

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representatives Beatty and Hill**

A Bill

HOUSE BILL 1941

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§17-12-303, 17-
9 14-304, 17-15-301, 17-18-406, 17-21-302, 17-24-301, 17-32-
10 202, 17-32-205, 17-32-304, 17-33-306, 17-36-303, 17-40-
11 302, 17-43-301, 17-81-305, 17-84-302, 17-87-302, 17-88-
12 302, 17-88-303, 17-88-305, 17-88-306, 17-92-303, 17-93-
13 403, 17-93-409, 17-96-302, 17-96-303, 17-98-303, 17-99-
14 303, AND 23-32-203 REGARDING RESIDENCY OR CITIZENSHIP
15 REQUIREMENTS FOR LICENSURE."

Subtitle

17 "AN ACT TO AMEND VARIOUS CODE PROVISIONS REGARDING
18 RESIDENCY OR CITIZENSHIP REQUIREMENTS FOR LICENSURE."
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code Annotated §17-12-303 is amended to read as
24 follows:

25 "17-12-303. Examination - Eligibility.

26 (a) A candidate who has met the education requirement, or who expects
27 to meet it during the school term, either quarter or semester, at the
28 institution in which the candidate is enrolled and which includes the sitting
29 date of the examination, or with respect to whom it does not apply or has been
30 waived, shall be eligible to take the examination required by §17-12-301(a) (2)
31 if the candidate is of good moral character.

32 (b) In the case of any candidate admitted to the examination on the
33 expectation that he will complete his education requirement within the
34 candidate's school term, either quarter or semester, including the sitting
35 date of the examination, no certificate shall be issued, nor shall credit for

1 the examination or any part of it be given, unless the requirement is in fact
2 completed within that time or within such time as the board in its discretion
3 may determine upon application."

4

5 SECTION 2. Arkansas Code Annotated §17-14-304 is amended to read as
6 follows:

7 "17-14-304. Examinations.

8 (a) To be registered and licensed, an applicant must pass an
9 examination for licensure.

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

13 (2) In addition, the applicant shall have all the qualifications
14 required for admission to either the written examination or the senior
15 examination of the National Council of Architectural Registration Boards.

16 (c) The examining body is empowered to make all necessary rules and
17 regulations governing the content, grading, time, place, and method of
18 conducting the examinations and may adopt the examinations and recommended
19 grading procedures of the National Council of Architectural Registration
20 Boards."

21

22 SECTION 3. Arkansas Code Annotated §17-15-301 is amended to read as
23 follows:

24 "17-15-301. Qualifications - Examination.

25 (a) Auctioneer licenses shall be granted only to persons who are found
26 to be of good reputation, trustworthy, and competent to transact the business
27 of an auctioneer, in such a manner as to safeguard the interest of the public.

28 (b) The board is authorized to require information from every applicant
29 to determine the applicant's honesty and truthfulness.

30 (c)(1) In addition to proof of honesty, truthfulness, and good
31 reputation, an examination conducted by the board or its authorized
32 representatives shall be held four (4) times each year, and an examination fee
33 of fifty dollars (\$50.00) shall be collected from each applicant to defray the
34 expenses of the examination.

35 (2) The examination shall include questions on ethics, reading,

1 writing, spelling, elementary arithmetic, and a general knowledge of the laws
2 of Arkansas and the Arkansas Code, including, but not limited to, contracts of
3 sale, agency, leases, auctions brokerage, and the provisions of the Uniform
4 Commercial Code, § 4-1-101 et seq.

5 (d) In addition to the other qualifications provided for by this
6 chapter, every applicant for an auctioneer's license shall be at least
7 eighteen (18) years of age. Every application for a license shall be
8 submitted on forms prepared by the board."

9

10 SECTION 4. Arkansas Code Annotated §17-18-406 is amended to read as
11 follows:

12 "17-18-406. Manager certification.

13 (a) No person shall manage or operate a barber college in this state
14 unless he has had at least three (3) years' experience as a barber teacher in
15 this state in an approved barber school or college.

