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## CHAPTER TWO LICENSURE: RN, LPN, AND LPTN

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### SECTION I QUALIFICATIONS

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- A. Completion of an approved high school course of study or the equivalent as determined by the appropriate educational agency.
- B. Possession of a valid United States Social Security Number (SSN) or has been issued Federal Form I-766 U.S. Citizenship and Immigration Services-issued Employment Authorization Document.
- C. Completion of an approved nursing education program.
- D. The Arkansas State Board of Nursing (ASBN) may refuse to admit to the examination any candidate and refuse to issue a license, certificate, or registration to any applicant if the license, practice privilege, certificate, or registration of such person has been revoked or suspended or placed on probation and not reinstated by the jurisdiction which took such action.
- E. Effective January 1, 2000, no person shall be eligible to receive or hold a license issued by the Board if that person has pleaded guilty or nolo contendere to, or been found guilty by any court in the State of Arkansas, or of any similar offense by a court in another state, or of any similar offense by a federal court of any offense listed in ACA §17-3-102.

HISTORY: Amended: January 1, 2018; December 29, 2018  
Amended: June 4, 2021

### SECTION II EXAMINATION

#### A. ELIGIBILITY

The applicant shall meet the licensure requirements of the Board.

#### B. APPLICATION

- 1. Applications for examination shall be completed and filed with the Board prior to the examination.
- 2. Examination applications shall not be acceptable if the director or chairman of an educational program has certified the applicant prior to date of completion.
- 3. Applicants for licensure by examination shall not be deemed eligible to take the licensure examination until such time that the results of the state and federal criminal background checks have been received.

#### C. FEE

- 1. The examination application fee shall accompany the application.
- 2. The examination application fee (first time or retake) is not refundable.
- 3. The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.
- 4. The fees for criminal background checks are determined by the Arkansas State Police and the FBI and are not refundable.

#### D. PASSING SCORE

The passing score on the licensure examination shall be determined by the Board.

#### E. FAILING SCORE AND ELIGIBILITY TO RETAKE THE EXAMINATION

- 1. Any applicant whose score falls below the passing score shall fail the examination.

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2. Persons failing the examination will be responsible for preparing to retake the examination.
3. The frequency and number of retests by unsuccessful candidates shall be determined by the Board.
4. Applicants retaking the examination shall have state and federal criminal background checks within the past twelve months on file with the Board.

## F. RESULTS

1. Examination results shall not be released until the applicant's official transcript is received from the school.
2. Examination results shall be made available to all applicants and to their respective schools.

## G. INTERNATIONALLY EDUCATED NURSES

1. The applicant must present evidence of:
  - a. Graduation from an approved or accredited school of nursing as a registered nurse or first-level nurse.
  - b. Licensure or proof of eligibility for licensure in the country of graduation.
  - c. Theory and practice in medical, surgical, pediatric, obstetric, and psychiatric nursing which is substantially similar in length and content to that in equivalent Arkansas Board approved nursing programs at the time of application as verified by a credentials review agency.
  - d. State and federal criminal background checks within the past twelve months on file with the Board.
  - e. Credentials review by a Board approved credentialing evaluation agency, which includes verification of the candidate's education, training, experience, and licensure with respect to the statutory and regulatory requirements for the nursing profession, as well as oral and written competence in English.
2. Applicants shall be required to take such licensure examinations as required of Arkansas Board approved nursing education programs.

## H. EQUIVALENCIES

1. LPTN to LPN: Candidates holding LPTN licensure who completed Arkansas Board approved LPTN programs after March 18, 1980, may be admitted to the LPN licensure examination provided they are otherwise qualified.
2. RN examination failures: Graduates of Board approved RN programs, upon submission of an official transcript directly from the school, and a copy of their RN examination failure results, may be admitted to the PN licensure examination provided they are otherwise qualified.

## I. DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

1. Arkansas State Board of Nursing may grant a license to an individual who, in addition to fulfilling the requirements to practice nursing in this state, satisfies the following requirements:
  - a. The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy (DACA);
  - b. The individual's exemption status under the Deferred Action for Childhood Arrivals policy has not expired or has been properly renewed;
  - c. The individual has a current and valid employment authorization document issued by the United States Citizen and Immigration Service;
  - d. The individual does not have a criminal record of felonies or serious misdemeanors.
2. If at any time after licensure, the individual's exemption status under the Deferred Action for Childhood Arrivals expires or is withdrawn for any reason the individual shall immediately surrender their license. If the individual fails to surrender their license, the Arkansas State Board of Nursing shall suspend or not renew the individual's license.

HISTORY: Amended: January 1, 2018  
Amended July 1, 2020

## SECTION III

### INTERSTATE NURSE LICENSURE COMPACT

#### A. DEFINITIONS - SECTION 100

- (1) "Commission" means the Interstate Commission of Nurse Licensure Compact Administrators.

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- (2) "Compact" means the Nurse Licensure Compact that became effective on July 20, 2017 and implemented on January 19, 2018.
- (3) "Convert" means to change a multistate license to a single-state license if a nurse changes primary state of residence by moving from a party state to a non-party state; or to change a single-state license to a multistate license once any disqualifying events are eliminated.
- (4) "Deactivate" means to change the status of a multistate license or privilege to practice.
- (5) "Director" means the individual referred to in Article IV of the Interstate Commission of Nurse Licensure Compact Administrators Bylaws.
- (6) "Disqualifying Event" means an incident, which results in a person becoming disqualified or ineligible to retain or renew a multistate license. These include but are not limited to the following: any adverse action resulting in an encumbrance, current participation in an alternative program, a misdemeanor offense related to the practice of nursing (which includes, but is not limited to, an agreed disposition), or a felony offense (which includes, but is not limited to, an agreed disposition).
- (7) "Independent credentials review agency" means a non-governmental evaluation agency that verifies and certifies that foreign nurse graduates have graduated from nursing programs that are academically equivalent to nursing programs in the United States.
- (8) "Licensure" includes the authority to practice nursing granted through the process of examination, endorsement, renewal, reinstatement and/or reactivation.
- (9) "Prior Compact" means the Nurse Licensure Compact that was in effect until January 19, 2018.
- (10) "Unencumbered license" means a license that authorizes a nurse to engage in the full and unrestricted practice of nursing.

