### ARKANSAS STATE BOARD OF HEALTH

# RULES FOR PERFUSIONISTS IN ARKANSAS



Promulgated under the Authority of Ark. Code Ann. § 17-104-101 et seq. Revision effective date: June 27, 2020

# ARKANSAS DEPARTMENT OF HEALTH HEALTH FACILITY SERVICES

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CERTIFICATION	

#### **SECTION 1: Authority.**

The following Rules for Perfusionists in Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Ark. Code Ann. 17-104-101 et seq.

#### **SECTION 2: Purpose.**

These rules establish minimum standards for licensure of Perfusionists in Arkansas. These standards are not static and are subject to periodic revisions in the future as new knowledge and changes in patient care trends become apparent. Perfusionists in Arkansas have a strong moral responsibility for providing optimum patient care and treatment.

#### SECTION 3: Definitions.

- A. <u>Automatic licensure</u> means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- B. **ABCP** means the American Board of Cardiovascular Perfusion.
- C. **BLS** means basic life support.
- D. CPS means cardiopulmonary support.
- E. **ECMO** means extracorporeal membrane oxygenation.
- F. Board means the State Board of Health.
- G. Committee means the Perfusionists Advisory Committee.
- C. **Department** means the Department of Health.
- F. **Extracorporeal circulation** means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidneys, liver, or other organs.
- G. **Licensed Perfusionist** means a person licensed under Ark. Code Ann. 17-104-101 et seq., as amended.
- H. Perfusion means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, respiratory systems or other organs, or a combination of those activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and supervision of a licensed physician, including:
  - a. The use of extracorporeal circulation, long-term cardiopulmonary support techniques including, but not limited to, extracorporeal carbon-dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic technologies;
  - b. Counter pulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and isolated limb perfusion;
  - c. The use of techniques involving blood management, advanced life support, related functions;

- d. The administration of pharmacological and therapeutic agents or blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line for perfusion purposes as ordered by a physician;
- e. The performance and use of:
  - i. Anticoagulation monitoring and analysis;
  - ii. Blood gas and chemistry monitoring and analysis;
  - iii. Hematologic monitoring and analysis:
  - iv. Hypothermia;
  - v. Hyperthermia;
  - vi. Hemoconcentration and hemodilution; and
  - vii. Hemodialysis.
- f. The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, perfusion protocols, or changes in or the initiation of emergency procedures.
- I. **PADCAB** means perfusion-assisted direct coronary artery bypass.
- J. **PALS** means pediatric advanced life support.
- K. **Perfusion protocols** means perfusion related policies and protocols developed or approved by a licensed health care facility or a physician through collaboration with administrators, licensed perfusionists, and other health care professionals.
- L. **Provisional licensed perfusionist** means a person provisionally licensed under Ark. Code Ann. 17-104-101 et seq., as amended.
- M. **Returning military veteran** means a former member of the United Armed Forces who was discharged from active duty under circumstances other than dishonorable.

- N. <u>Uniformed service member</u> means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- O. <u>Uniformed service veteran</u> means a former member of the United States uniformed services discharged under conditions other than dishonorable.
- P. **VAD** means ventricular assist device.

#### SECTION 4: Licensure.

#### A. Requirements.

- 1. Any person is eligible to make application to the board and receive a license, subject to the provisions of Ark. Code Ann. 17-104-101 et seq. as amended
- 2. A licensed perfusionist shall conform to the Code of Ethics as adopted by the Perfusionists Advisory Committee and approved by the State Board of Health. See Section 5.
- 3. A licensed perfusionist shall at all times hold the well-being of the patient to be paramount and shall not act in such a way as to bring the member's interested into conflict with the patient's interests. A licensed perfusionist shall deliver health care services without regard to race, color, creed, national origin, sex, age, religion, sexual preference or physical and/or mental condition.
- 4. The applicant shall make application upon a form prepared by the Department .
- 5. A perfusionist shall practice perfusion only when duly licensed to do so pursuant to the provisions of the Perfusion Licensure Act, Ark. Code Ann. 17-104-101 et seq., as amended.
- 6. A licensed perfusionist shall notify the Department and the Committee of the suspension, probation, revocation or any final disciplinary action of any past or currently held permits, licenses, or certificates required to practice perfusion in this or any jurisdiction of the US, US territories, District of Columbia or the province of Canada within 30 days of final adjudication.
- 7. A licensed perfusionist shall report to the Department and the Committee any alleged violation of status, rules and regulations governing the practice of perfusion in the state of Arkansas within 30 days of the alleged violation.
- 8. A licensed perfusionist shall not procure or attempt to procure a license or renewal of a license to practice perfusion by fraud or deceit.
- 9. A licensed perfusionist shall not practice perfusion after a license has expired or has been suspended, revoked or not renewed.
- A licensed perfusionist shall not practice perfusion under cover of any permit, license or certificate illegally or fraudulently obtained or issued.

