individual violating any portion of the statutes or Rrules of the Board pertaining to the practice of Engineering and/or Surveying. Civil penalties may be imposed on licensees or non-licensees.

~~D. The Attorney General of the State of Arkansas or one of his assistants shall act as legal advisor to the Board and render legal assistance needed in fulfilling the provisions of the statutes and the Rules of the Board. The Board may employ additional counsel with approval of the Attorney General and any other necessary assistance to aid in the enforcement of the statutes and the Rules of the Board and the compensation and expenses therefore shall be paid from funds of the Board.~~

ARTICLE 17. RIGHT TO PRACTICE

A. An individual may ~~To~~ practice or offer to practice engineering or surveying for others, ~~as defined in Article 2, by individuals licensed under the statutes and the Rules of the Board or through a corporation as officers, employees, or agents is permitted, if licensed or permitted under the Board's statutes and rules,~~ subject to the provisions contained therein; ~~in addition persons may practice lawfully under Article 19.~~

B. A firm, association, partnership or corporation may not engage in the practice of engineering or surveying unless the practice as engaged in is done under the supervision and direction of an engineer or surveyor licensed in the State of Arkansas.

C. A firm, association, partnership or corporation may engage in the practice of engineering or surveying with relation to its own property or business so long as such practice is done under the supervision of a licensed engineer or licensed surveyor.

D. All final drawings, specifications, plans, reports, plats, or other papers or documents involving the practice of engineering or surveying, as defined in the statutes, when issued or filed for public records, shall be dated and bear the signature and seal of the professional engineer or of the professional surveyor who prepared or supervised and approved them.

ARTICLE 18. EXEMPTION

- A. The statutes and Rrules of the Board will govern the activities of the engineer and surveyor and shall not be construed to prevent the practice of any other legally recognized profession.
- B. The statutes and Rrules of the Board shall not be construed to prohibit the work of an employee or a subordinate of a licensee or any employee of a person practicing lawfully under Article 2, provided such work does not include final engineering or surveying decisions and is done under the direct supervision of and verified by a licensee or a person practicing lawfully under Article 198.
- C. The statutes and rRules of the Board shall not apply to:
1. The usual symbols and statements of the cartographic representation of scale and direction, including, but not limited to, scale ratios, scale bar, and north arrows;
 2. The preparation and attachment of metadata or to the scientific analysis of measurement data for research by a person who is not a professional surveyor or professional engineer; and
 3. Any government agency or office in conducting its statutory or constitutional duties to certify representations or spatial data.
- D. The statutes and Rrules of the Board shall not impair or reduce the scope of:
- ~~1. The professional practice of engineers or surveyors as defined by statute and Rules of the Board; and~~
 - ~~2. The professional practice of professional architects as defined by statute and rRules of the Arkansas State Board of Architects.~~

~~ARTICLE 19. TEMPORARY PERMITS~~

~~Subject to final approval by the Board, the Executive Director shall be authorized to issue a temporary written permit to an engineer under the following conditions:~~

- ~~1. An applicant shall have submitted an application for comity licensure as provided by Article 8.C.2., paid a fee as prescribed by Article 9. and possess a valid license in another state or jurisdiction that was obtained with the qualifications for original licensure as provided by Article 8.C.1. with the exception of the references as required in subsection b of that section;~~
- ~~2. A temporary permit for sixty (60) calendar days is a one-time courtesy extended to authorize practice during the period or time required to process an application and obtain Board action for Arkansas licensure;~~
- ~~3. Information relative to licensure in other states, education and experience shall be verified before issuance of a temporary permit;~~

~~4. The holder of a temporary permit shall seal plans, specifications, or documents only in accordance with the statutes and the Rules of the Board. The seal used shall be the seal of the state on which the issuance of the temporary permit was based, and immediately under the seal the following shall be inserted;~~

Arkansas Temporary Permit Number _____

Issued for the year

ARTICLE ~~1920~~. CONTINUING PROFESSIONAL COMPETENCY (CPC)

A. Introduction.

In order to safeguard life, health, property and to promote public welfare, it has been determined that the practice of engineering and surveying will require continuing education in order to renew licenses.

B. Definitions

Terms used in this article are defined as follows:

1. Professional Development Hours (PDH) – ~~An contact hour (nominal) of instruction or presentation. The common denominator for other units of credit;~~
2. Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One Continuing Education Unit equals ten (10) hours of class in an approved education course;
3. College/Unit Semester/Quarter Hour – Credit for approved course or other related college course approved in accordance with “Section E” of this article;
4. Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice; and
5. Dual Licensee – A person who is licensed as both a professional engineer and a professional surveyor.

C. Requirements -

Continuing Professional Competency (CPC) is required as follows:

1. Every professional engineer or professional surveyor licensee is required to report a minimum of thirty (30) PDH units for each renewal period. If a licensee exceeds the requirement in any renewal period, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period.
- ~~2. A professional surveyor, including a professional surveyor who is a dual licensee, is required to have at least two (2) PDH hours of Arkansas Standards of Practice No. 1 for Property Boundary Surveys and Plats for each renewal period.~~
- ~~23.~~ Dual licensees are required to report a minimum of forty (40) PDH units for each renewal period, with at least ten (10) PDH units earned in each profession. The remaining twenty (20) PDH units may be obtained in either profession. If a licensee exceeds the requirement in any renewal period, a maximum of forty (40) PDH units may be carried forward into the subsequent renewal period (no more than 30 in either profession).

D. Units –

1. Units may be earned as follows:

- a. Successful completion of college courses;
- b. Successful completion of continuing education courses;
- c. Successful completion of correspondence, televised, videotaped, audiotape, and other short courses/tutorials;
- d. Presenting or attending qualifying seminars, in-house courses, workshops, or professional, technical, or managerial presentations made at meetings, conventions, or conferences;
- e. Teaching or instructing in (~~a1~~) through (~~d4~~) above;
- f. Authoring published papers, articles, or books;
- g. Active participation in professional or technical societies; and
- h. Patent grants.

2. Unit conversion for other credit to PDH Units is as follows:

- a. 1 College or unit semester hour-----45 PDH
- b. 1 College or unit quarter hour-----30 PDH
- c. 1 Continuing Education Unit-----10 PDH
- d. 1 Hour of professional development in course work, seminars, or professional, or management, or technical presentations made at meetings, conventions or conferences----- 1 PDH
- e. For teaching items 2.a. through d. above, apply a multiple of 2 (teaching credit is valid for teaching a course or seminar for the first time only).
- f. Each published paper, article, or book-----10 PDH Max.
- g. Active participation in professional and technical society (each organization)----2 PDH
- h. Each patent granted-----10 PDH Max.

E. Determination of Credit – The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

- 1. Credit for college or community college approved courses will be based upon credit established by the college.
- 2. Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

3. Credit determination for activities D.1.f and D.1.h is the responsibility of the licensee (subject to review as required by the Board).

4. Credit for activity D.1.g., active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service is completed.

F. Records. – The maintenance of records to support credits claimed is the responsibility of the licensee. Records required include, but are not limited to:

1. A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speaker's name, and PDH credits earned;
2. Attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance; and
3. Records as maintained by the Professional Development similar repositories.

These records must be maintained for a period of three (3) years, and copies may be requested by the board for audit verification purposes.

G. Exemptions. A licensee may be exempt from the professional development education requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period;
2. A licensee ~~serving on temporary~~ active duty in the Armed Forces of the United States, ~~or out of the United States, for a period of time exceeding one hundred twenty (120) consecutive days in a year~~ shall be exempt from obtaining professional development hours required during that ~~year~~biennium;
3. A licensee experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board;
4. A licensee listed as "inactive" on the Board- approved renewal form certifying that they are no longer receiving any remuneration from providing professional engineering or professional surveying services shall be exempt from the professional development hours required;
5. A Professional Surveyor may be exempt if at least sixty (60) years of age ~~or older or and~~ has twenty (20) years of acceptable professional experience. This request must be submitted on forms supplied by the Board; and
6. A Professional Engineer may be exempt if at least sixty-five (65) years of age ~~or older~~ and has twenty-five (25) years of acceptable professional experience. This request must be submitted on forms supplied by the Board.

~~H. Comity/Out-of-Jurisdiction Licensee – The CPC requirements for Arkansas will be deemed as satisfied when a non-resident licensee certifies to being licensed in and having met, the mandatory CPC requirements of any jurisdiction approved and listed by Arkansas.~~

HH. Forms – All renewal applications will require the completion of a continuing education certificate stating the

number of PDH credit claimed. The licensee must maintain sufficient records to permit audit verification, when requested.

IJ. Audit – The Board may conduct random audits each year of reported continuing education credit after each license renewal period according to the following procedures:

1. The population to be audited for Continuing Professional Competency compliance shall consist of those licensees who are renewing their licenses with the Board, and who are not claiming PDH and qualifies for an exemption under Section G. of this Article or who do not report sufficient hours as provided in Section K. of this Article.
2. The sample for the audit shall be chosen not less than 180 days after the renewal period is ended.
3. The sample size for each audit group shall be two percent (2%) of the population, chosen at random, without replacement.
4. Each licensee chosen for audit shall provide within 30 days, on the form supplied by the Board, a log of continuing education obtained during the previous licensing period, with supporting documents attached, according to the requirements specified in section F. of this Article.
5. Those auditees failing to respond, or unable to verify their claims to continuing education shall may be served with a complaint and charged with having obtained renewal of their licenses by false statements according to the provisions and procedures in Articles 14. and 15. of these rules.