## B. COORDINATED LICENSURE INFORMATION SYSTEM - SECTION 200

### 201. UNIFORM DATA SET AND LEVELS OF ACCESS

(1) The Compact Administrator of each party state shall furnish uniform data to the Coordinated Licensure Information System, which shall consist of the following:

- (a) the nurse's name;
- (b) jurisdiction of licensure;
- (c) license expiration date;
- (d) licensure classification, license number and status;
- (e) public emergency and final disciplinary actions, as defined by the contributing state authority;
- (f) a change in the status of a disciplinary action or licensure encumbrance;
- (g) status of multistate licensure privileges;
- (h) current participation by the nurse in an alternative program;
- (i) information that is required to be expunged by the laws of a party state;
- (j) the applicant or nurse's United States social security number;
- (k) current significant investigative information; and
- (l) a correction to a licensee's data.

(2) The public shall have access to items (1)(a) through (g) and information about a licensee's participation in an alternative program to the extent allowed by state law.

(3) In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.

(4) A party state shall report the items in the uniform data set to the Coordinated Licensure Information System within fifteen (15) calendar days of the date on which the action is taken.

### 202. QUERYING THE COORDINATED LICENSURE INFORMATION SYSTEM

(1) Upon application for multistate licensure, with the exception of renewal by a nurse, a party state shall query the Coordinated Licensure Information System to determine the applicant's current licensure status, previous disciplinary action(s), current participation in an alternative program, and any current significant investigative information.

(2) Upon discovery that an applicant is under investigation in another party state, the party state in receipt of the nurse licensure application shall contact the investigating party state and may request investigative

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documents and information.

## C. IMPLEMENTATION - SECTION 300

### 301. IMPLEMENTATION DATE

The Compact shall be implemented on January 19, 2018.

### 302. TRANSITION

- (1) (a) A nurse who holds a multistate license on the Compact effective date of July 20, 2017, and whose multistate license remains unencumbered on the January 19, 2018 implementation date and who maintains and renews a multistate license is not required to meet the new requirements for a multistate license under the Compact.
- (b) A nurse who retained a multistate license pursuant to subsection (a) of this section and subsequently incurs a disqualifying event shall have the multistate license revoked or deactivated pursuant to the laws of the home state.
- (c) A nurse whose multistate license is revoked or deactivated may be eligible for a single state license in accordance with the laws of the party state.
- (2) A nurse who applies for a multistate license after July 20, 2017, shall be required to meet the requirements of Article III (c) of the Compact.
- (3) During the transition period, a licensee who holds a single state license in a Compact state that was not a member of the prior Compact and who also holds a multistate license in a party state, may retain the single state license until it lapses, expires or becomes inactive.”
- (4) After the implementation date, party states shall not renew or reinstate a single state license if the nurse has a multistate license in another party state.

### 303. RECOGNITION OF NEW PARTY STATES AFTER JANUARY 19, 2018

- (1) All party states shall be notified by the Commission within fifteen (15) calendar days when a new party state enacts the Compact.
- (2) The new party state shall establish an implementation date six (6) months from enactment or as specified in the enabling language and shall notify the Director of the date.
- (3) Upon implementation, a new state licensee who holds a single state license in a Compact state that was not a member of the prior Compact and holds a multistate license in a party state, may retain the single state license until it lapses, expires or becomes inactive.
- (4) At least ninety (90) calendar days prior to the implementation date, all other party states shall notify any active single state licensee with an address in the new party state that the licensee may only hold one multistate license in the primary state of residence. The licensee shall be advised to obtain or maintain a multistate license only from the primary state of residence.
- (5) Each party state shall deactivate a multistate license when a new home state issues a multistate license.

## D. LICENSURE - SECTION 400

### 401. PARTY STATE RESPONSIBILITIES

- (1) On all application forms for multistate licensure, a party state shall require, at a minimum:
  - (a) A declaration of a primary state of residence and
  - (b) Whether the applicant is a current participant in an alternative program.
- (2) (a) An applicant for licensure who is determined to be ineligible for a multistate license shall be notified by the home state of the qualifications not met.
- (b) The home state may issue a single state license pursuant to its laws.
- (3) A party state shall not issue a single state license to a nurse who holds a multistate license in another party state.

### 402. APPLICANT RESPONSIBILITIES

- (1) On all application forms for multistate licensure in a party state, an applicant shall declare a primary state



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of residence.

(2) A nurse who changes primary state of residence to another party state shall apply for a license in the new party state when the nurse declares to be a resident of the state and obtains privileges not ordinarily extended to nonresidents of the state, including but not limited to, those listed in 402 (4) (a) – (e).

(3) A nurse shall not apply for a single state license in a party state while the nurse holds a multistate license in another party state.

(4) A party state may require an applicant to provide evidence of residence in the declared primary state of residence. This evidence may include, but is not limited to, a current:

- (a) driver's license with a home address;
- (b) voter registration card with a home address;
- (c) federal income tax return with a primary state of residence declaration;
- (d) military form no. 2058 (state of legal residence certificate); or
- (e) W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.

(5) An applicant who is a citizen of a foreign country, and who is lawfully present in the United States and is applying for multistate licensure in a party state may declare either the applicant's country of origin or the party state where they are living as the primary state of residence. If the applicant declares the foreign country as the primary state of residence, the party state shall not issue a multistate license, but may issue a single state license if the applicant meets the party state's licensure requirements.

(6) An applicant shall disclose current participation in an alternative program to any party state, whether upon initial application or within ten (10) calendar days of enrollment in the program.

## 403. CHANGE IN PRIMARY STATE OF RESIDENCE

(1) A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.

(2) Upon issuance of a new multistate license, the former primary state of residence shall deactivate its multistate license held by the nurse and provide notice to the nurse.

(3) If a party state verifies that a licensee who holds a multistate license changes primary state of residence to a non-party state, the party state shall convert the multistate license to a single state license within fifteen (15) calendar days, and report this conversion to the Coordinated Licensure Information System.

## 404. TEMPORARY PERMITS AND LICENSES

A temporary permit, license, or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges.

## 405. IDENTIFICATION OF LICENSES

A license issued by a party state shall be clearly identified as either a single state license or a multistate license.

## 406. CREDENTIALING AND ENGLISH PROFICIENCY FOR FOREIGN NURSE GRADUATES

(1) A party state shall verify that an independent credentials review agency evaluated the credentials of graduates as set forth in Article III (c)(2)ii.

(2) The party state shall verify successful completion of an English proficiency examination for graduates as set forth in Article III (c)(3).

## 407. DEACTIVATION, DISCIPLINE AND REVOCATION

A party state shall determine whether a disqualifying event will result in adverse action or deactivation of a multistate license or privilege. Upon deactivation due to a disqualifying event, the home state may issue a single state license.