- A licensed perfusionist shall not obtain or attempt to obtain any fee, charge, tuition of or other compensation by fraud, deception or misrepresentation or willfully over charge or over treat patients.
- 12. A licensed perfusionist shall not willfully perform inappropriate or unnecessary treatment, diagnostic tests or perfusion services.
- 13. A licensed perfusionist shall not delegate professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities.
- 14. A licensed perfusionist shall not violate or attempt, directly or indirectly, or assist or enable any person to violate, any provisions, document, section, lawful rule, or regulation or any Code of Ethics adopted pursuant to Ark. Code Ann. 17-104-101 et seq.
- 15. A licensed perfusionist shall keep the Department informed of any address change.

#### B. New Applicants

1. All new applicants for a perfusionist license shall submit a signed application to the Department for consideration; and

Shall meet the requirements of the American Board of Cardiovascular Perfusion (ABCP) for Certification and be certified by the ABCP.

#### C. Military

- 1. This Rules applies to
  - a. Uniformed service members stationed in Arkansas
  - b. <u>Uniformed service veteran who resides in or establishes residency in the State of Arkansas;</u>
  - c. The spouse of (a) or (b) including a:
    - Uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;
    - 2) <u>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.</u>
- 2. Automatic license may be granted to the persons listed in Section 4.c. if:
  - a. The person is a holder in good standing of occupational licensure

- with similar scope of practice issued in another state, territory, or district of the United States and:
- b. The person pays the licensure fee in §17-107-204
- 3. Credit toward initial licensure
  - a. Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure of a uniformed service member or a uniformed service veteran who makes application within one (1) year of his or her discharge from uniformed service.
- 4. Expiration Dates and Continuing Education
  - a. A license expiration date shall be extended for a deployed uniformed service member or a spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
  - b. A uniformed service member or spouse shall be exempt from continuing education requirement in Section 4 of these Rules for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
  - c. Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.
- The following individuals are eligible for licensing consideration based on military service or affiliation:

   An active duty military service member stationed in the State of —— Arkansas;
   A returning military veteran applying for licensure within one(1) year of his or discharge from active duty; or
   The spouse of (a) or (b) above.

   Such applicant shall submit:

   Payment of the initial licensure fee;
   Evidence that the individual holds ABCP certification; and
   Evidence of the military service, qualification or affiliation.
- D. Renewal. Each renewal period the licensee must be able to provide proof of:
  - current certification by the American Board of Cardiovascular Perfusion (ABCP) or its successor; or
  - 2(a). thirty (30) hours of perfusion-related continuing professional

education which may include ACLS, PALS, and BLS, of which at least ten (10) hours shall be meetings, programs or activities accredited for continuing education hours by ABCP or its successor; and

- (b). forty (40) clinical activities annually.
  - Clinical activities are defined

as:

- aa. Bypass, Primary
- bb. Instructor
- cc. Veno-Venous Bypass
- dd. Pump Assisted Coronary and /or Organ Perfusion (PADCAB/isolated limb perfusion)
- ee CPS
- ff. ECMO
- gg. VAD
- hh. Documented intraoperativepump standby
- ii. Bypass first assistant.
- II. Of the 40 clinical activities above, a maximum of 15 activities may be documented intraoperative pump standbys and/or bypass first assistant. The standbys must be documentable in an audit. For each ECMO or VAD case, one case credit will be awarded for initiating and maintaining on shift (4 hours minimum), or managing one shift (8 hours minimum), or the duration of the case. Cases performed as the Clinical Instructor in an accredited program are considered primary perfusions and may be included in this category.
- 2. Regular licenses are renewable every two years. Provisional licenses are renewable for 12 months.
- 3. A uniformed service Member, Veteran, or Spouse may have an extension of their perfusion license expiration up to 180 days following the date of the service members return from deployment.