16 (b) Application for examination for a manager certificate shall be
17 filed with the board on blank forms prepared and furnished by the board and
18 shall be accompanied by the fee prescribed in § 17-18-409."

19

20 SECTION 5. Arkansas Code Annotated §17-21-302 is amended to read as
21 follows:

22 "17-21-302. Qualifications - Restriction.

23 (a) The board shall have the authority to issue a license to an
24 applicant for a license to do business as a collection agency providing he
25 meets the following qualifications:

26 (1) He is at least twenty-one (21) years of age;

27 (2) If a partnership, the names of the partners, their age, sex,
28 and their business address, that the members of the partnership are at least
29 twenty-one (21) years of age;

30 (3) That the proposed managers of a corporation or the owners of
31 not less than fifty percent (50%) of the stock of the corporation are at least
32 twenty-one (21) years of age.

33 (b) No sheriff, deputy sheriff, constable, deputy constable, state
34 police officer, or other law enforcement officer shall be licensed in any
35 manner to engage in the business of operating a collection agency or acting as

1 a collector for a collection agency."

2

3 SECTION 6. Arkansas Code Annotated §17-24-301 is amended to read as
4 follows:

5 "17-24-301. Licensed professional counselor - Qualifications.

6 The board shall issue a license as a licensed professional counselor to
7 each applicant who files an application upon a form and in such a manner as
8 the board prescribes, accompanied by a fee as set by the board, and who
9 furnishes satisfactory evidence of the following to the board that:

10 (1) The applicant is not a minor under the laws of Arkansas;

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

13 (3) The applicant is not in violation of any of the provisions of this
14 chapter and the rules and regulations adopted hereunder;

15 (4) The applicant has received a graduate degree from a regionally
16 accredited institution of higher education which is primarily professional
17 counseling in content and has accumulated at least thirty-six (36) graduate
18 semester hours and which meets the academic and training content standard
19 established by the board. The board shall use the standards for the
20 preparation of counselors prepared by that special professional association
21 nationally as a guide in establishing the standards for counseling;

22 (5) The applicant has three (3) years of supervised full-time
23 experience in professional counseling acceptable to the board. One (1) year of
24 experience may be gained for each thirty (30) graduate semester hours earned
25 beyond the master's degree, provided that the hours are clearly related to the
26 field of counseling and are acceptable to the board. In no case may the
27 applicant have less than one (1) year of professional experience; and

28 (6) The applicant will declare special competencies and demonstrate
29 professional competence in specialty areas by passing a written or oral or
30 situational examination, or any combination thereof, as the board will
31 prescribe. Upon examination of credentials the board, by a majority of the
32 board members present and voting, may consider such credentials adequate
33 evidence of professional competence and recommend to the chairman of the board
34 that a license be approved in that specialty."

35

1 SECTION 7. Arkansas Code Annotated §17-32-202 is amended to read as
2 follows:

3 "17-32-202. Qualifications.

4 (a) A person is qualified to receive a license as an examiner:

5 (1) Who is at least twenty-one (21) years of age;

6 (2) Who establishes that he is a person of honesty, truthfulness,
7 integrity, and moral fitness;

8 (3) Who has not been convicted of a felony or a misdemeanor
9 involving moral turpitude;

10 (4) Who holds a baccalaureate degree from a college or university
11 accredited by the American Association of Collegiate Registrars and Admissions
12 Officers or, in lieu thereof, has five (5) consecutive years of active
13 investigative experience immediately preceding his application;

14 (5) Who is a graduate of a polygraph examiners course approved by
15 the board and has satisfactorily completed not less than six (6) months of
16 internship training, provided that if the applicant is not a graduate of an
17 approved polygraph examiners course, satisfactory completion of not less than
18 twelve (12) months of internship training may satisfy this subdivision; and

19 (6) Who has passed an examination conducted by the board or under
20 its supervision to determine his competency to obtain a license to practice as
21 an examiner.