## 408. FEDERAL CRIMINAL RECORDS

Communication between a party state and the Commission and communication between party states regarding verification of the nurse's eligibility for licensure pursuant to the Compact shall not include any Criminal History Record Information (CHRI) received from the Federal Bureau of Investigation relating to a federal

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criminal records check performed by a member board under Public Law 92-544

## 409. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSE

An active duty service member, or the member's spouse, shall designate a home state where the service member or spouse has a current license in good standing. The service member may retain the home state designation during the period the service member or spouse is on active duty. Subsequent to designating a home state, the service member or spouse shall only change home state through application for licensure in the new state.

## E. ADMINISTRATION – SECTION 500

### 501. DUES ASSESSMENT

- (1) The Commission shall determine the annual assessment to be paid by party states. The assessment formula is a flat fee per party state. The Commission shall provide public notice of any proposed revision to the annual assessment fee at least ninety (90) calendar days prior to the Commission meeting to consider the proposed revision.
- (2) The annual assessment shall be due within the Commission's first fiscal year after the implementation date and annually thereafter.

### 502. DISPUTE RESOLUTION

- (1) In the event that two or more party states have a dispute, the parties shall attempt resolution following the steps set out in this rule.
- (2) The parties shall first attempt informal resolution. The Compact Administrators in the states involved shall contact each other. Each Compact Administrator shall submit a written statement describing the situation to the other Compact Administrators involved in the dispute. Each Compact Administrator may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time. If the dispute is related to an interpretation of the Compact, the parties shall request assistance from the Executive Committee. If all issues are resolved, no further action is required and all party state Compact Administrators shall be informed of the result. If any issue remains unresolved, the parties shall notify the Executive Committee to request mediation and provide the Executive Committee with a concise statement of unresolved issue(s) and analysis including references to NLC statutes, rules and any supporting documents. The Executive Committee may refer the matter to the Compliance Committee. After review by the Compliance Committee, its recommendations will be sent to the parties and the Executive Committee for further review.
- (3) (a) A party state that has a dispute with one or more other party states, and informal resolution was unsuccessful, shall attempt mediation. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators or as agreed to by all parties. If all issues are resolved through mediation, no further action is required. If mediation is unsuccessful, the parties shall submit to binding dispute resolution.
  - (b) The costs of mediation shall be shared by all party states involved.
  - (c) All party state Compact Administrators shall be notified of all issues and disputes that rise to the mediation stage in order to comment on those matters and disputes that may impact all party states.
- (4) (a) In the event of a dispute between party states that was not resolved through informal resolution or mediation, the party states shall submit to binding dispute resolution. The parties may choose binding dispute resolution either by submitting the question dispute to the Commission for final action or by arbitration.
  - (b) All party states involved shall agree in order to proceed with arbitration. In the absence of agreement, the matter shall be referred to the Commission for final determination.
  - (c) Each party state involved shall be responsible for its own respective expenses, including attorney fees.
  - (d) The party state Compact Administrators involved in the dispute shall recuse themselves from consideration or voting by the full Commission.

### 503. COMPLIANCE AND ENFORCEMENT

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- (1) Compliance and enforcement issues shall be initiated by the Executive Committee.
- (2) The Executive Committee, through the Director, shall send a written statement to the Compact Administrator in the party state with the alleged non-compliance issue. That Compact Administrator shall respond to the written statement within thirty calendar days.
- (3) The Compact Administrator may appear before the Executive Committee at a time and place as designated by the Executive Committee.
- (4) The Executive Committee shall make a recommendation to the Commission concerning the issue of non-compliance.

Amended: December 29, 2018  
Amended: August 10, 2020; June 4, 2021

## SECTION IV ENDORSEMENT

### **A. ELIGIBILITY**

1. An applicant for licensure by endorsement must meet the requirements of the Board at the time of graduation.
2. An applicant licensed in another state after January 1950 must have taken a state board licensing examination and achieved a passing score.
3. LPTN applicants will be accepted from California and Kansas only.
4. Internationally educated nurses practicing in other states may appeal to the Board for licensure if not otherwise qualified.

An applicant for licensure by endorsement who has not been engaged in the active practice of nursing for a period greater than five (5) years shall document completion of the following:

- a. Completion of a Arkansas board approved refresher course within one (1) year of the date of application; or
- b. Graduation from an approved nursing education program within one year of the date of application; and
- c. Provide other evidence as requested by the Board.

### **B. EQUIVALENCIES**

1. RN examination failures: Graduates of Board approved RN programs, holding LPN licensure by examination in other jurisdictions, may be endorsed provided they are otherwise qualified.
2. Canadian Registered Nurses licensed by NLN State Board Test Pool Examination in the following provinces during the years indicated: Alberta, 1952-1970; British Columbia, 1949-1970; Manitoba, 1955-1970; Newfoundland, 1961-1970; Nova Scotia, 1955-1970; Prince Edward Island, 1956-1970; Quebec (English language), 1959-1970; and Saskatchewan, 1956-1970. These applicants may be endorsed provided they are otherwise qualified.

### **C. APPLICATION**

1. Applications must be completed and filed with the Board.
2. Endorsement certification will be accepted from the state of original licensure only.
3. Applicants for licensure by endorsement shall not be issued a permanent license to practice until such time that the results of the state and federal criminal background checks have been received.

### **D. FEE**

1. The endorsement fee must accompany the application.
2. The fees for the state and federal criminal background checks are the responsibility of the applicant and shall be submitted to the Arkansas State Board of Nursing with the application for same.
3. The fees are not refundable.