- 4. The period of completion of the continuing professional education and clinical activities requirements shall be the 24 (twenty-four) month period beginning January 1 and ending December 31 of each renewal period. A licensee who has failed to obtain and report, in a timely fashion their continuing professional education and clinical activities shall not engage in the practice of perfusion unless an extension is obtained pursuant to number six (6) below of this rule.
- 5. A uniformed service Member, Veteran, or Spouse may be granted up to 180 days following the date of the service members return from deployment to complete the required continuing education.
- 6. Each licensee shall certify by signature, under penalty of perjury, that he/she has completed the required units of continuing professional education and clinical activities on the renewal form.
- 7. Each licensee shall retain records documenting completion of the continuing professional education and clinical activities requirements for a minimum of three years after the reporting period in which the continuing professional education and clinical activities was completed. The Board may conduct an audit of licensees to verify compliance with the continuing professional education and clinical activities requirements. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.
- 8. A licensee who cannot complete the continuing professional education and clinical activities requirements because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing professional education and clinical activities requirements. Any extension of time to complete the continuing professional education and clinical activities requirements will be granted solely at the discretion of the board. The licensee must make a written application for extension of time prior to the January 31 deadline or completion of the continuing professional education and clinical activities requirement. A processing fee of \$50.00 shall accompany the application for extension. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the continuing professional education and clinical activities requirements shall not engage in the active practice of perfusion unless the board grants the licensee's request for extension and the licensee received express written authorization to engage in the active practice of perfusion.
  - a. The board, solely in its discretion, may grant an extension based on unforeseeable circumstances beyond the licensee's control which impose an insurmountable hardship precluding the licensee from obtaining the required continuing professional education and clinical activities. At a minimum, the licensee must provide written documentation explaining specifically and in detail the nature of the

circumstances were unforeseeable and beyond the licensee's control, the period during which the circumstances were in existence, the number of continuing professional education units and clinical activities earned in the reporting period and the licensee's plan for completing the balance of the requirements. The board, in its discretion, shall determine if the situation described in the licensee's application constitutes unforeseeable circumstances beyond the licensee's control which impose an unsurmountable hardship precluding the licensee from obtaining the required continuing professional education and clinical activities.

- b. The licensee who is granted an extension of time shall complete the balance of his/her continuing professional education and clinical activities requirements no later than six months after return to work immediately following the end of the reporting period for which an extension was sought and shall provide the board with written documentation of his/her completion of the continuing education requirements no later than August 10 immediately following the end of the reporting period for which an extension was sought. Failure to complete the continuing professional education and clinical activities requirements by January 31st or to file the documentation with the board by August 10 shall constitute a violation of Section D.3.
- 9. A licensee who has failed to complete and report in a timely fashion the required units of continuing professional education and clinical activities and engages in the active practice of perfusion without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of perfusion.

#### E. Provisional License.

- 1. A license as a provisional licensed perfusionist may be issued by the board to a person who has:
  - a. successfully completed an accredited perfusion education program recognized by ABCP or its successor;
  - b. filed an application;
  - c. paid an application fee; and
  - d. submitted such evidence of successful completion of the education and clinical activities as required by the board.
- 2. A provisional licensed perfusionist shall be under the supervision and direction of a licensed perfusionist at all times during which the provisional licensed perfusionist performs perfusion. Rules adopted by

- the board governing such supervision and direction may not require the immediate physical presence of the supervising licensed perfusionist.
- 3. A person qualified for a provisional license under these rules is entitled to receive a license as a provisional licensed perfusionist. A provisional licensed perfusionist shall comply with other pertinent sections of these rules.
- 4. A provisional license is valid for 12 months from the date itis issued and may be renewed annually not more than two years by the same procedure established for renewal under Section 4 of these rules. The application for renewal shall be signed by a supervising licensed perfusionist.
- F. Reciprocity. License shall be granted to the licensee of another state if the applicant holds a current certification issued by the ABCP in good standing, or its successor and pays the appropriate application fee.
  - 1. The applicant shall not have had a license revoked, suspend or puton probation for:
    - a. An act of bad faith; or
    - b. A violation of law. rule. or ethics:
  - 2. The applicant shall be sufficiently competent in the field of perfusion; and
  - 3. An applicant shall submit an application, the required fee, and required documentation. Required documentation shall include:
    - a. Copy of ABCP Certification;
    - b. Evidence of current and active licensure in that state; and
    - A list of the names of all states in which the applicant is currently licensed or has been previously licensed;
    - d. 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 has not had his license revoked, suspended or probationary status as described above.

- 4. The applicant shall receive a temporary license immediately upon submission of the application, the required fee, and the required documentation.
- G. Displaying of License.
  - Perfusionists shall display their license in an appropriate and public manner; or
  - 2. Maintain on file in the health care facility in which the licensed perfusionists is working, an accurate copy of the perfusionists license; and
  - 3. Keep the Department informed of any change of address.