JK. Noncompliance for reporting less than required hours -

1. A licensee who does not satisfy the continuing education requirement by reporting less than the required number of hours shall be placed on probationary status and notified of that status. The licensee shall have six months from the renewal dates to provide documentation of having obtained both the originally reported and the necessary additional hours or his or her the licensee's license will be placed in an inactive status.
2. Licensees placed on inactive status may return to active status as provided for in Article 8. Section F. of these rules.

ARTICLE 21. CERTIFICATE OF AUTHORIZATION (COA)

~~A. The cover sheet of each volume of final engineering drawings, written plans, specifications, and similar documents carrying the seal of a professional engineer, or each survey carrying the seal of a professional surveyor, are required to also carry the seal evidencing the firm's COA to practice in Arkansas. In the alternative, the COA seal may be placed on each sheet thereof. The one exception to this requirement is where the firm is a sole proprietorship practicing in the name of the licensee.~~

~~AB. The practice of or offer to practice for others as defined in A.C.A. 17-30-101, or A.C.A. 17-48-101, by individuals licensed under this chapter through a firm as officers, employees, or agents, is permitted, subject to the provisions of this chapter; provided, that:~~

- ~~1. One (1) or more personnel of said firm designated as being responsible for the engineering or surveying activities and decisions is a professional engineer or surveyor under this chapter;~~
- ~~2. All personnel of said firm who act in its behalf as professional engineers or surveyors are licensed under~~

~~—A.C.A. 17-30-101 et. seq. or 17-48-101 et. seq.; and~~

~~—3. Said firm has been issued a Certificate of Authorization by the board as hereinafter provided.~~

~~C.—A firm desiring a certificate of authorization shall file with the board an application, using the form provided by the Board, provide all the information required by the Board, and also of the individual duly licensed to practice engineering or surveying in this state who shall be in responsible charge of the practice of engineering or surveying in the state through said firm, and other information, must accompany the renewal fee.~~

~~The COA shall expire annually or biennially and any firm that does not renew may later reapply for reinstatement by submitting an updated application along with reinstatement fee and up to two (2) years accumulated dues and penalties. In the event there shall be a change in any of these persons during the year, such changes shall be designated on the same form and filed with the Board within thirty (30) days after effective date of said changes. If all of the requirements of this section are met, the Board shall issue a COA to such firm and such firm shall be authorized to contract for and to collect fees for furnishing engineering and surveying services.~~

~~D.—The requirements of this chapter shall not prevent a firm from performing engineering or surveying services for the firm itself or a subsidiary or an affiliate of said firm.~~

~~E.—No such firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with the provisions of this section. No individual practicing engineering or surveying under the provisions of this chapter shall be relieved of responsibility for engineering or surveying services performed by reason of employment or other relationship with a firm holding an authorization certificate.~~

~~F.—An engineer or surveyor who renders occasional, part-time or consulting engineering or surveying services to or for a firm may not, for the purposes of subsection B.1., be designated as being in responsible charge of the professional activities of the firm unless the engineer or surveyor is an officer or owner of the firm.~~

ARTICLE ~~2220~~. ETHICS AND RULES OF PROFESSIONAL CONDUCT

The following Rules of Professional Conduct shall be binding on every person holding a Certificate of Licensure. The Rules of Professional Conduct delineate specific obligations the licensee must meet. In addition, each licensee is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of the practice of Professional Engineering and Professional Surveying.

Licensees shall avoid conflicts of interest and faithfully serve the legitimate interest of their employers, clients and customers within the limits defined by these ~~r~~Rules. A Licensee's professional reputation shall be built on the merit of ~~his or her~~the licensee's services and shall not compete unfairly with others.

A. ~~LICENSEE'S OBLIGATION TO SOCIETY~~Licensee's Obligation to Society

1. Licensees, in the performance of their services for clients, employers and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and ~~land~~ surveying standards and safeguard the life, health, property and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property and welfare of the public is endangered.

4. Licensees shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not permit the use of their name or firm name by, nor associate in business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.
8. Licensees having knowledge of possible violations of any of these Rules of Professional Conduct shall provide the Board with information and assistance necessary for the final determination of such violation.
9. Licensees ~~that~~ who are salespersons or who represent a particular product or system shall qualify any ___ public statement made concerning their product or system.

B. ~~LICENSEE'S OBLIGATION TO EMPLOYER, CLIENTS AND CUSTOMERS~~ Licensee's Obligation to Employer, Clients, and Customers

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.
3. Licensees may accept assignments for coordination of an entire project, provided that each element is signed and sealed by the licensee responsible for preparation of that element.
4. Licensees shall not reveal confidential facts, data or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.
5. Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents or other parties in connection with work for employers or clients, unless the conditions in Article 20.B.7. are met.
6. Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service.
7. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
8. Licensees shall not solicit or accept a professional contract from a governmental body on which a principle or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a

private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

C. ~~LICENSEE'S OBLIGATION TO OTHER LICENSEES~~ Licensee's Obligation to Other Licensees

1. Licensees shall not falsify or permit misrepresentation of their, or their associates; academic or professional qualifications. They shall not misrepresent or exaggerate neither their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.
2. Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by a public authority.
3. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects practice or employment of other licensees, nor indiscriminately criticize other licensee's work.
4. Licensees who are aware of any alleged violations of the ~~Law~~, ~~R~~rules of the Board, or these Rules of Professional Conduct by a fellow licensee may counsel with that licensee to determine the facts. If correction is not made the licensee shall report the violation to the Board and other proper authorities.

ARTICLE 21. Pre-Licensure Criminal Background Check and Waiver Request

A. Pre-Licensure Criminal Background Check

1. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
2. The individual must obtain the pre-licensure criminal background check petition form from the Board.
3. The Board will respond with a decision in writing to a completed petition within a reasonable time.
4. The Board's response will state the reasons for the decision.
5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

B. Waiver Request

1. If an individual has been convicted of an offense listed in A.C.A. § 17-3-102(a), except those permanently disqualifying offenses found in A.C.A. § 17-3-102(e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
 - a. An affected applicant for a license; or
 - b. An individual holding a license subject to revocation.
2. The Board may grant a waiver upon consideration of the following, without limitation:
 - a. The age at which the offense was committed;
 - b. The circumstances surrounding the offense;

- c. The length of time since the offense was committed;
 - d. Subsequent work history since the offense was committed;
 - e. Employment references since the offense was committed;
 - f. Character references since the offense was committed;
 - g. Relevance of the offense to the occupational license; and
 - h. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
- 3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
 - 4. The Board will respond with a decision in writing and will state the reasons for the decision.
 - 5. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 et seq.

ARTICLE 2~~23~~. EFFECTIVE DATE

The ~~R~~rules shall be adopted and take effect as provided by the Administrative Procedures Act on [date]. ~~October 14, 2013.~~

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: S3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
OCCUPATIONAL LICENSURE OF ACTIVE DUTY
SERVICE MEMBERS, RETURNING MILITARY
VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW
AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

(1) The current law regarding the issuance of licenses,
certificates, and permits required to enable the holder to lawfully engage in
a profession, trade, or employment in this state continues to constitute a
hardship on active duty service members, returning military veterans, and
their spouses;

(2) Acts 2017, No. 248, amended the law to require that all
state boards and commissions promulgate rules to expedite the process and



procedures for full licensure, certification, or permitting for active duty service members, returning military veterans, and their spouses;

(3) State boards and commissions required to promulgate rules by Acts 2017, No. 248, have failed to do so in accordance with the law; and

(4) Automatic licensure is necessary to remedy these hardships and allow active duty service members, returning military veterans, and their spouses to engage in their chosen professions.

Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

17-1-106. Licensure, certification, or permitting of Automatic licensure for active duty service members, returning military veterans, and spouses – Definition Definitions.

(a) As used in this section:

(1) "Automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity;

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

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

(4) "Returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

~~(b)(1) A state board or commission that issues licenses, certificates, or permits required to enable the holder to lawfully engage in a profession, trade, or employment in this state~~ An occupational licensing entity shall allow grant the following individuals to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure or certification or permitting automatic licensure to engage in an occupation or profession if the to an individual who is the holder in good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the
4 State of Arkansas;

5 ~~(2)(B)~~ A returning military veteran applying for licensure
6 within one (1) year of his or her discharge from active duty; or

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required
10 to provide automatic licensure if the proposed rules are not approved as
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~
13 ~~procedures for full licensure, certification, or permitting for the following~~
14 ~~individuals:~~

15 ~~(1) An active duty military service member stationed in the~~
16 ~~State of Arkansas;~~

17 ~~(2) A returning military veteran applying within one (1) year of~~
18 ~~his or her discharge from active duty; or~~

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~
22 ~~certification, or permitting for an active duty military service member~~
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~
24 ~~within one (1) year of his or her discharge from active duty, a state board~~
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~
27 ~~training and experience in the area of licensure, certification, or~~
28 ~~permitting is substantially similar to experience or education required for~~
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~
32 ~~experience or education required for licensure, certification, or permitting~~
33 ~~if the state board or commission determines the military training and~~
34 ~~experience is a satisfactory substitute for the experience or education~~
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~
7 ~~exemption from continuing education required as part of licensure,~~
8 ~~certification, or permitting for a profession, trade, or employment in this~~
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~
18 ~~section may require evidence of completion of continuing education before~~
19 ~~issuing the individual a subsequent license, certificate, or permit or~~
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~
22 ~~to carry out the provisions of this section.~~

23 An occupational licensing entity may submit proposed rules recommending
24 an expedited process and procedure for occupational licensure instead of
25 automatic licensure as provided under subsection (b) of this section to the
26 Administrative Rules and Regulations Subcommittee of the Legislative Council.