HISTORY: Amended: January 1, 2018



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## SECTION V CRIMINAL BACKGROUND CHECK

- A. No application for issuance of an initial license will be considered without state and federal criminal background checks by the Arkansas State Police and the Federal Bureau of Investigation.
- B. Federal background checks originating within the State of Arkansas shall be submitted electronically.
- ~~B~~C. Each applicant shall sign a release of information on the criminal background check application and licensure applications and shall be solely responsible for the payment of any fees associated with the state and federal criminal background checks.
- ~~C~~D. Upon completion of the state and federal criminal background checks, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in ACA §17-3-102.
- ~~D~~E. The state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation shall have been completed no earlier than twelve (12) months prior to the application for an initial license issued by the ASBN and at any other time thereafter that the Board deems necessary.
- ~~E~~F. The ASBN shall not issue a permanent license until the state and federal criminal background checks conducted by the Arkansas State Police and the Federal Bureau of Investigation have been completed.
- F. G. 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.
  - 1. A request for a waiver shall be in writing and accompany the completed application and fees.
  - 2. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
  - 3. The Board's response shall state the reason(s) for the decision.
  - 4. Any decision made by the Board in response to a pre-licensure criminal background waiver petition is not subject to appeal.
- H. A waiver of the denial of licensure pursuant to the provisions of ACA §17-3-102 is not required for individuals who held a valid license on July 24, 2019, an individual who held a valid license on or before July 24, 2019, but failed to renew his or her license for any reason; or, an individual who was a student on or before July 24, 2019, in a nursing school or program.
- ~~G~~I. A request to seek waiver of the denial of licensure pursuant to the provisions of ACA §17-87-312 may be made to the ASBN by:
  - 1. The affected applicant for licensure; or
  - 2. The person holding a license subject to revocation.
- ~~H~~J. The request for a waiver shall be made in writing to the ~~Executive~~ Director or designee within thirty (30) calendar days after notification of denial of a license. The request for waiver shall include, but not be limited to the following:
  - 1. Certified copy of court records indicating grounds for conviction; and
  - 2. Any other pertinent documentation to indicate surrounding circumstances.
- ~~I~~K. If an individual notifies ASBN in writing that he or she desires a hearing regarding their request for a waiver, the ASBN will schedule the individual for a hearing pursuant to the Arkansas Administrative Procedures Act.
- ~~J~~L. In compliance with ACA §17-87-312, whenever a criminal background check is performed on a person under the provisions of the criminal background check requirement contained in the Arkansas Code for licensure, the person may be disqualified for licensure if it is determined that the person committed a violation of any sexual offense



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formerly proscribed under ACA §§5-14-101 through 5-14-127 that is substantially equivalent to any sexual offense presently listed in ACA §§5-14-101 through 5-14-127 and is an offense screened for in a criminal background check.

HISTORY: Amended: June 4, 2021

## SECTION VI TEMPORARY PERMITS

### **A. ENDORSEMENT AND EXAMINATION APPLICANTS**

1. ASBN shall be authorized to issue a nonrenewable temporary permit for a period not exceeding six months. This temporary permit shall be issued only to those applicants who meet all other qualifications for licensure by the ASBN.
2. The temporary permit shall immediately become invalid upon receipt of information obtained from the state or federal criminal background check indicating any offense listed in ACA §17-3-102 or upon notification to the applicant or ASBN of results on the first licensure examination he or she is eligible to take after the permit is issued.
3. Falsification of the applicant's criminal record history shall be grounds for disciplinary action by the Board.
4. ~~ASBN may issue a single state temporary RN license to qualified LPNs enrolled in the final semester of an RN nursing program.~~

### **B. FEES AND APPLICATIONS**

1. The temporary permit fee shall be submitted with the application.
2. The fee is not refundable.

HISTORY: Amended: January 1, 2018; December 29, 2018  
Amended: June 4, 2021; October 6, 2021; 2022

## SECTION VII CONTINUING EDUCATION

Each person holding an active license or applying for reinstatement of a license under the provisions of the *Nurse Practice Act* shall be required to complete certain continuing education requirements prior to licensure renewal or reinstatement.

### **A. DECLARATION OF COMPLIANCE**

Each nurse shall declare his or her compliance with the requirements for continuing education at the time of license renewal or reinstatement. The declaration shall be made at the time of renewal.

### **B. AUDITS OF LICENSEES**

1. The Board shall perform random audits of licensees for compliance with the continuing education requirement.
2. If audited, the licensee shall prove participation in the required continuing education during the 24-months immediately preceding the renewal date by presenting photocopies of original certificates of completion to the Board.
3. The licensee shall provide evidence of continuing education requirements within thirty (30) calendar days from the mailing date of the audit notification letter sent from the Board to the last known address of the licensee.

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## C. CONTINUING EDUCATION REQUIREMENT STANDARDS

1. Standards for Renewal of Active Licensure Status. Licensees who hold an active nursing license shall document completion of one of the following during each renewal period:
  - a. Fifteen (15) practice focused contact hours from a nationally recognized or state continuing education approval body recognized by the ASBN; or
  - b. Certification or re-certification during the renewal period by a national certifying body recognized by the ASBN; or
  - c. An academic course in nursing or related field; and
  - d. Provide other evidence as requested by the Board.
- e. Effective January 1, 2010, APRNs with prescriptive authority shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification each biennium prior to license renewal.
2. Standards for Nurses on Inactive Status. Nurses who have their license placed on inactive status have no requirements for continuing education.
3. Standards for Reinstatement of Active Licensure Status
  - a. Nurses reinstating a nursing license to active status within five years or less shall document completion of the following within the past two (2) years:
    1. Twenty (20) practice focused contact hours within the past two years from a nationally recognized or state continuing education approval body recognized by the ASBN; or
    2. Certification or re-certification by a national certifying body recognized by the ASBN; or
    3. An academic course in nursing or related field; and/or
    4. Provide other evidence as requested by the Board.
  - b. Nurses reinstating a nursing license to active status after greater than five (5) years shall document completion of the following:
    1. Twenty (20) practice focused contact hours within the past two (2) years from a nationally recognized or state continuing education approval body recognized by the Arkansas State Board of Nursing, or
    2. Certification or re-certification by a national certifying body recognized by the ASBN; or
    3. An academic course in nursing or related field; and
    4. Active practice of nursing for a minimum of one thousand hours (1,000) within the two years immediately prior to application. Verification of employment shall be submitted; or
    5. Completion of a Arkansas board approved refresher course within one (1) year of the date of application; or
    6. Graduation from an approved nursing education program within one (1) year of the date of application, and
    7. Provide other evidence as requested by the Board.
4. Standards for Reinstatement of Prescriptive Authority Effective January 1, 2010, APRNs whose prescriptive authority is inactive shall complete five (5) contact hours of pharmacotherapeutics continuing education in the APRN's area of certification for each twelve (12) months of non-prescribing activity in addition to the five (5) contact hours required for APRN license renewal, as noted in Chapter 4, III(F)(7), prior to reactivation of prescriptive authority.
5. The Board may issue a temporary permit to a nurse during the time enrolled in a Board approved nursing refresher course or an employer competency orientation program upon submission of an application, fees, and verification of enrollment in such program.
6. Continuing education hours beyond the required contact hours shall not be "carried over" to the next renewal period.