#### H. Fees.

- 1. Initial application for consideration of licensure which requires a complete certification of stated qualifications and credentials in the application shall be \$150.00.
- 2. For renewal of license occurring every two years which checks the current credentials and clinical activities of the already licensed perfusionist shall be \$100.00.
- 3. Fee for a provisional license is \$150.00 annually.
- 4. Fee for reciprocity is \$100.00.
- 5. Fee for an extension is \$50.00.
- I. Continuing Education and Clinical Activities. Licensed perfusionists and provisional licensed perfusionists shall meet the continuing education and clinical activities requirements of American Board of Cardiovascular Perfusion or its successor. <u>A Uniformed Service Member may be granted additional time to complete (See 4C.4b. and c.).</u>
- J. Procedure on Denial, Reprimand, Probation, Civil Penalties, Suspension, or Revocation.
  - 1. Grounds for Discipline. The board shall have sole authority to deny or suspend any license to practice perfusion issued by the board or applied for in accordance with the provisions of this chapter, or to otherwise discipline a licensee upon determination of:
    - a. Any violation of Ark. Code Ann. 17-104-101 et seq.; or

- b. Any violation of a regulation or code of ethics adopted by the board:
- b. Any violation of a rule or code of ethics adopted by the board; or
- c. Unprofessional conduct, which includes, but is not limited to:
  - Incompetence or gross negligence in carrying out usual perfusion functions;
  - 2) A conviction of practicing perfusion without a license or a provisional license;
  - 3) The use of advertising relating to perfusion in a manner which violates state law;
  - 4) Procuring a license or provisional license by fraud, misrepresentation or mistake;
  - 5) Making or giving any false statement or information in connection with the application for the license or provisional license.
  - A plea of guilty, nolo contendere, or a finding of guilt of a felony listed under § 17-2-102 or any offense substantially related to the qualifications, functions, or duties of a perfusionist, in which event the record shall be conclusive evidence; or
  - 7) Impersonating an applicant or acting as proxy for an applicant in any examination required under Act 888 for the issuance of a license.
- d. If a license suspension is probated, the department may require the licensee to:
  - 8) Report on a regular basis to the department on matters that are the basis of the probation.
  - 9) Limit the practice to the areas prescribed by the department; or
  - 10) Continue the person's professional education until the licensee reaches a degree of skill, in those areas that are the basis of the probation, satisfactory to the department.
- 2. Proceedings. Proceedings shall be as follows:

- a. Opportunity for licensee or applicant to have a hearing. Except as provided in Subsection 2) [Section 4.J.2.b.2).] below, every licensee or applicant for a license shall be afforded notice and an opportunity to be heard before the board. The board shall have authority to take any action the effect of which would be to:
  - 1) Deny a license after examination for any cause other than failure to pass an examination;
  - 2) Withhold the renewal or reinstatement of a license for any cause;
  - 3) Revoke a license;
  - 4) Suspend a license;
  - 5) Probate a license;
  - Reprimand a license;
  - 7) Levy civil penalties.
- b. Suspension of license without prior notice or hearing. If the Department finds that the continued practice by a licensee of the occupation or profession for which he/she is licensed will create an immediate hazard to the public, the board may suspend the license pending a hearing without prior notice of hearing.
  - 1) When the Department contemplates taking any action, it shall give a written notice to the licensee at the last address of record, which contains a statement:
    - a) That the Department has sufficient evidence which, if not rebutted or explained, will justify the Department in taking the contemplated action;
    - b) Indicating the general nature of the evidence, and detailed allegations of violation the licensee is charged with; and
    - c) That a hearing will be held on a date certain, no sooner than 20 days after the mailing of the notice to the last address of record and at the hearing the board will receive the evidence.
  - 2) When the Department shall summarily suspend a license pending a hearing, it shall give written notice of the general

nature of the evidence and detailed allegations of the violation the licensee is charged with:

- The Department has sufficient evidence which, if not rebutted or explained, will justify revocation of the license by the board;
- b) Indicating the general nature of the evidence against the licensee;
  - c) That, based on the evidence indicated, the Department has determined the continuation of practice of the occupation or profession of the licensee will create an immediate hazard to the public and has therefore suspended the license of the licensee effective as the date such notice is served;
  - d) The board will then set an immediate hearing for a full evidentiary presentation by the licensee and the Department.
- 3) In any hearing before the board involving the suspension or revocation of the license, the burden shall be on the Department to present competent evidence to justify the action taken or proposed by the board.
- K. Civil Penalties. The board may, after providing notice and a hearing, levy civil penalties in an amount not to exceed \$500.00 for each violation against those individuals or entities found to be in violation. of this Chapter or rules promulgated thereunder.
  - 1. Each day of violation shall be a separate offense.
  - 2. These penalties shall be in addition to other penalties which may be imposed by the board pursuant to this Chapter Section.
  - 3. Unless the penalty assessed under this subsection is paid within 30 calendar days following the date for an appeal from the order, the board shall have the power to file suit in the Circuit Court of Pulaski County to obtain a judgment for the amount of penalty not paid.
- L. Method of Serving Notice of Hearing. Any notice required may be served either personally or by an officer authorized by law to serve process, or by registered mail or certified mail with return receipt requested, directed to the licensee or applicant at his or her last known address. If notice is served personally, it shall be deemed to have been served at the time when the officer delivers the

notice to the person addressed. Where notice is served by registered or certified mail, it shall be deemed to have been served on the date borne by the return receipt showing delivery of the notice to the addressee or refusal of the addressee to accept this notice. An attempt to serve notice at the last address of record shall constitute official notice.