27 (d) The Administrative Rules and Regulations Subcommittee of the
28 Legislative Council shall:

29 (1) Review the proposed rules of an occupational licensing
30 entity as submitted for public comment and at least thirty (30) days before
31 the public comment period ends under the Arkansas Administrative Procedure
32 Act, § 25-15-201 et seq.; and

33 (2) Approve the proposed rules submitted under subsection (c)
34 based on:

35 (A) A determination of whether the expedited process and
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

2 (B) Any other criteria the Administrative Rules and
3 Regulations Subcommittee of the Legislative Council determines necessary to
4 achieve the objectives of this section.

5 (e) The Administrative Rules and Regulations Subcommittee of the
6 Legislative Council may:

7 (1) Establish a subcommittee to assist in the duties assigned
8 under this section;

9 (2) Assign information filed with the Administrative Rules and
10 Regulations Subcommittee of the Legislative Council under this section to one
11 (1) or more subcommittee of the Legislative Council, including without
12 limitation a subcommittee created under subdivision (e)(1) of this section;
13 or

14 (3) Delegate its duties under this section to one (1) or more
15 subcommittees of the Legislative Council, subject to final review and
16 approval of the Administrative Rules and Regulations Subcommittee of the
17 Legislative Council.

18 (f) An occupational licensing entity shall:

19 (1) Submit proposed rules authorized under subsection (c) of
20 this section to the Administrative Rules and Regulations Subcommittee of the
21 Legislative Council for review and approval before the proposed rules are
22 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et
23 seq.; and

24 (2) Provide to the House Committee on Aging, Children and Youth,
25 Legislative and Military Affairs an annual report stating the number of
26 automatic licenses and expedited occupational licenses granted under this
27 section to:

28 (A) Active duty military service members stationed in the
29 State of Arkansas;

30 (B) Returning military veterans applying within one (1)
31 year of his or her discharge from active duty; or

32 (C) The spouse of a person under subdivisions (f)(2)(A)
33 and (f)(2)(B) of this section.

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

6
7
8 /s/Irvin

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11 APPROVED: 4/9/19
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State of Arkansas *As Engrossed: S3/18/19 H4/3/19*
92nd General Assembly **A Bill**
Regular Session, 2019

SENATE BILL 451

By: Senator J. Cooper
By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

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

(3) Governor Asa Hutchinson appointed seventeen (17) individuals
to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;
2 and

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

6 (A) Establish an expedited procedure for occupational
7 licensing entities to collectively submit administrative rules that are
8 responsive to new legislation;

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

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

13 (D) Authorize occupational licensing entities to identify
14 types of individuals or entities that may be issued temporary or provisional
15 licenses; and

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

17 (i) New occupational licenses and occupational
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions
22 to allow certain agencies to consider occupational relevance with regard to
23 criminal background issues.

24
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,
35 department, council, bureau, or other agency of state government having
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

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

6
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued
9 by a licensing entity if that individual has pleaded guilty or nolo
10 contendere to or been found guilty of any of the following offenses by any
11 court in the State of Arkansas or of any similar offense by a court in
12 another state or of any similar offense by a federal court, unless the
13 conviction was lawfully sealed under the Comprehensive Criminal Record
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,
15 pardoned or expunged under prior law:

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

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

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

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

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

22 (6) False imprisonment in the first degree as prohibited in § 5-
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-
25 106;

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

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

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

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

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

32 (13) Aggravated assault upon a law enforcement officer or an
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
34 felony;

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

- 1 (15) Rape as prohibited in § 5-14-103;
2 (16) Sexual indecency with a child as prohibited in § 5-14-110;
3 (17) Sexual extortion as prohibited in § 5-14-113;
4 (18) Sexual assault in the first degree, second degree, third
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
6 (19) Incest as prohibited in § 5-26-202;
7 (20) Offenses against the family as prohibited in §§ 5-26-303 –
8 5-26-306;
9 (21) Endangering the welfare of an incompetent person in the
10 first degree, as prohibited in § 5-27-201;
11 (22) Endangering the welfare of a minor in the first degree as
12 prohibited in § 5-27-205;
13 (23) Permitting the abuse of a minor as prohibited in § 5-27-
14 221;
15 (24) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, pandering or possessing visual or print medium depicting sexually
18 explicit conduct involving a child, or use of a child or consent to use of a
19 child in a sexual performance by producing, directing, or promoting a sexual
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
21 and 5-27-403;
22 (25) Computer child pornography as prohibited in § 5-27-603;
23 (26) Computer exploitation of a child in the first degree as
24 prohibited in § 5-27-605;
25 (27) Felony adult abuse as prohibited in § 5-28-103;
26 (28) Theft of property as prohibited in § 5-36-103;
27 (29) Theft by receiving as prohibited in § 5-36-106;
28 (30) Arson as prohibited in § 5-38-301;
29 (31) Burglary as prohibited in § 5-39-201;
30 (32) Felony violation of the Uniform Controlled Substances Act,
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
32 419 – 5-64-442;
33 (33) Promotion of prostitution in the first degree as prohibited
34 in § 5-70-104;
35 (34) Stalking as prohibited in § 5-71-229;
36 (35) 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; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made by:

(A) An affected applicant for a license; or

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

(2) A basis upon which a waiver may be granted includes without limitation:

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

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license;

and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall
4 result in permanent disqualification for licensure:

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

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

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

9 (4) Aggravated assault upon a law enforcement officer or an
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
11 felony;

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

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

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

19 (10) Endangering the welfare of a minor in the first degree as
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking
25 emergency action against a licensee as authorized under § 25-15-211 for the
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection
28 (e) of this section does not apply to an individual who holds a valid license
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under
35 the Private Security Agency, Private Investigator, and School Security
36 Licensing and Credentialing Act, § 17-40-101 et seq.

17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

(b)(1) When adopting or amending rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
4 ~~good moral character~~, the applicant shall be certified as a registered
5 abstracter, and the certificate provided for shall be issued to him or her.
6 The privileges granted by the certificate shall continue unless revoked, as
7 provided in this chapter, or unless the certificate is otherwise surrendered
8 to the Arkansas Abstracters' Board.

9
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of
11 certificates authorized by the Arkansas Abstracters' Board, is amended to
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as
14 provided in § 17-11-341, to cancel and revoke any certificate of registration
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual
20 carelessness or of fraudulent practices in the conduct of the business of
21 abstracting.

22
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure
24 of appeal for revocation of certificates authorized by the Arkansas
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas
27 Abstracters' Board or upon the board's own motion filing a complaint charging
28 the holder of a certificate of registration with a violation of any of the
29 provisions of this chapter, or conviction of a crime involving ~~moral~~
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent
31 practices in the conduct of the business of abstracting, or charging the
32 holder of a certificate of authority with failure to furnish the bond or
33 bonds, or other securities, required by § 17-11-324, or with failing to have
34 employed a registered abstracter as provided in § 17-11-301, or with a
35 violation of any of the provisions of this chapter, the board shall
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
4 background check for initial licensure of accountants, is amended to read as
5 follows:

6 (d) Upon completion of the criminal background checks, the
7 Identification Bureau of the Department of Arkansas State Police shall
8 forward to the board all releasable information obtained concerning the
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~
10 ~~section.~~

11
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
16 ~~federal court may not receive or hold a license as a certified public~~
17 ~~accountant or public accountant.~~

18
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
20 grounds for revocation or suspension of licensure of accountants, are amended
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United
26 States;

27
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for
29 revocation or suspension of licensure of an accountant, is amended to add an
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas
32 State Board of Public Accountancy may refuse to issue a license to or
33 reinstate a license of a person who has been convicted of a felony involving
34 theft or fraud, regardless of the amount of time that has elapsed since the
35 conviction.

1 SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers
2 and duties regarding criminal background checks of the Arkansas Appraiser
3 Licensing and Certification Board, is amended to read as follows:

4 (i) During the five (5) years immediately preceding
5 the date of the application was convicted of, or pled guilty or nolo
6 contendere to, a crime that would call into question the applicant's fitness
7 for registration, licensure, or certification, including without limitation a
8 crime involving:

9 ~~(a) Moral turpitude;~~

10 ~~(b)(1)~~(a)(1) An act substantially related to
11 the qualifications, functions, or duties of an appraiser.

12 (2) A crime or act may be deemed
13 substantially related to the qualifications, functions, or duties of an
14 appraiser if, to a substantial degree, the crime or act evidences present or
15 potential unfitness of a person applying for or holding a real property
16 appraiser credential to perform the functions authorized by the credential;

17 ~~(e)~~(b) Taking, appropriating, or retaining the
18 funds or property of another;

19 ~~(d)~~(c) Forging, counterfeiting, or altering an
20 instrument affecting the rights or obligations of another;

21 ~~(e)~~(d) Evasion of a lawful debt or obligation,
22 including without limitation a tax obligation;

23 ~~(f)~~(e) Trafficking in narcotics or controlled
24 substances;

25 ~~(g)~~(f) Violation of a relation of trust or
26 confidence;

27 ~~(h)~~(g) Theft of personal property or funds;

28 ~~(i)~~(h) An act of violence or threatened
29 violence against persons or property; or

30 ~~(j)~~(i) A sexually related crime or act under §
31 5-14-101 et seq.;

32
33 SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and
34 disciplinary procedures of the Arkansas Appraiser Licensing and Certification
35 Board for licensees, is repealed.