## D. RESPONSIBILITIES OF THE INDIVIDUAL LICENSEE

1. It shall be the responsibility of each licensee to select and participate in those continuing activities that will meet the criteria for acceptable continuing education as specified in ACA §17-87-207 and these rules.
2. It shall be the licensee's responsibility to maintain records of continuing education as well as documented proof such as original certificates of attendance, contact hour certificates, academic transcripts or grade slips

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and to submit copies of this evidence when requested by the Board.

3. Records shall be maintained by the licensee for a minimum of two consecutive renewal periods or four years.

## E. RECOGNITION OF PROVIDERS

1. The Board shall identify organizations, agencies, and groups that shall be recognized as valid approval bodies/providers of nursing continuing education. The recognition may include providers approved by national organizations and state agencies with comparable standards.
2. The Board shall work with professional organizations, approved nursing schools, and other providers of continuing educational programs to ensure that continuing education activities are available to nurses in Arkansas.

## F. ACTIVITIES ACCEPTABLE FOR CONTINUING EDUCATION

1. Activities presented by recognized providers which may be acceptable include: national/ regional educational conferences, classroom instruction, individualized instruction (home study/programmed instruction), academic courses, and institutional based instruction; and
2. The content shall be relevant to nursing practice and provide for professional growth of the licensee.
3. If participation is in an academic course or other program in which grades are given, a grade equivalent to "C" or better shall be required, or "pass" on a pass/fail grading system. An academic course may also be taken as "audit", provided that class attendance is verified by the instructor.
4. Volunteer service as defined in ACA §20-8-801 et. seq.

## G. ACTIVITIES WHICH ARE NOT ACCEPTABLE AS CONTINUING EDUCATION

1. In-service programs. Activities intended to assist the nurse to acquire, maintain, and/or increase the competence in fulfilling the assigned responsibilities specific to the expectations of the employer.
2. Refresher courses. Programs designed to update basic general knowledge and clinical practice, which consist of a didactic and clinical component to ensure entry-level competencies into nursing practice.
3. Orientation programs. A program by which new staff are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities, and special services in a specific work setting. Orientation is provided at the time of employment and at other times when changes in roles and responsibilities occur in a specific work setting.
4. Courses designed for lay people.

## H. INDIVIDUAL REVIEW OF A CONTINUING EDUCATION ACTIVITY PROVIDED BY A NON-RECOGNIZED AGENCY/ORGANIZATION

1. A licensee may request an individual review by:
  - a. Submitting an "Application for Individual Review"; and
  - b. Paying a fee.
2. Approval of a non-recognized continuing educational activity shall be limited to the specific event under consideration.

## I. FAILURE TO COMPLY

1. Any licensee who fails to complete continuing education or who falsely certifies completion of continuing education shall be subject to disciplinary action, non-renewal of the nurse's license, or both, pursuant to ACA §17-87-207 and A.C.A. §17-87-309(a)(1) and (a)(6).
2. If the Board determines that a licensee has failed to comply with continuing education requirements, the licensee will:
  - a. Be allowed to meet continuing education requirements within ninety (90) days of notification of non-compliance.
  - b. Be assessed a late fee for each contact hour that requirements are not met after the ninety (90) day grace period and be issued a Letter of Reprimand. Failure to pay the fee may result in further disciplinary action.

HISTORY: Amended: January 1, 2018  
Amended: May 15, 2020; June 4, 2021

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## SECTION VIII RENEWALS

### **A. Each person licensed under the provisions of the *Nurse Practice Act* shall renew biennially.**

1. Sixty (60) days prior to the expiration date, the Board shall mail a renewal notice to the last known address of each nurse to whom a license was issued or renewed during the current period.
2. The application shall be completed before the license renewal is processed.
3. The fee for renewal shall accompany the application.
4. The fee is not refundable.
5. Pursuant to Act 204 of 2017, upon notification of active duty status and submission of appropriate documentation, the license renewal fee will be waived for members of the military.

### **B. LAPSED LICENSE**

1. The license is lapsed if not renewed or placed in inactive status by the expiration date.
2. Failure to receive the renewal notice at the last address of record in the Board office shall not relieve the licensee of the responsibility for renewing the license by the expiration date.
3. Any licensee whose license has lapsed shall file a renewal application and pay the current renewal fee and the late fee.
4. Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the *Nurse Practice Act*.

### **C. INACTIVE STATUS**

1. Any licensee who desires to temporarily inactivate their nursing license in this state, shall submit a request and the current license shall be placed on inactive status.
2. While inactive, the licensee shall not practice nursing nor be subject to the payment of renewal fees.
3. When the licensee desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
4. When disciplinary proceedings have been initiated against an inactive licensee, the license shall not be reinstated until the proceedings have been completed.

### **D. RETIRED NURSE**

1. Any licensee in good standing, who desires to retire for any length of time from the practice of nursing in this state, shall submit a request and the current license shall be placed on retired status.
2. While retired, the licensee shall not practice nursing, however:
  - a. A registered nurse with a retired license status may use the title "Registered Nurse", or the abbreviation "RN"; and
  - b. A practical nurse with a retired license status may use the title "Licensed Practice Nurse", or the abbreviation "LPN"; and
  - c. A psychiatric technician nurse with a retired license status may use the title "Licensed Psychiatric Technician Nurse", or the abbreviation "LPTN"; and
  - d. An advanced practice registered nurse with a retired license status may use the title "Advanced Practice Registered Nurse", or the abbreviation "APRN".
3. When the licensee desires to resume practice, he or she shall submit a reinstatement application and meet the continuing education requirements.
4. When disciplinary proceedings have been initiated against a retired licensee, the license shall not be reinstated until the proceedings have been completed.

E. The licensee may be required to submit to a state and federal criminal background check if the Board deems it necessary.

1. A waiver is not required for renewal of a license for an individual convicted of a crime listed in ACA 17-3-102 if:
  - (a) The licensee has completed the waiver requirements at the time of initial licensure; or
  - (b) Was licensed prior to July 24, 2019; or
  - (c) Attended a professional or occupational school, program, or training in pursuit of an occupational license before the enactment of subsection (a) (July 24, 2019) and would have been qualified to hold an



# MARK-UP COPY

occupational license on or before July 24, 2019.