- M. Venue of Hearing. Board hearings held under provisions of this rule shall be conducted at the board office or elsewhere in Pulaski County.
- N. Hearings Public. Use of Hearing Office All hearings under this Section shall be open to the public. At all such hearings at least a quorum of the board shall be present to hear and determine the matter.
- O. Rights of Persons Entitled to Hearing. A person entitled to be heard pursuant to this section shall have the right to:
  - 1. Be represented by counsel;
  - 2. Present all relevant evidence by means of witnesses, books, papers and documents;
  - 3. Examine all opposing witnesses on any matter relevant to the issues;
  - 4. Have subpoenas and subpoenas duces tecum issued to compel the attendance of witnesses and the production of relevant books, papers and documents upon making written request therefore to the board; and
  - 5. Have a transcript of the hearing made at his or her own expense
- P. Powers of the board in Connection with Hearing. In connection with any hearing held pursuant to the provisions of this section, the Board or its hearing officer shall have power to:
  - 1. Have counsel to develop the case;
  - 2. Administer oaths or affirmations to witnesses called totestify;
  - 3. Take testimony;
  - 4. Examine witnesses;
  - 5. Have a transcript of the hearing made at the expense of the board; and
  - 6. Direct a continuance of any case.
- Q. Rules of Evidence. In proceedings held pursuant to this rule, the Board may admit any evidence and may give probative effect to evidence that is of a kind

commonly relied on by reasonably prudent men in the conduct of serious affairs. The Board may in their discretion exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

- R. Manner and Time of Rendering Decision. After a hearing has been completed, the members of the Board shall proceed to consider the case and as soon as practicable shall render their decision. If the hearing was conducted by a hearing officer, the decision shall be rendered by the Board at a meeting where quorums of the members of the Board are present and participating in the decision. In any case the decision must be rendered within 90 days after the hearing.
- S. Service of Written Decision. Within a reasonable time after the decision is rendered, the Board shall serve upon the person whose license is involved a written copy of the decision, either personally or by registered mail to the last known address. If the decision is sentby registered mail, it shall be deemed to have been served on the date borne on the return receipt.
- T. Procedure Where Persons Fails to Request or Appear for Hearing. If a person duly notified fails to appear for a disciplinary hearing and no continuance has been granted, the Board, or its hearing officer, shall hear the evidence of such witnesses as may have appeared, and the Board shall proceed to consider the matter and dispose of it on the basis of the evidence before it in the manner required.
- U. Contents of Decision. The decision of the Board shall contain:
  - 1. Findings of fact made by the Board;
  - 2. Conclusions of law reached by the Board;
  - 3. The order of the Board based upon these findings of fact and conclusions of law; and
  - 4. A statement informing the person whose license is involved of his right to request a judicial review and the time within which such request must be made.

#### V. Initial Licensure Fee Waiver

- 1. <u>Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:</u>
  - a) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance

    Program (SNAP), the Special Supplemental Nutritional Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA) or the Lifeline Assistance Program (LAP);
  - b) Were approved for unemployment within the last twelve (12) months; or
  - c) <u>Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.</u>

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- 2. <u>Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.</u>
  - a. For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
  - b. For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
  - c. For proof of income, copies of all United States Internal Revenue Service
    Forms indicating applicant's total personal income for the most recent tax
    year e.g., "W2," "1099," etc.
- 3. Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

#### **SECTION 5: Code of Ethics**

PREAMBLE: The purpose of a code of ethics is to acknowledge a profession's acceptance of the responsibility and trust conferred upon it by society and to recognize the internal obligations inherent in that trust. The following paragraphs delineate the standards governing the conduct of perfusionists in their professional interactions with patients, colleagues, other health professionals and the general public. Realizing that no code can encompass all ethical responsibilities of the perfusionists, this enumeration of obligations in the code of ethics is not comprehensive and does not constitute a denial of the existence of other obligations, equally imperative, and not specifically mentioned herein. This code of ethics shall be binding on all perfusionists in Arkansas.

#### A. CANON 1

Perfusionists must uphold the dignity and honor of the profession, accept its disciplines and expose without hesitation illegal, unethical and incompetent conduct.

#### INTERPRETIVE STATEMENTS

- Perfusionists are part of a collaborative effort to deliver proper health care to the patient under the perfusionist care.
- The perfusionist has a personal, as well as a professional, obligation to protect and safeguard the patients from illegal and/or unethical actions or the incompetence of any person.
- The perfusionist must maintain personal integrity and establish the appropriate means to fully protect his freedom of conscience for the delivery of services to the patient.
- A perfusionist who demonstrates incompetence or illegal conduct as it pertains to the Code of Ethics shall be exposed to the proper authorities.