36 ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~
3 ~~considered a conviction for the purposes of this section.~~

4
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements
6 for registration under the Appraisal Management Company Registration Act, is
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background
15 check and a national fingerprint-based criminal background check performed by
16 the Federal Bureau of Investigation in compliance with federal law and
17 regulations;

18
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the
20 disciplinary authority, enforcement, and hearings under the Appraisal
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~
2 ~~308,~~

3
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least
8 twenty-one (21) years of age ~~and of good moral character.~~

9
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has
13 been guilty of a felony listed under § 17-2-102;

14
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the
16 registration requirements for an athlete agent under the Uniform Athlete
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to
19 paragraph (7) has been convicted of a crime that, if committed in this State,
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-
21 102, and identify the crime;

22
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~
26 ~~turpitude~~ or a felony listed under § 17-2-102 in a court of competent
27 jurisdiction of this or any other jurisdiction;

28
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character
30 references for a professional bail bondsman license, is amended to read as
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that
33 he or she is competent, trustworthy, financially responsible, and of good
34 personal and business reputation and has not been convicted of a felony ~~or~~
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension
2 and penalties for a professional bail bondsman licensee, is amended to read
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §
7 17-2-102;

8
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
16 State Board of Barber Examiners to determine his or her fitness to practice
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate
20 licensing authorities.

21
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a
25 certified copy of the record of the court of conviction.

26
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for
28 revocation, suspension, or refusal of license issued by the State Board of
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications
35 of any applicant for an original license or any renewal license, shall, among
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 or ~~any other~~ another law of the state.
- 11

12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications
13 for a contractors license, is amended to add an additional subsection to read
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may
16 consider the following offenses when determining fitness for licensure or
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to
27 the qualifications, functions, or duties of a contractor if, to a substantial
28 degree, the crime or act evidences present or potential unfitness of a person
29 applying for or holding a contractors license or registration to perform the
30 functions authorized by the license or registration.

31
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications
33 for a contractors license through the Residential Contractors Committee, is
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to
11 the qualifications, functions, or duties of a contractor if, to a substantial
12 degree, the crime or act evidences present or potential unfitness of a person
13 applying for or holding a contractors license or registration to perform the
14 functions authorized by the license or registration.

15
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for
17 disciplinary action for cosmetology and other related occupations, is amended
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,
22 as evidenced by a certified copy of a court record or by license application;
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in
25 any way related to the practice or teaching of the cosmetology industry,
26 unless the applicant or licensee can demonstrate to the board's satisfaction
27 that the applicant or licensee has been sufficiently rehabilitated to warrant
28 the public trust;

29
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives
33 from within the cosmetology industry who are ~~of good moral character and who~~
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively
36 engaged in practicing the art of cosmetology for at least five (5) years at

1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of
4 cosmetology or shall be a director of cosmetology at a state-supported
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry
8 at large or a related field.

9
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~
13 professional ethics;

14
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications
16 for a licensed marriage and family therapist before January 1, 1998, is
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~
19 professional ethics;

20
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each
24 applicant for license renewal and each first-time applicant for a license
25 issued by the board to apply to the Identification Bureau of the Department
26 of Arkansas State Police for a state and national criminal background check,
27 to be conducted by the Identification Bureau of the Department of Arkansas
28 State Police and the Federal Bureau of Investigation.

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

31 (c) The applicant shall sign a release of information to the board and
32 shall be responsible for the payment of any fee associated with the criminal
33 background check.

34 (d) Upon completion of the criminal background check, the
35 Identification Bureau of the Department of Arkansas State Police shall
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
4 ~~found guilty of any of the following offenses by any court in the State of~~
5 ~~Arkansas or of any similar offense by a court in another state or of any~~
6 ~~similar offense by a federal court;~~

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

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

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

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

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

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
16 ~~106;~~

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

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

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

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

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

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~
36 ~~first degree as prohibited in § 5-27-201;~~

1 ~~(22) Endangering the welfare of a minor in the first degree as~~
2 ~~prohibited in § 5-27-205;~~

3 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

4 ~~(24) Engaging children in sexually explicit conduct for use in~~
5 ~~visual or print media, transportation of minors for prohibited sexual~~
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
10 ~~5-27-403;~~

11 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12 ~~(26) Computer exploitation of a child in the first degree as~~
13 ~~prohibited in § 5-27-605;~~

14 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15 ~~(28) Theft of property as prohibited in § 5-36-103;~~

16 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17 ~~(30) Arson as prohibited in § 5-38-301;~~

18 ~~(31) Burglary as prohibited in § 5-39-201;~~

19 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
21 ~~5-64-442;~~

22 ~~(33) Promotion of prostitution in the first degree as prohibited~~
23 ~~in § 5-70-104;~~

24 ~~(34) Stalking as prohibited in § 5-71-229; and~~

25 ~~(35) Criminal attempt, criminal complicity, criminal~~
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

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

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

36 ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation;~~

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

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

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

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

14 (f) For the purposes of this section, the board shall follow the
15 licensing restrictions based on criminal records under § 17-2-102.

16 ~~(h)-(i)(g)(1)~~ Any information received by the board from the
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the
24 custody of the Department of Arkansas State Police.

25 ~~(i)(h)~~ Any information made available to the affected applicant for
26 licensure or the person whose license is subject to revocation shall be
27 information pertaining to that person only.

28 ~~(j)(i)~~ Rights of privilege and confidentiality established under this
29 section shall not extend to any document created for purposes other than this
30 background check.

31 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
32 fully implement the provisions of this section.

33
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
35 and prohibited conduct of embalmers and funeral directors, is amended to read
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the
4 administrative violations and penalties for an engineer, is amended to read
5 as follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for
9 registration with the Arkansas State Board of Registration for Foresters, is
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~
12 ~~is not of good character and reputation.~~

13
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester
17 who has been convicted of a felony listed under § 17-2-102 or who is found
18 guilty by the board of any fraud, deceit, gross negligence,
19 misrepresentation, willful violation of contract, misconduct, or gross
20 incompetence.

21 (2) The board shall investigate such charges.

22
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,
28 suspension, or revocation of a registration certificate of a geologist, is
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102
35 that bears directly on the fitness of the applicant to be registered;

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of
2 revocation for a license of an interior designer, is amended to read as
3 follows:

4 (5) The holder of the registration has been guilty of a felony
5 listed under § 17-2-102;

6
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and

11 ~~(2) Be of good moral character; and~~

12 ~~(3)~~ (2) Pass an examination covering the matters confronting
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board
17 of Architects, Landscape Architects, and Interior Designers.

18
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of
22 a felony listed under § 17-2-102;

23
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any
27 licensee found guilty shall be subject to disciplinary action as provided in
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,
4 authorizing, or knowingly permitting the making, printing, publication, or
5 distribution of false statements, descriptions, or promises of such character
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,
10 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without
12 the knowledge of all parties for whom he or she acts or accepting a
13 commission or valuable consideration for the performance of any of the acts
14 specified in this chapter from any person except the licensed principal
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a
17 principal broker, representing or attempting to represent a broker other than
18 the principal broker with whom he or she is affiliated without the express
19 knowledge and consent of the principal broker, or representing himself or
20 herself as a salesperson or having a contractual relationship similar to that
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate
24 broker or salesperson in such a manner as to safeguard the interests of the
25 public;

26 (12) Paying a commission or valuable consideration to any person
27 for acts or services performed in violation of this chapter, including paying
28 a commission or other valuable consideration to an unlicensed person for
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different
31 character from that specified in this section, which constitutes improper,
32 fraudulent, or dishonest dealing.

33
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,
4 dishonesty, untruthfulness, or untrustworthiness.

5
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
7 or denial of a license for an instructor of real estate education license, is
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable
12 dealing in a court of competent jurisdiction; or

13
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
15 that disqualify for a real estate educator license or licensee, is amended to
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,
19 or untrustworthiness regardless of whether the imposition of the sentence has
20 been deferred or suspended;

21
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
23 for examination for a sanitarian certificate of registration, is amended to
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination
26 any person who makes application to the Secretary of the Arkansas State Board
27 of Sanitarians on forms prescribed and furnished by the board, and pays an
28 application fee of twenty dollars (\$20.00) to defray the expense of
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~
30 ~~of good moral character.~~

31
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:

33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of
35 registration without examination to any person who makes application on forms
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the
6 qualifications for registration are not lower than the qualifications for
7 registration in this state at the time he or she applies for registration.
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for
10 suspension, revocation, or refusal to renew a sanitarian certificate of
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or
13 refuse to renew a certificate of registration upon proof that the applicant+

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility
19 and application for registration as a professional soil classifier or soil
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier
22 or certification as a soil classifier-in-training, an applicant ~~must~~+

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~
26 information ~~as~~ the board may require, together with five (5) references,
27 three (3) of which shall be professional soil classifiers having personal
28 knowledge of his or her soil classifying experience or, in the case of an
29 application for certification as a soil classifier-in-training, three (3)
30 character references.
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;
3 (2) Gross negligence, incompetence, or misconduct in the
4 practice of soil classifying;
5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
6 ~~turpitude~~; or
7 (4) A violation of the code of ethics adopted and promulgated by
8 the board.