HISTORY: Amended: January 1, 2018; December 29, 2018

## SECTION IX DUPLICATE LICENSE

~~A duplicate license or certificate shall be issued when the licensee submits a statement to the Board that the document is lost, stolen, or destroyed, and pays the required fee.~~

## SECTION ~~X~~ IX CERTIFICATION/VERIFICATION TO ANOTHER JURISDICTION

Upon payment of a certification/verification fee, a nurse seeking licensure in another state may have a certified statement of Arkansas licensure issued to the Board of Nursing in that state.

## SECTION ~~XI~~ X NAME OR ADDRESS CHANGE

- A. A licensee, whose name is legally changed, shall submit ~~be issued a replacement license following submission of a~~ name change request form, copy of marriage license, or court action, and the required fee.
- B. A licensee, whose address changes from the address on file with the Board, shall immediately notify the Board in writing of the change.

HISTORY: Amended

## SECTION XII LICENSURE FOR ~~CERTAIN MILITARY NURSES~~ UNIFORMED SERVICE MEMBERS, VETERANS AND SPOUSES

### A. EXPEDITED LICENSURE

1. Temporary permits for individuals listed in Section XI(A)(2) ~~an active duty military service member, or their spouse stationed in the State of Arkansas or a returning military veteran or their spouse applying within one (1) year of his/her discharge from active duty~~ shall be issued within twenty-four (24) hours of receipt of all required documents.
2. The Board will give preference in the order of processing to applications for full licensure filed by the following individuals:
  - a. ~~An active duty military~~ A uniformed service member stationed in the State of Arkansas;
  - b. ~~A returning military~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas applying within one (1) year of his or her discharge from active duty; or
  - c. The spouse of a:
    - 1) Person under (a) or (b) above; or
    - 2) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or
    - 3) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

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## B. EXTENSION OF LICENSURE EXPIRATION DATE

Upon written request and submission of appropriate documentation, deployed uniformed service member or spouse ~~members of the Armed Forces of the United States who are ordered to active duty outside of this state~~ shall be allowed an extension of the expiration date without penalty or assessment of a late fee for renewing the ~~service member's~~ nursing license. The extension shall be effective for one hundred eighty (180) days after the service member or spouse returns from active deployment.

## C. CONSIDERATION OF MILITARY TRAINING AND EXPERIENCE

When considering an application for licensure from ~~an active-duty military~~ a uniformed service member ~~stationed in the State of Arkansas or a returning military veteran or a uniformed service veteran~~ applying within one (1) year of his or her discharge from uniformed service ~~active-duty~~, the Board shall:

1. Consider whether or not the applicant's military training and experience in the practice of nursing is substantially similar to the experience or education required for licensure.
2. Accept the applicant's military training and experience in the practice of nursing in lieu of experience or education required for licensure, if the Board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

## D. WAIVER OF CONTINUING EDUCATION

1. Upon written request and submission of appropriate documentation the continuing education requirements for license renewal shall be waived for:

1. ~~a. An active-duty military~~ A uniformed service member deployed ~~outside the State of Arkansas;~~
2. ~~A returning military veteran renewing within one (1) year of his/her discharge from active duty; or~~
- b. The spouse of a deployed uniformed service member ~~person under (1) or (2) above.~~

2. This waiver shall be extended until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

History: Adopted December 29, 2018

Amended: 2021

State of Arkansas                      *As Engrossed: S1/19/21 S1/26/21*  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo  
By: Representatives Lynch, Cozart, Brown, Evans

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL  
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND  
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC  
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED  
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES  
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;  
AND FOR OTHER PURPOSES.

## Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL  
LICENSING OF UNIFORMED SERVICE MEMBERS,  
VETERANS, AND SPOUSES ACT OF 2021; AND TO  
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,  
returning military veterans, and spouses—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~~



1 ~~having authority to license, certify, register, permit, or otherwise~~  
2 ~~authorize an individual to engage in a particular occupation or profession;~~

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

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

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~  
11 ~~licensure to engage in an occupation or profession to an individual who is~~  
12 ~~the holder in good standing of a substantially equivalent occupational~~  
13 ~~license issued by another state, territory, or district of the United States~~  
14 ~~and is:~~

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

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

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~  
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~  
22 ~~to provide automatic licensure if the proposed rules are not approved as~~  
23 ~~required under subdivision (d)(2) of this section.~~

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

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~  
29 ~~shall:~~

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

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~  
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~



~~procedure provide the least restrictive means of accomplishing occupational licensure; and~~

~~(B) Any other criteria the Administrative Rules Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.~~

~~(c) The Administrative Rules Subcommittee of the Legislative Council may:~~

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

~~(2) Assign information filed with the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more subcommittees of the Legislative Council, including without limitation a subcommittee created under subdivision (c)(1) of this section; or~~

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

~~(f) An occupational licensing entity shall:~~

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

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

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

~~(B) Returning military veterans applying within one (1) year of their discharge from active duty; or~~

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

SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an additional chapter to read as follows:

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021

1  
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas  
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses  
5 Act of 2021".  
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing  
10 employment barriers faced by uniformed service members, uniformed service  
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully  
13 address eight (8) or more of the ten (10) issues affecting uniformed service  
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues  
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of  
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of  
19 uniformed service members move across state lines as opposed to one and one-  
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of  
22 occupational licensure and to eliminate barriers impeding employment of  
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting  
25 of automatic occupational licensure or expedited occupational licensure to  
26 active-duty service members, recently separated veterans, and their spouses  
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and  
29 elevate the occupational licensure process for uniformed service members,  
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational  
32 licensure barriers that impede the launch and sustainability of civilian  
33 occupational careers and employment faced by uniformed service members,  
34 uniformed service veterans, and their spouses due to frequent uniformed  
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited  
2 occupational licensure to current license holders to expedite their entry  
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial  
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational  
7 licensing entities to ensure removal of occupational licensure barriers faced  
8 by uniformed service members, uniformed service veterans, and their spouses;  
9 and

10 (D) Guidance to assure effective rulemaking and clear  
11 license application instructions to uniformed service members, uniformed  
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,  
14 experience, and credentials of uniformed service members and uniformed  
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education  
17 required for occupational licensure renewal when a uniformed service member  
18 is deployed.

19  
20 17-4-103. Definitions.

21 As used in this chapter:

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

26 (2) "Occupational licensing entity" means an office, board,  
27 commission, department, council, bureau, or other agency of state government  
28 having authority to license, certify, register, permit, or otherwise  
29 authorize an individual to engage in a particular occupation or profession,  
30 not including occupations or professions within the judicial branch of  
31 government or occupations or professions subject to the superintending  
32 control of the Supreme Court;

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

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United  
3 States Air Force, United States Army, United States Coast Guard, United  
4 States Marine Corps, United States Navy, United States Space Force, or  
5 National Guard;

6 (B) An active component member of the National Oceanic and  
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United  
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the  
11 United States uniformed services discharged under conditions other than  
12 dishonorable.