22 (b) Prior to the issuance of a license, the applicant must furnish
23 evidence of a surety bond or insurance policy to the board. The surety bond or
24 insurance policy shall be in the sum of one thousand dollars (\$1,000). The
25 bond shall be conditioned that the obligor therein will pay to the extent of
26 the face amount of the surety bond or insurance policy all judgments which may
27 be recovered against the licensee by reason of any wrongful or illegal acts
28 committed by him in the course of his examinations."
29

30 SECTION 8. Arkansas Code Annotated §17-32-205 is amended to read as
31 follows:

32 "17-32-205. Reciprocity.

33 An applicant who is a polygraph examiner licensed under the laws of
34 another state or territory of the United States may be issued a license
35 without examination by the board, in its discretion, upon payment of a fee of

1 sixty dollars (\$60.00) and the production of satisfactory proof that:

2 (1) He is at least twenty-one (21) years of age;

3 (2) He is of good moral character;

4 (3) The requirements for the licensing of polygraph examiners in the
5 particular state or territory of the United States were at the date of the
6 applicant's licensing therein substantially equivalent to the requirements now
7 in force in this state;

8 (4) The applicant had lawfully engaged in the administration of
9 polygraph examinations under the laws of that state or territory for at least
10 two (2) years prior to his application for a license under this chapter;

11 (5) The other state or territory grants similar reciprocity to license
12 holders of this state; and

13 (6) He has complied with §17-32-204."
14

15 SECTION 9. Arkansas Code Annotated §17-32-304 is amended to read as
16 follows:

17 "17-32-304. Application for license - Proof and fee.

18 (a) Any person desiring to be licensed as a voice stress analysis
19 examiner shall make application for licensure to the board and shall submit
20 with the application proof satisfactory to the board that the applicant:

21 (1) Is at least twenty-one (21) years of age;

22 (2) Is a person of honesty, truthfulness, integrity, and moral
23 fitness;

24 (3) Has not been convicted of a felony or a misdemeanor involving
25 moral turpitude;

26 (4) (A) Holds a baccalaureate degree from a college or university
27 accredited by the American Association of Collegiate Registrars and Admissions
28 or, in lieu thereof, has had five (5) years of investigative experience with a
29 law enforcement agency.

30 (B) However, any person who was employed as a voice stress
31 analyst on July 1, 1987, shall not be required to meet the requirements of
32 this subdivision;

33 (5) Has completed a course of training offering a certification
34 in the operation of the voice stress analysis machine and submits a copy of
35 the certification with the application;

1 (6) Has posted a surety bond or insurance policy in the amount of
2 one thousand dollars (\$1,000) or proof that the individual is covered by a
3 business insurance policy.

4 (b) Each application shall be accompanied by an examination or
5 qualification fee of twenty dollars (\$20.00), which shall be credited against
6 the license fee of the applicant if the applicant is issued a license."
7

8 SECTION 10. Arkansas Code Annotated §17-33-306 is amended to read as
9 follows:

10 "17-33-306. License - Applicant qualifications.

11 (a) An applicant for a license or his manager must, unless the
12 requirement is waived by the board:

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

14 (2) Be a high school graduate or its equivalent if the applicant
15 is a manager of an investigations company or an individual applying for an
16 investigations company license;

17 (3) Not have been convicted in any jurisdiction of any felony,
18 Class A misdemeanor, crime involving an act of violence, or any crime
19 involving moral turpitude for which a pardon has not been granted;

20 (4) Not have been declared by any court of competent jurisdiction
21 incompetent by reason of mental defect or disease and not have been restored;

22 (5) Not be suffering from habitual drunkenness or from narcotics
23 addiction or dependence;

24 (6) Not have been discharged from the armed services of the
25 United States under other than honorable conditions;

26 (7) Be of good moral character;

27 (8) Be in compliance with any other reasonable qualifications
28 that the board may fix by rule.