9
10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the
11 qualifications for certification as a surveyor, is amended to read as
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of
14 Licensure for Professional Engineers and Professional Surveyors that he or
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the
19 practice of land surveying issued to him or her on the basis of a written
20 examination by proper authority of a state, territory, possession of the
21 United States, the District of Columbia, or any foreign country, based on
22 requirements and qualifications as shown on his or her application that in
23 the opinion of the board are equal to or higher than the requirements of this
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with
26 sufficient surveying courses or a surveying technology curriculum of two (2)
27 years or more approved by the board, followed by at least two (2) years of
28 land surveying that must be surveying experience of a character satisfactory
29 to the board, who has passed a written examination designed to show that he
30 or she is qualified to practice land surveying in this state, may be licensed
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved
33 engineering or surveying curriculum may be considered as equivalent to one
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a
2 written examination designed to show that he or she is qualified to practice
3 land surveying may be granted a certificate of licensure to practice land
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved
6 engineering or engineering technology curriculum majoring in surveying may be
7 considered as one (1) year of experience in land surveying, but not exceeding
8 two (2) years.

9
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the
11 qualifications for licensure as a surveyor intern, is amended to read as
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor
17 intern issued to him or her on the basis of a written examination by proper
18 authority of a state, territory, possession of the United States, the
19 District of Columbia, or any foreign country, based on requirements and
20 qualifications as shown on his or her application, which requirements and
21 qualifications, in the opinion of the board, are equal to or higher than the
22 requirements of this chapter, may be licensed as a surveyor intern at the
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with
25 sufficient surveying courses, or a surveying technology curriculum of two (2)
26 years or more, approved by the board, who has passed a written examination
27 designed to show that he or she is proficient in surveying fundamentals, may
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)
30 of this section and who has four (4) years or more of active experience in
31 land surveying of a character satisfactory to the board and who has passed a
32 written examination designed to show that he or she is proficient in
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved
35 engineering or engineering technology curriculum majoring in surveying may be
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the
4 administrative violations and penalties of a surveyor, is amended to read as
5 follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant
9 qualifications for registration as a certified water well driller or
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints
14 against and disciplinary procedures for a home inspector, is amended to read
15 as follows:

16 (3)~~(A) Conviction in any jurisdiction of a misdemeanor involving~~
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~
19 ~~a conviction for the purposes of this section;~~

20
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as
24 a home inspector shall ~~be of good moral character and shall~~ submit to the
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by
27 the board;

28 (2) A current certificate of insurance issued by an insurance
29 company licensed or surplus lines approved to do business in this state that
30 states that the applicant has procured general liability insurance in the
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with
34 the application.

35
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of
3 graduation from a chartered school or college of chiropractic as herein
4 described and file with his or her application the affidavits of at least two
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~
6 ~~of good moral character.~~

7
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person
15 shall not receive or hold a license issued by the board if the person has
16 been convicted of or pleaded guilty or nolo contendere to any felony listed
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
18 untruthfulness, or untrustworthiness, or is a registered sex offender or
19 required to register as a sex offender.

20
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental
30 Association-accredited college of dentistry with the degree of Doctor of
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a
7 provisional license issued by the board to foreign graduates and successfully
8 complete the monitoring requirements as ordered by the board at the time the
9 provisional license is issued.

10
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ Have graduated from a dental hygiene program which is
16 accredited by the American Dental Association Commission on Dental
17 Accreditation and approved by the board for the training of dental
18 hygienists; and

19 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board
20 may require touching upon ~~character and~~ fitness.

21
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the
23 credentials for dentists and dental hygienists licensed in other states, is
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,
26 setting forth the applicant's ~~moral reputation and character~~, history with
27 the board, professional ability, and such other information or data as the
28 board may deem necessary or expedient.

29
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation
31 or suspension of a license for a dentist, dental hygienist, or dental
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual
34 drunkenness for a period of three (3) months; insanity; adjudication of
35 insanity or mental incompetency if deemed detrimental to patients; conviction
36 of ~~an infamous crime or~~ a felony listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional
2 incompetency; failure to maintain proper standards of sanitation or failure
3 otherwise to maintain adequate safeguards for the health and safety of
4 patients; or employment in the practice of the profession of any drug,
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
6 used by the dental profession;

7
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice
11 dentistry or another healthcare profession issued by the Arkansas State Board
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or
13 has been found guilty of ~~either an infamous crime that would impact his or~~
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
16 ~~pardoned~~ listed under § 17-2-102.

17
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
21 license or may revoke or suspend a license issued under this chapter for any
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;
24 (2) Engaging in unprofessional conduct or gross incompetence as
25 defined by the rules of the board or violating the standards of professional
26 responsibility adopted and published by the board; or
27 (3) ~~Conviction in this or any other state of any crime that is a~~
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or
29 ~~(4) Conviction of a felony in a federal court.~~

30
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship for hearing instrument
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:
35 (A) Is twenty (20) years of age or older; and
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; ~~and~~

3 ~~(C) Is of good moral character.~~

4
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~
9 ~~record of a conviction, certified by the judge or the clerk of the court~~
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers
14 and duties of the State Board of Health regarding massage therapy licenses,
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~
17 ~~receive or hold a license issued by the Department of Health if the applicant~~
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~
22 the board shall follow the licensing restrictions based on criminal records
23 under § 17-2-102.

24 ~~(2) A provision of this section may be waived by the Department~~
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~
28 ~~probation or completion of the applicant's sentence or probation of the~~
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~
31 ~~during the three year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~
35 ~~probation or the completion of the applicant's sentence or probation of the~~
36 ~~offense is at least five (5) years from the date of the application; and~~

~~(ii) The applicant has no criminal convictions during the five-year period.~~

~~(f) The Department of Health may permit an applicant to be licensed regardless of having been convicted of an offense listed in this section, upon making a determination that the applicant does not pose a risk of harm to any person served by the Department of Health.~~

~~(g) In making a determination under subsection (f) of this section, the Department of Health may consider the following factors:~~

~~(1) The nature and severity of the crime;~~
~~(2) The consequences of the crime;~~
~~(3) The number and frequency of crimes;~~
~~(4) The relationship between the crime and the health, safety, and welfare of persons served by the Department of Health, such as:~~

~~(A) The age and vulnerability of victims of the crime;~~
~~(B) The harm suffered by the victim; and~~
~~(C) The similarity between the victim and persons served by the Department of Health;~~

~~(5) The time elapsed without a repeat of the same or similar event;~~

~~(6) Documentation of successful completion of training or rehabilitation pertinent to the incident; and~~

~~(7) Any other information that bears on the applicant's ability to care for others or other relevant information.~~

~~(h) If the Department of Health waives the provisions of subsection (e) of this section, the Department of Health shall submit the reasons for waiving this provision in writing, and the determination and reasons shall be made available to the members of the Department of Health for review.~~

SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications for licensure as a massage therapist, is amended to read as follows:

(1) Furnish to the Department of Health satisfactory proof that he or she is eighteen (18) years of age or older ~~and of good moral character;~~

SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary actions and penalties for massage therapists, is amended to read as follows:

(a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the
2 following grounds:

3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A
5 felony listed under § 17-2-102;

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable
8 statements or flamboyant, exaggerated, or extravagant claims concerning the
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a
12 room where massage therapy is being performed or in a massage therapy school;

13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for
18 which a license is required, the diagnosis of ailments, diseases, or injuries
19 of human beings, the performance of osseous adjustments, prescription of
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage
23 therapy techniques in his or her clinic or school.

24
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the
26 qualifications for an applicant for licensure as a registered nurse, is
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the
29 issuance of a license by endorsement, an applicant for a license to practice
30 professional nursing shall submit to the Arkansas State Board of Nursing
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or
34 the equivalent thereof as determined by the appropriate educational agency;
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the
4 qualifications of an applicant for licensure as a licensed practical nurse,
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical
7 nursing shall submit to the Arkansas State Board of Nursing evidence,
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or
11 the equivalent thereof as determined by the appropriate educational agency;
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
14 program for the preparation of practical nurses and holds a diploma or
15 certificate therefrom. However, the board may waive this requirement if the
16 board determines the applicant to be otherwise qualified.

17
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the
19 qualifications of an applicant for licensure as a licensed psychiatric
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice
22 psychiatric technician nursing shall submit to the Arkansas State Board of
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or
26 the equivalent thereof as determined by the appropriate educational agency;
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
29 program for the preparation of psychiatric technician nurses and holds a
30 diploma or certificate therefrom. However, the board may waive this
31 requirement if the board determines the applicant to be otherwise qualified.