13  
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of  
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes  
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this  
22 section;

23 (B) A uniformed service member who is assigned a tour of  
24 duty that excludes the uniformed service member's spouse from accompanying  
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs  
27 to his or her injuries or illness in the line of duty if the spouse  
28 establishes residency in the state.

29  
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational  
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with  
35 similar scope of practice issued by another state, territory, or district of  
36 the United States.



17-4-106. Expedited occupational licensure.

(a)(1) An occupational licensing entity may submit proposed rules recommending an expedited process for the attainment of occupational licensure instead of automatic occupational licensure as provided under § 17-4-105 to the Administrative Rules Subcommittee of the Legislative Council.

(2) The proposed rules described in subdivision (a)(1) of this section shall include temporary or provisional occupational licensure provisions with a term of ninety (90) days or more.

(3) The occupational licensing entity shall provide automatic occupational licensure if the proposed expedited occupational licensure rules are not approved as required by § 17-4-109.

(b)(1) An occupational licensing entity shall expedite the process for initial occupational licensure for an individual who is listed in § 17-4-104.

(2) An occupational licensing entity shall provide the applicant under subdivision (b)(1) of this section with a temporary or provisional license upon receipt of required documentation or the successful completion of any examination required by the relevant occupational licensing entity to enable the applicant to secure employment in his or her occupation or profession.

17-4-107. Acceptance of uniformed service education, training, experience, or service-issued credential.

An occupational licensing entity shall accept relevant and applicable uniformed service education, training, or service-issued credential toward occupational licensure qualifications or requirements when considering an application for initial licensure of an individual who is:

(1) A uniformed service member; or

(2) A uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

17-4-108. Extension of license expiration and continuing education requirements.

(a) An occupational licensing entity shall extend the expiration date of an occupational licensure for a deployed uniformed service member or his or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial  
3 exemption from a continuing education requirement that is required as a  
4 component of occupational licensure for an individual who is listed in  
5 subsection (a) of this section until one hundred eighty (180) days following  
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial  
8 exemption from continuing education requirements may require evidence of  
9 completion of continuing education before granting a subsequent occupational  
10 licensure or authorizing the renewal of an occupational licensure.

11  
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council  
14 shall:

15 (1) Review the proposed rules of an occupational licensing  
16 entity as submitted for public comment at least thirty (30) days before the  
17 public comment period ends under the Arkansas Administrative Procedure Act, §  
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based  
20 on:

21 (A) A determination of whether the expedited process  
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules  
24 Subcommittee of the Legislative Council determines necessary to achieve the  
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council  
27 may:

28 (1) Establish a further subcommittee to assist in the duties  
29 assigned to the Administrative Rules Subcommittee of the Legislative Council  
30 under this section;

31 (2) Assign information filed with the Administrative Rules  
32 Subcommittee of the Legislative Council under this section to one (1) or more  
33 subcommittees of the Legislative Council, including without limitation a  
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee  
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final  
2 review and approval of the Administrative Rules Subcommittee of the  
3 Legislative Council.

4  
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the  
8 Administrative Rules Subcommittee of the Legislative Council for review and  
9 approval before the proposed rules are promulgated under the Arkansas  
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §  
12 17-4-109, provide automatic occupational licensure to an individual listed in  
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's  
15 website a link entitled "Military Member Licensure" that directly leads to  
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,  
18 Legislative and Military Affairs an annual report stating the number of  
19 individuals granted automatic occupational licensure and expedited  
20 occupational licensure under this chapter.

21  
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
23 General Assembly of the State of Arkansas that current laws and  
24 administrative rules regarding the issuance of occupational licenses,  
25 certificates, and permits are barriers and create a hardship for uniformed  
26 service members, uniformed service veterans, and their spouses; that  
27 additional expedited processes, automatic licensure, and extended expiration  
28 dates of occupational licenses, certificates, and permits is needed to ensure  
29 that uniformed service members, uniformed service veterans, and their spouses  
30 may practice their chosen occupation or profession in the State of Arkansas;  
31 and that this act is immediately necessary to remove barriers and hardships  
32 in obtaining occupational licenses, certificates, and permits for uniformed  
33 service members, uniformed service veterans, and their spouses. Therefore, an  
34 emergency is declared to exist, and this act being immediately necessary for  
35 the preservation of the public peace, health, and safety shall become  
36 effective on:

1           (1) The date of its approval by the Governor;

2           (2) If the bill is neither approved nor vetoed by the Governor,  
3 the expiration of the period of time during which the Governor may veto the  
4 bill; or

5           (3) If the bill is vetoed by the Governor and the veto is  
6 overridden, the date the last house overrides the veto.

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8  
9                                   */s/Hill*

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12                                   **APPROVED: 2/23/21**  
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State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 218

By: Senator J. Hendren  
By: Representative M. Berry

## For An Act To Be Entitled

AN ACT CONCERNING NONCRIMINAL BACKGROUND CHECK  
REQUESTS SUBMITTED TO THE DIVISION OF ARKANSAS STATE  
POLICE; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING NONCRIMINAL BACKGROUND CHECK  
REQUESTS SUBMITTED TO THE DIVISION OF  
ARKANSAS STATE POLICE.

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

SECTION 1. Arkansas Code § 12-12-1001(17), concerning the definition of "nonconviction information" used with regard to criminal history information and reporting standards, is amended to read as follows:

(17) "Nonconviction information" means a felony arrest information without disposition if ~~an interval of one (1) year has at least~~ five (5) years have elapsed from the date of arrest ~~and no active prosecution~~ of the charge is pending, as well as, any misdemeanor arrest for which a disposition has not been entered, all acquittals, and all dismissals;

SECTION 2. Arkansas Code § 12-12-1005, concerning the Identification Bureau of the Division of Arkansas State Police, is amended to add an additional subsection to read as follows:

(d)(1) A background check request for a non-criminal justice purpose that must be completed under state or federal law through the Division of Arkansas State Police shall be submitted to the division by electronic means





1 through the Arkansas State Police Criminal Background Check System.

2 (2) This subsection does not apply to a submission originating  
3 outside the State of Arkansas.