29 (b) An applicant who applies for a license to engage in the business of
30 an investigations company or his manager shall have two (2) consecutive years'
31 experience prior to the date of the application in the investigative field as
32 an agent, employee, manager, or owner of an investigations company, or the
33 applicant or his manager shall have been licensed under Acts 1965, No. 447
34 [repealed], or shall satisfy such other requirements as may be set by the
35 board. The experience of the applicant must be reviewed by the board and

1 determined to be adequate to qualify the applicant to engage in the business
2 of an investigations company.

3 (c) An applicant who applies for a license to engage in the business of
4 a security services contractor or his manager shall have two (2) consecutive
5 years' experience prior to the date of application in the security services
6 field as an agent, employee, manager, or owner of a security services
7 contractor company, or the applicant or his manager shall have been licensed
8 under Acts 1973, No. 605 [repealed], or shall satisfy such other requirements
9 as may be set by the board."

10

11 SECTION 11. Arkansas Code Annotated §17-36-303 is amended to read as
12 follows:

13 "17-36-303. Application for examination.

14 (a) The board shall admit to examination any person who makes
15 application to the secretary of the board on forms prescribed and furnished by
16 the board, pays an application fee of twenty dollars (\$20.00) to defray the
17 expense of examination, and submits evidence satisfactory to the board that he
18 is of good moral character.

19 (b) The minimum requirements for admission to examination as a
20 registered sanitarian shall be as follows:

21 (1) A bachelor's degree or master's degree in public health with
22 specialization in sanitary sciences from an approved school of public health;
23 or

24 (2) A college graduate in one of the natural sciences - biology,
25 chemistry, physics, math, earth science, or geology - or engineering, with a
26 minimum of thirty (30) semester hours or its equivalent of the above subjects,
27 plus one (1) year's experience in environmental sanitation or approved
28 training courses.

29 (c) Any person who meets the educational qualifications of subdivision
30 (b)(2) of this section but who does not meet the experience requirements of
31 that subdivision may make application to the board through a process
32 prescribed by the board for acceptance as a sanitarian-in-training. The board
33 shall accept such application when submitted, if accompanied by the required
34 fee, not to exceed ten dollars (\$10.00), as prescribed by the board.

35 (d) Within ninety (90) days after an application is filed with the

1 secretary, the board shall notify the applicant whether his application for
2 examination was accepted or rejected and, if rejected, the reason therefor.

3 (e) One-half (1/2) of the application fee shall be returned to each
4 rejected applicant."

5

6 SECTION 12. Arkansas Code Annotated §17-40-302 is amended to read as
7 follows:

8 "17-40-302. Eligibility - Application.

9 (a) To be eligible for registration as a professional soil classifier
10 or certification as a soil classifier-in-training, an applicant must:

11 (1) Be of good character and reputation; and

12 (2) Submit a written application to the board containing such
13 information as the board may require, together with five (5) references, three
14 (3) of which shall be professional soil classifiers having personal knowledge
15 of his soil classifying experience or, in the case of an application for
16 certification as a soil classifier-in-training, by three (3) character
17 references.

18 (b) Application for registration as a professional soil classifier and
19 for certification as a soil classifier-in-training shall:

20 (1) Be on a form prescribed and furnished by the board;

21 (2) Contain statements made under oath showing the applicant's
22 education, a detailed summary of his experience, and references as required by
23 this chapter;

24 (3) Be accompanied by an application fee established by the board
25 of not less than five dollars (\$5.00) nor more than twenty-five dollars
26 (\$25.00)."

27

28 SECTION 13. Arkansas Code 17-43-301 is amended to read as follows:

29 "17-43-301. Certificate - Applicant qualifications.

30 (a) Upon proper application to the commission, any natural person shall
31 be entitled to be registered and to be issued a certificate of registration as
32 a certified water well driller or certified pump installer who shall furnish
33 to the commission proof that he:

34 (1) is not less than eighteen (18) years of age;

35 (2) is of good moral character;

1 (3) has knowledge of the rules and regulations adopted under this
2 chapter; and

3 (4) has had no less than two (2) years' experience in the work
4 for which he is applying for a certificate of registration or has completed
5 forty (40) hours of instruction approved by the commission.