32
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~
7 ~~receive or hold a license issued by the board if that person has pleaded~~
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~
10 ~~court in another state or of any similar offense by a federal court:~~

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

12 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
13 ~~murder in the second degree as prohibited in § 5-10-103;~~

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

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

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

17 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
18 ~~11-103;~~

19 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
20 ~~106;~~

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

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

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

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

25 (12) ~~Introduction of a controlled substance into the body of~~
26 ~~another person as prohibited in § 5-13-210;~~

27 (13) ~~Aggravated assault upon a law enforcement officer or an~~
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

29 (14) ~~Terroristic threatening in the first degree as prohibited~~
30 ~~in § 5-13-301;~~

31 (15) ~~Rape as prohibited in § 5-14-103;~~

32 (16) ~~Sexual indecency with a child as prohibited in § 5-14-110;~~

33 (17) ~~Sexual extortion, § 5-14-113;~~

34 (18) ~~Sexual assault in the first degree, second degree, third~~
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

36 (19) ~~Incest as prohibited in § 5-26-202;~~

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
2 ~~26-303—5-26-306;~~

3 ~~(21) Endangering the welfare of an incompetent person in the~~
4 ~~first degree as prohibited in § 5-27-201;~~

5 ~~(22) Endangering the welfare of a minor in the first degree as~~
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~
7 ~~degree as prohibited in § 5-27-206;~~

8 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9 ~~(24) Engaging children in sexually explicit conduct for use in~~
10 ~~visual or print media, transportation of minors for prohibited sexual~~
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
15 ~~5-27-403;~~

16 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17 ~~(26) Computer exploitation of a child in the first degree as~~
18 ~~prohibited in § 5-27-605;~~

19 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22 ~~(30) Arson as prohibited in § 5-38-301;~~

23 ~~(31) Burglary as prohibited in § 5-39-201;~~

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
26 ~~5-64-442;~~

27 ~~(33) Promotion of prostitution in the first degree as prohibited~~
28 ~~in § 5-70-104;~~

29 ~~(34) Stalking as prohibited in § 5-71-229; and~~

30 ~~(35) Criminal attempt, criminal complicity, criminal~~
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 (f)(1)(A) The board may issue a nonrenewable temporary permit for
34 licensure to a first-time applicant pending the results of the criminal
35 background check.

36 ~~(B)~~(2) The permit shall be valid for no more than six (6)

1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~
3 ~~upon receipt of information from the Identification Bureau of the Department~~
4 ~~of Arkansas State Police that the person holding the letter of provisional~~
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~
7 ~~immediately revoke the provisional license.~~

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

10 ~~(A) An affected applicant for licensure; or~~

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

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

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

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

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

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the
23 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her
26 authorized representative; or

27 (B) The person whose license is subject to revocation or
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for
32 licensure or the person whose license is subject to revocation shall be
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this
35 section shall not extend to any document created for purposes other than this
36 background check.

1 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
2 fully implement the provisions of this section.

3 ~~(1)(1)~~ ~~For purposes of this section, an expunged record of a~~
4 ~~conviction or a plea of guilty or nolo contendere to an offense listed in~~
5 ~~subsection (e) of this section shall not be considered a conviction, guilty~~
6 ~~plea, or nolo contendere plea to the offense unless the offense is also~~
7 ~~listed in subdivision (1)(2) of this section.~~

8 ~~(2)~~ ~~Because of the serious nature of the offenses and the close~~
9 ~~relationship to the type of work that is to be performed, the following shall~~
10 ~~result in permanent disqualification:~~

- 11 ~~(A)~~ ~~Capital murder as prohibited in § 5-10-101;~~
12 ~~(B)~~ ~~Murder in the first degree as prohibited in § 5-10-102~~
13 ~~and murder in the second degree as prohibited in § 5-10-103;~~
14 ~~(C)~~ ~~Kidnapping as prohibited in § 5-11-102;~~
15 ~~(D)~~ ~~Aggravated assault upon a law enforcement officer or~~
16 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
17 ~~(E)~~ ~~Rape as prohibited in § 5-14-103;~~
18 ~~(F)~~ ~~Sexual extortion, § 5-14-113;~~
19 ~~(G)~~ ~~Sexual assault in the first degree as prohibited in §~~
20 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
21 ~~(H)~~ ~~Incest as prohibited in § 5-26-202;~~
22 ~~(I)~~ ~~Endangering the welfare of an incompetent person in~~
23 ~~the first degree as prohibited in § 5-27-201;~~
24 ~~(J)~~ ~~Endangering the welfare of a minor in the first degree~~
25 ~~as prohibited in § 5-27-205;~~
26 ~~(K)~~ ~~Adult abuse that constitutes a felony as prohibited in~~
27 ~~§ 5-28-103; and~~
28 ~~(L)~~ ~~Arson as prohibited in § 5-38-301.~~

29
30 SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
31 actions for nurses, is amended to read as follows:

32 (1) Has been found guilty of or pleads guilty or nolo contendere
33 to:

34 (A) Fraud or deceit in procuring or attempting to procure
35 a medication assistive person certificate; or

36 (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the
5 qualifications of an applicant for licensure as an occupational therapist, is
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,
10 revocation, or suspension of an occupational therapist license, is amended to
11 read as follows:

12 (4) Being convicted of a ~~crime, other than minor offenses~~
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~
14 ~~the acts for which the applicant or licensee was convicted are found by the~~
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~
16 ~~serve the public in the capacity of an occupational therapist or occupational~~
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the
20 qualifications of an applicant for licensure as a licensed dispensing
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician
23 shall present satisfactory evidence to the Arkansas Board of Dispensing
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
25 ~~character~~, a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum
27 consists of at least eighteen (18) months of didactic and practical
28 instruction which is accredited by a national accreditation organization and
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic
31 dispensing services, as defined in this chapter, in the State of Arkansas for
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
3 diseases of the eye.

4
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician
8 shall present satisfactory evidence to the Arkansas Board of Dispensing
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
10 ~~character~~, a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the
15 direct supervision of a licensed or registered dispensing optician holding a
16 certificate of licensure or registry in the State of Arkansas, one (1) year
17 of which may be while working in a qualified full-service optical laboratory
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has
20 been accredited by a national accreditation organization and is recognized by
21 the board.

22
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public
32 as a dispensing optician in the state of licensure or registration for a
33 period of at least five (5) years for licensure or three (3) years for
34 registration immediately before his or her application for reciprocity to
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or
2 registry issued by this state.

3
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic
5 dispensers from nonlicensing states seeking licensure as a dispensing
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described
11 in § 17-89-102(4) for a period of:

12 (A) Five ~~(5)~~ years for applicants for licensure, of which
13 no more than three ~~(3)~~ years may be while working in a qualified full-service
14 optical laboratory approved by the board; or

15 (B) Three ~~(3)~~ years for applicants for registry, of which
16 no more than one ~~(1)~~ year may be while working in a qualified full-service
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical
19 examination for licensure or registry prepared and conducted by the board;
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of
25 denial, suspension, or revocation of a licensure or registration of an
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a
28 felony listed under § 17-2-102 in any state or federal court, and not
29 ~~pardoned, if the acts for which the person is convicted are found by the~~
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~
31 ~~serve the public in the capacity of a dispensing optician;~~

32
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory
36 evidence that he or she is:

1 (1) ~~Over~~ At least twenty-one (21) years of age;
2 (2) A successful candidate having passed all parts of the
3 National Board of Examiners in Optometry examination since January 1, 1997;
4 and

5 ~~(3) Of good moral character; and~~
6 ~~(4)~~(3) A graduate of a college of optometry that has been
7 accredited by the Accreditation Council on Optometric Education of the
8 American Optometric Association.

9
10 SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by
11 endorsement for optometrists, is amended to read as follows:

12 (3) A certificate of good standing from each authority which
13 issued the license, setting forth the applicant's ~~moral reputation and~~
14 ~~character~~, history with the authority, professional ability, continuing
15 education compliance, and other information or data as the State Board of
16 Optometry may deem necessary or expedient;

17
18 SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds
19 for denial, revocation, or suspension of an optometrist license, is amended
20 to read as follows:

21 (3) Conviction of a felony listed under § 17-2-102 or the
22 conviction of a misdemeanor, if the misdemeanor conduct would denote an
23 impairment in the ability to practice optometry;

24
25 SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing
26 requirements for an osteopathic physician, is amended to read as follows:

27 (a) The Arkansas State Medical Board shall accept for licensure by
28 examination any person who:

29 (1) Is at least twenty-one (21) years of age;
30 (2) Is a citizen of the United States;
31 ~~(3) Is of good moral character;~~
32 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

35 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital
3 approved by the American Medical Association or the American Osteopathic
4 Association.

5
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional
13 undergraduate degree from a pharmacy degree program which has been approved
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,
16 completed a transcript verification program, taken and passed a college of
17 pharmacy equivalency exam program, and completed a process of communication
18 ability testing as defined under board regulations so that it is assured that
19 the applicant meets standards necessary to protect public health and safety.

20
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
22 revocation, suspension, or nonrenewal of licensure or registration, is amended
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo
25 contendere in a criminal proceeding, regardless of whether or not the
26 adjudication of guilt or sentence is withheld by a court of this state,
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,
30 or which is related to the qualifications, functions, and duties of a
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of
33 this state, or of the pharmacy or drug statutes, rules, and regulations of
34 any other state or of the United States Government;

35
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~
4 person is not eligible to receive or hold an intern or pharmacist license or
5 pharmacy technician registration issued by the board if that person has
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the
7 following offenses, regardless of whether an adjudication of guilt or
8 sentencing or imposition of sentence is withheld, by any court in the State
9 of Arkansas or of any similar offense by a court in another state or of any
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,
13 dishonesty, or which is related to the qualifications, functions, and duties
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or
16 regulations, including, but not limited to, this chapter, the Uniform
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
18 Cosmetic Act, § 20-56-201 et seq.

19
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of
21 applicants for licensure as a physical therapist, is amended to read as
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of
33 applicants for licensure as a physical therapist assistant, is amended to
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

~~(4)~~(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

~~(5)~~(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

~~(4) Has been convicted of a crime involving moral turpitude;~~

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony ~~or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
17-95-307. License eligibility.