4  
5 SECTION 3. Arkansas Code § 12-12-1503(2), concerning the definition of  
6 "arrest records" in regard to the Arkansas State Criminal Records Act, is  
7 amended to read as follows:

8 (2)(A) "Arrest records" or "arrest information" means felony  
9 arrest information in which conviction or disposition information has not  
10 been entered into the central repository.

11 (B) "Arrest records" or "arrest information" does not  
12 include:

13 (i) Misdemeanor arrest information;

14 (ii) Felony arrest information that has a  
15 disposition of acquittal, dismissal, or nolle prosequi entered into the  
16 central repository; or

17 (iii) Felony arrest information if more than ~~three~~  
18 ~~(3)~~ five (5) years have elapsed from the date of the felony arrest;

19  
20 SECTION 4. Arkansas Code § 12-12-1507, concerning the administration  
21 of the Arkansas State Criminal Records Act, is amended to add an additional  
22 subsection to read as follows:

23 (e) A background check request for a non-criminal justice purpose that  
24 must be completed under state or federal law through the division shall be  
25 submitted to the division by electronic means through the Arkansas State  
26 Police Criminal Background Check System.

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29 **APPROVED: 4/12/21**  
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State of Arkansas                      *As Engrossed: H3/22/21 H3/31/21*  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1520

By: Representatives F. Allen, Scott  
By: Senator L. Chesterfield

## For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CODE CONCERNING  
OCCUPATIONAL CRIMINAL BACKGROUND CHECKS; TO ENSURE  
THAT LICENSEES WHO WERE LICENSED PRIOR TO THE  
ENACTMENT OF ACTS 2019, NO. 990, ARE ALLOWED TO  
MAINTAIN THEIR LICENSES; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE ARKANSAS CODE CONCERNING  
OCCUPATIONAL CRIMINAL BACKGROUND CHECKS;  
AND TO ENSURE THAT LICENSEES WHO WERE  
LICENSED PRIOR TO THE ENACTMENT OF ACTS  
2019, NO. 990, ARE ALLOWED TO MAINTAIN  
THEIR LICENSES.

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

SECTION 1. Arkansas Code § 17-3-102(b), concerning licensing  
restrictions based on criminal records, is amended to read as follows:

(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



1 limitation:

- 2 (A) The age at which the offense was committed;  
3 (B) The circumstances surrounding the offense;  
4 (C) The length of time since the offense was committed;  
5 (D) Subsequent work history since the offense was  
6 committed;  
7 (E) Employment references since the offense was committed;  
8 (F) Character references since the offense was committed;  
9 (G) Relevance of the offense to the occupational license;

10 and

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

13 (3) The waiver requirements of this section are not required for  
14 a renewal of a license if an individual has been convicted of a crime listed  
15 in subsection (a) of this section and has either:

16 (A) Completed the waiver requirements of this section at  
17 his or her initial licensure;

18 (B) Been licensed in this state before the enactment of  
19 subsection (a) of this section; or

20 (C) Attended a professional or occupational school,  
21 program, or training in pursuit of an occupational license before the  
22 enactment of subsection (a) of this section and would have been qualified to  
23 hold an occupational license on or before July 24, 2019.

24  
25 SECTION 2. Arkansas Code § 17-3-102(g), concerning licensing  
26 restrictions based on criminal records, is amended to read as follows:

27 (g) The disqualification for an offense listed in subsection (a) of  
28 this section and the permanent disqualification for an offense listed in  
29 subsection (e) of this section does not apply to:

30 (1) An ~~an~~ individual who holds a valid license on July 24, 2019;

31 (2) An individual who holds a valid license on or before July  
32 24, 2019, but failed to renew his or her license for any reason; or

33 (3) An individual who was a student on or before July 24, 2019,  
34 in a professional or occupational school, program, or training in pursuit of  
35 an occupational license and would have been qualified to hold an occupational  
36 license on or before July 24, 2019.

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*/s/F. Allen*

**APPROVED: 4/19/21**

State of Arkansas

As Engrossed: S4/19/21

93rd General Assembly

# A Bill

Regular Session, 2021

HOUSE BILL 1439

By: Representative Pilkington

By: Senator C. Tucker

## For An Act To Be Entitled

AN ACT TO UPDATE THE VOLUNTEER HEALTH CARE ACT; TO  
INCLUDE THERAPISTS, ADDICTION SPECIALISTS, AND  
COUNSELORS IN THE VOLUNTEER HEALTHCARE PROGRAM; TO  
INCREASE CONTINUING EDUCATION CREDITS UNDER THE  
VOLUNTEER HEALTH CARE ACT; AND FOR OTHER PURPOSES.

## Subtitle

TO UPDATE THE VOLUNTEER HEALTH CARE ACT;  
AND TO INCLUDE THERAPISTS, ADDICTION  
SPECIALISTS, AND COUNSELORS IN THE  
VOLUNTEER HEALTHCARE PROGRAM.

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

SECTION 1. Arkansas Code § 20-8-803(5), concerning the definition of  
"medical professional" within the Volunteer Health Care Act, is amended to  
read as follows:

(5) "Medical professional" means:

(A) A physician, osteopathic physician, or optometric  
physician;

(B) An osteopathic physician's assistant, physician's  
assistant, or optometric physician's assistant;

(C) A chiropractic physician;

(D) A podiatric physician;

(E) A nurse licensed under § 17-87-101 et seq.;

(F) A dentist, ~~or dental hygienist, or dental assistant;~~





1 (G) A pharmacist;  
2 (H) An optometrist;  
3 (I) A therapist;  
4 (J) An addiction specialist;  
5 (K) A counselor;  
6 (L) A healthcare professional who is licensed, certified,  
7 or registered under Subtitle 3 of Title 17 of the Arkansas Code;  
8 (M) A dietitian or an individual who offers dietary  
9 services; and  
10 ~~(J)~~(N) A student enrolled in an accredited program that  
11 prepares the student for licensure in one (1) or more of the healthcare  
12 professions listed in subdivisions~~(5)(A)-(H)~~ (5)(A)-(L) of this section.  
13

14 SECTION 2. Arkansas Code § 20-8-805(b), concerning the continuing  
15 education credit within the Volunteer Health Care Act, is amended to read as  
16 follows:

17 (b) A medical professional shall not obtain more than ~~eight (8)~~  
18 thirty-two (32) hours of credits as described in subsection (a) of this  
19 section in a licensing period.  
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22 /s/Pilkington  
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25 **APPROVED: 4/27/21**  
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