#### B. CANON 2

Perfusionists shall respect the patients' rights and dignity and shall uphold the doctrine of confidentiality regarding privileged patient information.

#### INTERPRETIVE STATEMENTS

Information about the patient's clinical situation will be kept confidential, unless otherwise required by law, in order to protect the welfare of an individual or community. Written guidelines or protocols of an institution or department may be instrumental in deciding the manner in which confidential information is handled for release.

#### C. CANON 3

Perfusionists shall provide only those services for which they are qualified. Perfusionists shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, identity or services.

#### INTERPRETIVE STATEMENTS

- Perfusionists will accept responsibility for the exercise of sound judgement in the delivery of services to the patient and shall be accountable for the quality of the service provided.
- Perfusionists will provide accurate information about the profession, and services they provide, as well as the perfusionists' own qualifications.
- The perfusionists shall not engage in practices beyond their competence or training.
- Perfusionists shall not delegate to a less qualified person any activity
  which requires the unique skill, knowledge and judgement of a formally
  educated perfusionist. Services rendered by supportive personnel will be
  under the supervision of a formally educated perfusionist.

#### D. CANON 4

Perfusionists shall strive to improve their medical knowledge and skills on a continuing basis.

#### INTERPRETIVE STATEMENTS

- Perfusionists shall support quality didactic and clinical education.
- Professional conduct will be maintained toward perfusionists peers, students, medical staff and patients.
- Perfusionists shall participate in educational activities, either by individual study or through continuing education, which will enhance their basic knowledge in order to continue to provide quality health care to the patient.

#### E. CANON 5

Perfusionists shall maintain and promote high standards for perfusion practice which may include education, research and scientific presentations and/or publications.

#### F. CANON 6

A perfusionist shall at all times hold the well-being of the patient to be paramount and shall not act in such a way as to bring the member's interests into conflict with the patient's interests. A perfusionist shall deliver health care services without regard to race, color, creed, national origin, sex, age, religion, sexual preference or physical and/or mental condition.

#### INTERPRETIVE STATEMENTS

- A perfusionist professional practice and adherence to ethical principles shall take preference over business practices.
   Perfusionists shall place service before material gain.
- A perfusionist shall fully disclose to clientele other business practices that may appear as conflict of interest to clientele and/or public. These may include but are not limited to:
  - 1) Consultant for fee.
  - 2) Clinical instructor (support staff for industry).
  - 3) Sales representative.
  - 4) Technical advisor.
  - 5) Lecture for fee.
  - 6) Acceptance of fees, gratuities, funding from industry.

In that the ultimate concern is to improve patient care, it is our position that clinicians engaged in the practice of cardiopulmonary bypass are required to and must be allowed to periodically evaluate the equipment which is utilized in cardiopulmonary bypass in the effort of continuously improving patient care which should include not only patient outcomes but safety as well.

To this end, the State Board of Health holds that each perfusionist has the following ethical and professional responsibilities:

A. The perfusionist being the most qualified individual, by training, education, experience, and job description has the responsibility to evaluate, recommend, select, and implement the components of the extra-corporeal circuit so that patient safety and care are optimized.

## Rules for Perfusionists in Arkansas $\frac{2020}{09282021}$

- B. The perfusionist will always attempt to fairly evaluate all competing products and services, with the principal selection criteria being that of regard for patient safety and well-being.
- C. The perfusionist shall always base any decision on product and service selection on clinical evaluations and documented clinical and scientific data.

In conclusion, it is the responsibility of the perfusionist to make decisions regarding the selection of clinical products with the patient as the primary concern.

#### **SECTION 6: Severability**

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, such provisions or applications of these Rules that can give effect without the invalid provisions or applications will be enforced, and to this end the provisions hereto are declared to be severable.

## Stricken language would be deleted from and underlined language would be added to present law. Act 135 of the Regular Session

1 2	State of Arkansas As Engrossed: $S1/19/21 S1/26/21$ 93rd General Assembly $As Engrossed: Bill$
3	Regular Session, 2021 SENATE BILL 78
4	Regular Session, 2021 SEIVATE BIEE 76
5	By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
6	By: Representatives Lynch, Cozart, Brown, Evans
7	
8	For An Act To Be Entitled
9	AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
10	LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
11	SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
12	OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
13	SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
14	VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
15	AND FOR OTHER PURPOSES.
16	
17	
18	Subtitle
19	TO ESTABLISH ARKANSAS OCCUPATIONAL
20	LICENSING OF UNIFORMED SERVICE MEMBERS,
21	VETERANS, AND SPOUSES ACT OF 2021; AND TO
22	DECLARE AN EMERGENCY.
23	
24	
25	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26	
27	SECTION 1. Arkansas Code § 17-1-106 is repealed.
28	17-1-106. Automatic licensure for active duty service members,
29	returning military veterans, and spouses - Definitions.
30	(a) As used in this section:
31	(1) "Automatic licensure" means the granting of occupational
32	licensure without an individual's having met occupational licensure
33	requirements provided under this title or by the rules of the occupational
34	licensing entity;
35	(2) "Occupational licensing entity" means an office, board,
36	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. (c) An occupational licensing entity may submit proposed rules 24 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 entity as submitted for public comment and at least thirty (30) days before 31 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