~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~
3 ~~expunged, or pardoned.~~

4
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of
8 acts constituting unprofessional conduct as defined in § 17-95-409;

9
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall
13 consider the ~~moral character and~~ professional qualifications of the applicant
14 upon notice and hearing before ordering reinstatement. Unless such a showing
15 shall thereupon be made to the board as would entitle the applicant to the
16 issuance of an original license, reinstatement shall be denied.

17
18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the
19 grounds for denial, suspension, or revocation of a physician license, is
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~
22 ~~or conviction of~~ a felony listed under § 17-2-102.

23 (ii) The judgment of any such conviction, unless
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

25
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning
27 qualifications of an applicant for licensure as a graduate registered
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a
36 license;

- 1 (2) Fraudulently or deceptively uses a license;
2 (3) Violates any provision of this subchapter or any rules
3 adopted by the board pertaining to this chapter;
4 (4) Is convicted of a felony listed under § 17-2-102;
5 (5) Is a habitual user of intoxicants or drugs to the extent
6 that he or she is unable to safely perform as a graduate registered
7 physician; or
8 (6) Has been adjudicated as mentally incompetent or has a mental
9 condition that renders him or her unable to safely perform as a graduate
10 registered physician; ~~or~~
11 ~~(7) Has committed an act of moral turpitude.~~
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any
16 examination for such registration unless that person shall furnish the
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and
19 ~~(2) Is of good moral character; and~~
20 ~~(3)~~ (2) Has received a license or certificate of graduation from
21 a legally incorporated, regularly established school of podiatric medicine
22 recognized by the Council on Podiatric Medical Education of the American
23 Podiatric Medical Association within the states, territories, districts, and
24 provinces of the United States or within any foreign country.
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the
27 definition of "unprofessional and dishonest conduct" regarding podiatric
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if
34 he or she:

- 35 (i) Ceases to be qualified;
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

2 (iii) Is found to be in violation of this chapter;

3 (iv) Pleads guilty or nolo contendere to or is found
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
8 board duties by a court of competent jurisdiction.

9
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning
11 qualifications of an applicant for licensure as a psychologist, is amended to
12 read as follows:

13 (b)(1) A candidate for a license shall furnish the board with
14 satisfactory evidence that he or she:

15 ~~(A) Is of good moral character;~~

16 ~~(B)~~(A) Has received a doctoral degree in psychology from
17 an accredited institution recognized by the board as maintaining satisfactory
18 standards at the time the degree was granted or, in lieu of a degree, a
19 doctoral degree in a closely allied field if it is the opinion of the board
20 that the training required therefor is substantially similar;

21 ~~(C)~~(B) Has had at least two (2) years of experience in
22 psychology of a type considered by the board to be qualifying in nature with
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)~~(C) Is competent in psychology, as shown by passing
25 examinations, written or oral, or both, as the board deems necessary;

26 ~~(E)~~(D) Is not considered by the board to be engaged in
27 unethical practice;

28 ~~(F)~~(E) Has applied for a criminal background check and has
29 not been found guilty of or pleaded guilty or nolo contendere to any of the
30 offenses listed in § 17-97-312(f); and

31 ~~(G)~~(F) Has not failed an examination given by the board
32 within the preceding six (6) months.

33
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning
35 qualifications of an applicant for licensure as a psychological examiner, is
36 amended to read as follows:

1 (b)(1) A candidate for a license shall furnish the board with
2 satisfactory evidence that he or she:

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely
5 related field from an accredited educational institution recognized by the
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown
8 by passing examinations, written or oral, or both, as the board deems
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in
11 unethical practice;

12 ~~(E)(D)~~ Has applied for a criminal background check and has
13 not been found guilty of or pleaded guilty or nolo contendere to any of the
14 offenses listed in § 17-97-312(f); and

15 ~~(F)(E)~~ Has not failed an examination given by the board
16 within the preceding six (6) months.

17
18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the
19 qualifications for examination for a provisional license as a psychologist,
20 is repealed.

21 ~~(C) Has good moral character;~~

22
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the
24 qualifications for a provisional license for psychologists and psychological
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~
27 ~~or~~ a felony listed under § 17-2-102;

28
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual
30 registration for licensure as a psychologist, is amended to read as follows:

31 (2) If application for reinstatement is made, the board shall
32 consider the ~~moral character and~~ professional qualifications of the applicant
33 as in the case of an original application.

34
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

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

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

10 (f) For purposes of this section, the board shall follow the licensing
11 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~
16 ~~another state or of any similar offense by a federal court:~~

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

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

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

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

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

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
26 ~~106;~~

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

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

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

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

31 (12) ~~Introduction of a controlled substance into the body of~~
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~
36 ~~in § 5-13-301;~~

1 ~~(15) Rape as prohibited in § 5-14-103;~~
2 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
3 ~~(17) Sexual extortion, § 5-14-113;~~
4 ~~(18) Sexual assault in the first degree, second degree, third~~
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
6 ~~(19) Incest as prohibited in § 5-26-202;~~
7 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
8 ~~5-26-306;~~
9 ~~(21) Endangering the welfare of an incompetent person in the~~
10 ~~first degree as prohibited in § 5-27-201;~~
11 ~~(22) Endangering the welfare of a minor in the first degree as~~
12 ~~prohibited in § 5-27-205;~~
13 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
14 ~~(24) Engaging children in sexually explicit conduct for use in~~
15 ~~visual or print media, transportation of minors for prohibited sexual~~
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
20 ~~5-27-403;~~
21 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
22 ~~(26) Computer exploitation of a child in the first degree as~~
23 ~~prohibited in § 5-27-605;~~
24 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
25 ~~(28) Theft of property as prohibited in § 5-36-103;~~
26 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
27 ~~(30) Arson as prohibited in § 5-38-301;~~
28 ~~(31) Burglary as prohibited in § 5-39-201;~~
29 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
31 ~~5-64-442;~~
32 ~~(33) Promotion of prostitution in the first degree as prohibited~~
33 ~~in § 5-70-104;~~
34 ~~(34) Stalking as prohibited in § 5-71-229; and~~
35 ~~(35) Criminal attempt, criminal complicity, criminal~~
36 ~~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.~~

(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) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding 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)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ 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)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules ~~and regulations~~ to
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a
6 conviction or plea of guilty of or nolo contendere to an offense listed in
7 subsection (f) of this section shall not be considered a conviction, guilty
8 plea, or nolo contendere plea to the offense unless the offense is also
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close
11 relationship to the type of work that is to be performed, the following shall
12 result in permanent disqualification:

- 13 ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- 14 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
- 15 ~~and murder in the second degree as prohibited in § 5-10-103;~~
- 16 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- 17 ~~(D)~~ Aggravated assault upon a law enforcement officer or
- 18 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 19 ~~(E)~~ Rape as prohibited in § 5-14-103;
- 20 ~~(F)~~ Sexual extortion, § 5-14-113;
- 21 ~~(G)~~ Sexual assault in the first degree as prohibited in §
- 22 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- 23 ~~(H)~~ Incest as prohibited in § 5-26-202;
- 24 ~~(I)~~ Endangering the welfare of an incompetent person in
- 25 ~~the first degree as prohibited in § 5-27-201;~~
- 26 ~~(J)~~ Endangering the welfare of a minor in the first degree
- 27 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
- 28 ~~second degree as prohibited in § 5-27-206;~~
- 29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
- 30 ~~§ 5-28-103; and~~
- 31 ~~(L)~~ Arson as prohibited in § 5-38-301.

32
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to
34 examination for licensure as a disease intervention specialist, is amended to
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State
2 Board of Disease Intervention Specialists on forms prescribed and furnished
3 by the board, pays an application fee set by the board to defray the expense
4 of examination, and submits satisfactory proof to the board that he or she:

- 5 ~~(1) Is a person of good moral character;~~
6 ~~(2)~~(1) Meets the minimum educational requirements;
7 ~~(3)~~(2) Meets the minimum specialized training requirements, as
8 determined by the board;
9 ~~(4)~~(3) Has had two (2) years of field experience in human
10 immunodeficiency virus/sexually transmitted disease intervention; and
11 ~~(5)~~(4) Is actively engaged in the field of human
12 immunodeficiency virus/sexually transmitted disease intervention at the time
13 he or she makes application.
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a
18 certificate of registration without examination to any person who makes
19 application on forms prescribed and furnished by the board, pays a
20 registration fee set by the board, and submits satisfactory proof that he or
21 she:

- 22 ~~(1) Is of good moral character;~~
23 ~~(2)~~(1) Has had at least two (2) years' experience in the field
24 of human immunodeficiency virus/sexually transmitted disease intervention;
25 and
26 ~~(3)~~(2) Is registered as a disease intervention specialist in a
27 state in which the qualifications for registration are not lower than the
28 qualifications for registration in this state at the time he or she applies
29 for registration.
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose
35 certificate has expired or has been suspended or revoked may make application
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character and~~ professional
4 qualifications of the applicant as in the case of an original application.

5
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
11 incompetency, or misconduct relative to his or her duties as a disease
12 intervention specialist.

13
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications
15 of an applicant for licensure as a respiratory care practitioner, is amended
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory
23 care program which has been approved by the Arkansas State Respiratory Care
24 Examining Committee, to include adequate instruction in basic medical
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State
27 Medical Board and the committee, unless exempted by other provisions of this
28 chapter.

29
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for
31 denial, suspension, or revocation of a respiratory care practitioner license,
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
6 language pathology or a master's degree in audiology obtained on or before
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
8 an educational institution recognized by the board;

9 ~~(3)(2)~~ Submit evidence of the completion of the educational,
10 clinical experience, and employment requirements, which shall be based on
11 appropriate national standards and prescribed by the rules adopted under this
12 chapter; and

13 ~~(4)(3)~~ Pass an examination approved by the board before the
14 board approves a license.