6 (b) The commission shall provide examinations and a course of
7 instruction, when required, which each applicant must pass in order to qualify
8 for the certificate of registration.

9 (c) Any person engaged in the business of pump installation shall be
10 registered and issued a certificate of registration after passing an
11 examination if:

12 (1) the applicant has been engaged, for a period of at least two
13 (2) years, in the business of pump installation for domestic wells and wells
14 which produce less than fifty thousand (50,000) gallons per day; and

15 (2) the applicant makes application and pays the required fees
16 for registration within one hundred twenty (120) days after July 1, 1993.

17

18 SECTION 14. Arkansas Code Annotated §17-81-305 is amended to read as
19 follows:

20 "17-81-305. Qualifications of applicants.

21 (a) To qualify to take the examination, an applicant must:

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

23 (2) Have successfully completed not less than a minimum of sixty
24 (60) semester credit hours of college education, to include a minimum of
25 thirty (30) semester credit hours in the field of science;

26 (3) Not have had a license to practice chiropractic in any other
27 state suspended or revoked nor have been placed on probation for any cause;

28 (4) Possess a valid Doctor of Chiropractic degree from a
29 chiropractic institution whose requirements include a course of instruction of
30 not less than four (4) years of nine (9) academic months each or not less than
31 four thousand four hundred (4,400) fifty-minute resident class hours and
32 include one hundred twenty (120) classroom hours of physiological
33 therapeutics;

34 (5) Possess a valid National Board certificate to include Parts
35 I, II, and III, and the physiological therapeutics section;

- 1 (6) Be of good moral character;
- 2 (7) Not have been convicted of a felony;
- 3 (8) Not be an habitual user of intoxicants, drugs, hallucinatory
- 4 preparations.

5 (b) An applicant graduated, as of July 19, 1971, from a school or
6 college of chiropractic, the requirements and course of instruction of which
7 were equal and comparable to other recognized schools or colleges of
8 chiropractic at the time of his or her attendance, may be acceptable.

9 (c) For students enrolled in any approved chiropractic school or
10 college who may not, at the passage date of this act, meet the requirements as
11 set forth in subdivision (a)(4) of this section, the board may waive the
12 requirement, in individual cases, at its discretion.

13 (d) An applicant for licensing who has been licensed to practice
14 chiropractic by another state and who has five years or more of practice
15 experience shall qualify for licensing in this state by being examined in a
16 practical manner as provided for under practice experience rules and
17 regulations."

18

19 SECTION 15. Arkansas Code Annotated §17-84-302 is amended to read as
20 follows:

21 "17-84-302. Qualifications and examination of applicants - Fees -
22 Waiver.

23 (a) The board shall register as a respiratory care practitioner and
24 shall issue a license to any person who satisfactorily passes the examination
25 provided for in this chapter and who otherwise meets the requirements for
26 qualification contained herein and pays a fee of one hundred fifty dollars
27 (\$150).

28 (b) Each applicant must:

- 29 (1) Be at least eighteen (18) years of age;
- 30 (2) Be of good moral character;
- 31 (3) Have been awarded a high school diploma or its equivalent;
- 32 (4) Have satisfactorily completed training in an American Medical
33 Association-approved respiratory care program to include adequate instruction
34 in basic medical science, clinical science, and respiratory care theory and
35 procedures;

1 (5) Have passed a written examination approved by the board and
2 committee.

3 (c) All examinations of applicants for a license to practice
4 respiratory care shall be held in the City of Little Rock at a time and place
5 published by the board.

6 (d) Applicants shall be given written examinations on the following
7 subjects:

8 (1) Clinical data;

9 (2) Equipment; and

10 (3) Therapeutic procedures.

11 (e) A fee not to exceed the sum of one hundred fifty dollars (\$150)
12 must accompany the application.