1	procedure provide the least restrictive means of accomplishing occupational
2	licensure; and
3	(B) Any other criteria the Administrative Rules
4	Subcommittee of the Legislative Council determines necessary to achieve the
5	objectives of this section.
6	(e) The Administrative Rules Subcommittee of the Legislative Council
7	may:
8	(1) Establish a subcommittee to assist in the duties assigned
9	under this section;
10	(2) Assign information filed with the Administrative Rules
11	Subcommittee of the Legislative Council under this section to one (1) or mor
12	subcommittees of the Legislative Council, including without limitation a
13	subcommittee created under subdivision (e)(1) of this section; 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 Subcommittee of the Legislative Council
17	(f) An occupational licensing entity shall:
18	(1) Submit proposed rules authorized under subsection (c) of
19	this section to the Administrative Rules Subcommittee of the Legislative
20	Council for review and approval before the proposed rules are promulgated
21	under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and
22	(2) Provide to the House Committee on Aging, Children and Youth
23	Legislative and Military Affairs an annual report stating the number of
24	automatic licenses and expedited occupational licenses granted under this
25	section to:
26	(A) Active duty military service members stationed in the
27	State of Arkansas;
28	(B) Returning military veterans applying within one (1)
29	year of their discharge from active duty; or
30	(C) The spouse of a person under subdivisions $(f)(2)(A)$
31	and (f)(2)(B) of this section.
32	
33	SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an
34	additional chapter to read as follows:
35	Chapter 4 - Arkansas Occupational Licensing of Uniformed Service Members,
36	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	<u>and</u>
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	<u>is deployed.</u>
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	<u>licensure requirements provided under this title or by the rules of the</u>
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.

T	
2	17-4-106. Expedited occupational licensure.
3	(a)(1) An occupational licensing entity may submit proposed rules
4	recommending an expedited process for the attainment of occupational
5	licensure instead of automatic occupational licensure as provided under § 17-
6	4-105 to the Administrative Rules Subcommittee of the Legislative Council.
7	(2) The proposed rules described in subdivision (a)(1) of this
8	section shall include temporary or provisional occupational licensure
9	provisions with a term of ninety (90) days or more.
10	(3) The occupational licensing entity shall provide automatic
11	occupational licensure if the proposed expedited occupational licensure rules
12	are not approved as required by § 17-4-109.
13	(b)(1) An occupational licensing entity shall expedite the process for
14	initial occupational licensure for an individual who is listed in § 17-4-104.
15	(2) An occupational licensing entity shall provide the applicant
16	under subdivision (b)(1) of this section with a temporary or provisional
17	license upon receipt of required documentation or the successful completion
18	of any examination required by the relevant occupational licensing entity to
19	enable the applicant to secure employment in his or her occupation or
20	<pre>profession.</pre>
21	
22	17-4-107. Acceptance of uniformed service education, training,
23	experience, or service-issued credential.
24	An occupational licensing entity shall accept relevant and applicable
25	uniformed service education, training, or service-issued credential toward
26	occupational licensure qualifications or requirements when considering an
27	application for initial licensure of an individual who is:
28	(1) A uniformed service member; or
29	(2) A uniformed service veteran who makes an application within
30	one (1) year of his or her discharge from uniformed service.
31	
32	17-4-108. Extension of license expiration and continuing education
33	requirements.
34	(a) An occupational licensing entity shall extend the expiration date
35	of an occupational licensure for a deployed uniformed service member or his
36	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	<pre>public comment period ends under the Arkansas Administrative Procedure Act, §</pre>	
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 hall be subject to the final
2	review and approval of the Administrative Rules Subcommittee of the
3	<u>Legislative Council.</u>
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	<u>§ 17-4-104;</u>
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	<pre>bill; or</pre>
5	(3) If the bill is vetoed by the Governor and the veto is
6	overridden, the date the last house overrides the veto.
7	
8	
9	/s/Hill
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12	APPROVED: 2/23/21
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## Stricken language would be deleted from and underlined language would be added to present law. Act 725 of the Regular Session