15
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications
17 of an applicant for provisional licensure as a speech-language pathologist or
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
23 language pathology or audiology, as the case may be, from an educational
24 institution recognized by the board;

25 ~~(3)(2)~~ Be in the process of completing the postgraduate
26 professional experience requirement; and

27 ~~(4)(3)~~ Pass an examination approved by the board.

28
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds
30 for denial, suspension, or revocation of a license, or other disciplinary
31 action for speech-language pathologists and audiologists, is amended to read
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 in
34 ~~any court of the United States if the acts for which the licensee or~~
35 ~~applicant is convicted are found by the board to have a direct bearing on~~
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice
6 and an administrative hearing in accordance with the provisions of applicable
7 Arkansas laws, the license of the person so convicted shall be suspended or
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on
11 appeal; or

12 (iii) An order granting probation has been made
13 suspending the imposition of sentence, without regard to a subsequent order
14 under the provisions of state law allowing the withdrawal of a guilty plea
15 and the substitution of a not guilty plea, or the setting aside of a guilty
16 verdict, or the dismissal of the acquisition, information, or indictment;

17
18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the
19 grounds for denial, suspension, or revocation of a veterinarian license, is
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~
22 ~~turpitude~~ listed under § 17-2-102.

23
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning
25 qualifications of an applicant for provisional licensure as an acupuncturist,
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty
33 (60) semester credit hours of college education, to include a minimum of
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in
2 the program shall be for a period of no fewer than four (4) academic years
3 and shall include a minimum of eight hundred (800) hours of supervised
4 clinical practice.

5
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
7 qualifications of an applicant for provisional licensure as an acupuncturist,
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;
10 and

11
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
13 renewal, revocation, or suspension of a social worker license, is amended to
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a
16 person who has been found guilty of a felony, ~~any crime involving moral~~
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
19 unless the person requests and the board grants a waiver under § 17-103-
20 307(f).

21
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
23 qualifications of an applicant for licensure as a licensed social worker, is
24 repealed.

25 ~~(D) Has good moral character;~~

26
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
28 qualifications for a Licensed Social Worker license, is amended to read as
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
33 breach of client trust, or abuse of the vulnerable;

34
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been
3 found guilty of a felony, ~~any crime involving moral turpitude, listed under §~~
4 ~~17-2-102~~ or criminal offense involving violence, dishonesty, fraud, deceit,
5 breach of client trust, or abuse of the vulnerable;

6
7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the
8 qualifications for a Licensed Certified Social Worker license, is amended to
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found
11 guilty of a felony, ~~any crime involving moral turpitude, listed under § 17-2-~~
12 ~~102~~ or criminal offense involving violence, dishonesty, fraud, deceit, breach
13 of client trust, or abuse of the vulnerable;

14
15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal
16 background check requirements for social workers, are amended to read as
17 follows:

18 (d) Upon completion of the criminal background check, the
19 Identification Bureau of the Department of Arkansas State Police shall
20 forward to the board all releasable information obtained concerning the
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing
24 restrictions based on criminal records under § 17-2-102. Except as provided
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~
29 ~~breach of client trust, or abuse of the vulnerable, including without~~
30 ~~limitation:~~

- 31 ~~(1) Capital murder as prohibited in § 5-10-101;~~
32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
33 ~~murder in the second degree as prohibited in § 5-10-103;~~
34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

- 1 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
2 ~~11-103;~~
- 3 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
4 ~~106;~~
- 5 ~~(8) Robbery as prohibited in § 5-12-102;~~
- 6 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- 7 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- 8 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- 9 ~~(12) Introduction of a controlled substance into the body of~~
10 ~~another person as prohibited in § 5-13-210;~~
- 11 ~~(13) Aggravated assault upon a law enforcement officer or an~~
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 13 ~~(14) Terroristic threatening in the first degree as prohibited~~
14 ~~in § 5-13-301;~~
- 15 ~~(15) Rape as prohibited in § 5-14-103;~~
- 16 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- 17 ~~(17) Sexual extortion, § 5-14-113;~~
- 18 ~~(18) Sexual assault in the first degree, second degree, third~~
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- 20 ~~(19) Incest as prohibited in § 5-26-202;~~
- 21 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
22 ~~5-26-306;~~
- 23 ~~(21) Endangering the welfare of an incompetent person in the~~
24 ~~first degree as prohibited in § 5-27-201;~~
- 25 ~~(22) Endangering the welfare of a minor in the first degree as~~
26 ~~prohibited in § 5-27-205;~~
- 27 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
- 28 ~~(24) Engaging children in sexually explicit conduct for use in~~
29 ~~visual or print media, transportation of minors for prohibited sexual~~
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
34 ~~5-27-403;~~
- 35 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
- 36 ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

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

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

22 ~~(A) The applicant's age at the time the crime was~~
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

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

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
32 Bureau of the Department of Arkansas State Police under this section shall
33 not be available for examination except by the affected applicant for
34 licensure or his or her authorized representative or the person whose license
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)~~(g) Information made available to the affected applicant for
3 licensure or the person whose license is subject to revocation shall be
4 information pertaining to that person only.

5 ~~(i)~~(h) Rights of privilege and confidentiality established in this
6 section do not extend to any document created for purposes other than the
7 criminal background check.

8 ~~(j)~~(i) The board shall adopt the necessary rules to fully implement
9 the provisions of this section.

10 ~~(k)(1) As used in this section, an expunged record of a conviction or~~
11 ~~plea of guilty or nolo contendere to an offense listed in subsection (c) of~~
12 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~
13 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~
14 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~
15 ~~subdivision (k)(2) of this section.~~

16 ~~(2) Because of the serious nature of the offenses and the close~~
17 ~~relationship to the type of work that is to be performed, a conviction,~~
18 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~
19 ~~result in permanent disqualification for licensure:~~

20 ~~(A) Capital murder as prohibited in § 5-10-101;~~

21 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
22 ~~and murder in the second degree as prohibited in § 5-10-103;~~

23 ~~(C) Kidnapping as prohibited in § 5-11-102;~~

24 ~~(D) Aggravated assault upon a law enforcement officer or~~
25 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

26 ~~(E) Rape as prohibited in § 5-14-103;~~

27 ~~(F) Sexual extortion, § 5-14-113;~~

28 ~~(G) Sexual assault in the first degree as prohibited in §~~
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~

30 ~~(H) Endangering the welfare of an incompetent person in~~
31 ~~the first degree as prohibited in § 5-27-201;~~

32 ~~(I) Endangering the welfare of a minor in the first degree~~
33 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
34 ~~second degree as prohibited in § 5-27-206;~~

35 ~~(J) Engaging children in sexually explicit conduct for use~~
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
7 ~~§ 5-28-103; and~~

8 ~~(L) Arson as prohibited in § 5-38-301.~~

9
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations
11 of the Perfusionist Licensure Act, is amended to read as follows:

12 (F) A plea of guilty, nolo contendere, or a finding of
13 guilt of a felony listed under § 17-2-102 or any offense substantially
14 related to the qualifications, functions, or duties of a perfusionist, in
15 which event the record shall be conclusive evidence; or

16
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning
18 qualifications of an applicant for licensure as a physician assistant, is
19 repealed.

20 ~~(6) Is of good moral character;~~

21
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
23 17-105-113. Violation.

24 Following the exercise of due process, the Arkansas State Medical Board
25 may discipline any physician assistant who:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a
27 license;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Violates any provision of this chapter or any regulations
30 adopted by the board pertaining to this chapter;

31 (4) Is convicted of a felony listed under § 17-2-102;

32 (5) Is a habitual user of intoxicants or drugs to such an extent
33 that he or she is unable to safely perform as a physician assistant;

34 (6) Has been adjudicated as mentally incompetent or has a mental
35 condition that renders him or her unable to safely perform as a physician
36 assistant; or

1 ~~(7) Has committed an act of moral turpitude; or~~

2 ~~(8)~~(7) Represents himself or herself as a physician.

3
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the
5 licensing requirements for healthcare professionals who use radioactive
6 materials or medical equipment emitting or detecting ionizing radiation on
7 human beings for diagnostic or therapeutic purposes, is amended to read as
8 follows:

9 (2) Submit satisfactory evidence verified by oath or affirmation
10 that the applicant:

11 (A) Is qualified to administer radioactive materials or
12 operate medical equipment emitting or detecting ionizing radiation upon human
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has
18 passed the General Educational Development Test or the equivalent.

19
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline
21 for healthcare professionals who use radioactive materials or medical
22 equipment emitting or detecting ionizing radiation on human beings for
23 diagnostic or therapeutic purposes, is amended to read as follows:

24 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~
25 ~~court of competent jurisdiction either within or outside of this state unless~~
26 ~~the conviction has been reversed and the holder of the license has been~~
27 ~~discharged or acquitted or if the holder has been pardoned with full~~
28 ~~restoration of civil rights, in which case the license shall be restored;~~

29
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary
31 action for orthotists, prosthetists, and pedorthists, is amended to read as
32 follows:

33 (1) Has pleaded guilty or nolo contendere to or has been found
34 guilty of a felony listed under § 17-2-102;

/s/J. Cooper

APPROVED: 4/15/19

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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 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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18 **APPROVED: 4/15/19**
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