1	State of Arkansas	As Engrossed: \$3/10/21		
2	93rd General Assembly	A Bill		
3	Regular Session, 2021		SENATE BILL 153	
4				
5	By: Senators Gilmore, B. Ballinger, Beckham, Bledsoe, B. Davis, Flippo, T. Garner, K. Hammer, Hester,			
6	B. Johnson, D. Sullivan, C. T	Johnson, D. Sullivan, C. Tucker, D. Wallace		
7	By: Representatives Ray, Bed	aty Jr., M. Berry, Boyd, Brooks, Brown, Furman, H	'aak, McCollum,	
8	Underwood, Wardlaw			
9				
10		For An Act To Be Entitled		
11	AN ACT TO	CREATE THE WORKFORCE EXPANSION ACT OF	2021;	
12	AND FOR O	THER PURPOSES.		
13				
14		~		
15		Subtitle		
16	TO C	CREATE THE WORKFORCE EXPANSION ACT OF		
17	2021	. •		
18				
19				
20	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKAN	ISAS:	
21				
22		ansas Code Title 4, Chapter 25, Subcha	pter l, is amended	
23		section to read as follows:		
24		waiver for certain individuals.		
25		nding any law to the contrary, the ini		
26	_	nsing fees associated with the formati		
27		e waived for applicants who meet the r	<u>equirements in the </u>	
28	_	ct of 2021, § 17-4-101 et seq.		
29		e state entities shall:		
30		ish notice of the fee waiver on:		
31	(A)	The website maintained by the approp	<u>riate state</u>	
32	entity; and			
33	(B)	Any relevant forms that an applicant	. is required to	
34	complete; and		an ahta aretes	
35	(2) Prom	ulgate any necessary rules to implemen	t this section.	
36				

1	SECTION 2. Arkansas Code Title 1/, is amended to add an additional
2	chapter to read as follows:
3	Chapter 4 - Workforce Expansion Act of 2021
4	
5	17-4-101. Title.
6	This chapter shall be known and may be cited as the "Workforce
7	Expansion Act of 2021".
8	
9	17-4-102. Legislative findings — Purpose.
10	(a) The General Assembly finds that:
11	(1) Entrepreneurs and workers must pay various fees in order to
12	work in a government-regulated profession or occupation or to start a small
13	business in Arkansas;
14	(2) Families trying to break the cycle of government dependency
15	should not have to pay the state to earn a living; and
16	(3) Arkansas should waive initial fees associated with
17	occupational and professional regulations and the formation of a business for
18	low-income individuals.
19	(b) It is the purpose of this chapter to increase access to
20	professional and occupational licenses that would otherwise be cost
21	prohibitive for certain individuals.
22	
23	17-4-103. Definitions.
24	As used in this chapter:
25	(1) "License" means a license, certificate, registration,
26	permit, or other form of authorization required by law or rule that is
27	required for an individual to engage in a particular occupation or
28	profession; and
29	(2)(A) "Licensing entity" means an office, board, commission,
30	department, council, bureau, or other agency of state government having
31	authority to license, certify, register, permit, or otherwise authorize an
32	individual to engage in a particular occupation or profession.
33	(B) "Licensing entity" does not include a political
34	subdivision of the state or any other local or regional governmental entity,
35	including without limitation a city of the first class, a city of the second
36	class, an incorporated town, or a county.

As Engrossed: \$3/10/21 \$B153

1	17-4-104. Fee waiver.
2	(a) Notwithstanding any law to the contrary, a licensing entity shall
3	not require an initial fee for individuals who are seeking to receive a
4	license in this state if the applicant:
5	(1) Is receiving assistance through the Arkansas Medicaid
6	Program, the Supplemental Nutrition Assistance Program, the Special
7	Supplemental Nutrition Program for Women, Infants, and Children, the
8	Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9	Program;
10	(2) Was approved for unemployment within the last twelve (12)
11	months; or
12	(3) Has an income that does not exceed two hundred percent
13	(200%) of the federal poverty income guidelines.
14	(b) The waiver of the initial fee does not include fees for:
15	(1) A criminal background check;
16	(2) An examination or a test; or
17	(3) A medical or drug test.
18	(c) The Department of Human Services and the Division of Workforce
19	Services shall collaborate with a licensing entity concerning verification of
20	eligibility for public benefits for applicants, which may include obtaining a
21	signed consent form from the applicant.
22	
23	17-4-105. Licensing entity duties.
24	A licensing entity shall:
25	(1) Publish notice of the fee waiver on:
26	(A) The website maintained by the licensing entity; and
27	(B) Any relevant forms that an applicant is required to
28	complete; and
29	(2) Promulgate any necessary rules to implement this chapter.
30	
31	SECTION 3. <u>EFFECTIVE DATE.</u>
32	SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33	<u>2022.</u>
34	
35	/s/Gilmore
36	APPROVED: 4/15/21