13 (f) (1) Any applicant who fails an examination and is refused a license
14 may take the next examination upon payment of an additional fee, as
15 established by the board, not to exceed one hundred fifty dollars (\$150).

16 (2) Any applicant who fails the second examination may take
17 subsequent examinations when the application is accompanied by a fee not to
18 exceed one hundred fifty dollars (\$150).

19 (g) After July 1, 1988, the board may waive the examination as a
20 condition for licensure for all persons who have received registration as a
21 registered respiratory therapist or certification as a certified respiratory
22 therapy technician by the National Board for Respiratory Care if the board
23 determines that the registration or certification is equivalent to the
24 requirements for licensure provided in this chapter."

25

26 SECTION 16. Arkansas Code Annotated §17-87-302 is amended to read as
27 follows:

28 "17-87-302. Qualifications of applicants.

29 Each applicant must meet the following conditions:

30 (1) The applicant must be an individual at least eighteen (18) years
31 old;

32 (2) The applicant must be of good moral character;

33 (3) The applicant must have successfully completed the academic

34 requirements of an educational program in occupational therapy with

35 concentration in biologic or physical science, psychology and sociology, and

1 with education in selected manual skills.

2 (A) For an occupational therapist, the program shall be
3 accredited by the American Medical Association in collaboration with the
4 American Occupational Therapy Association and shall lead to the awarding of a
5 bachelor's or master's level degree or advanced standing certificate in
6 occupational therapy.

7 (B) For an occupational therapy assistant, the program shall be
8 approved by the American Occupational Therapy Association and shall lead to
9 the awarding of an associate level degree in occupational therapy;

10 (4) The applicant must have successfully completed a period of
11 supervised field work experience at a recognized educational institution where
12 he or she met the following academic requirements:

13 (A) For an occupational therapist, a minimum of six (6) months of
14 supervised field work experience is required;

15 (B) For an occupational therapy assistant, a minimum of two (2)
16 months of supervised field work experience at an approved facility other than
17 the one at which the person was previously employed, if applicable, is
18 required;

19 (5) The applicant must have passed an examination conducted by the
20 board as provided in §17-87-304."

21

22 SECTION 17. Arkansas Code Annotated §17-88-302 is amended to read as
23 follows:

24 "17-88-302. Qualifications - Licensed dispensing opticians.

25 (a) Every applicant for examination as a licensed dispensing optician
26 shall present satisfactory evidence to the board that he is over the age of
27 twenty-one (21) years, of good moral character, a high school graduate or the
28 equivalent thereof, and either:

29 (1) Is a graduate of a school of opticianry whose curriculum
30 consists of at least eighteen (18) months of didactic and practical
31 instruction which is accredited by a national accreditation organization and
32 approved by the board; or

33 (2) Has been engaged in the providing of ophthalmic dispensing
34 services, as defined in this chapter, in the State of Arkansas for a period of
35 not less than five (5) years immediately prior to application:

1 (A) No more than three (3) years may consist of working in
2 a qualified service optical laboratory approved by the board; or

3 (B) Providing ophthalmic dispensing services under the
4 direct supervision of an Arkansas licensed or registered dispensing optician,
5 Arkansas licensed optometrist, or Arkansas physician skilled in disease of the
6 eye.

7 (b) All persons making application for licensure as licensed dispensing
8 opticians must successfully complete the written and practical examination
9 prepared and conducted by the board."

10

11 SECTION 18. Arkansas Code Annotated §17-88-303 is amended to read as
12 follows:

13 "17-88-303. Qualifications - Registered dispensing opticians.

14 Every applicant for examination as a registered dispensing optician
15 shall present satisfactory evidence to the board that he is over the age of
16 twenty-one (21) years, of good moral character, a high school graduate or the
17 equivalent thereof, and either:

18 (1) Has a minimum of three (3) years' dispensing experience in Arkansas
19 under the direct supervision of an Arkansas licensed optometrist or Arkansas
20 licensed physician skilled in disease of the eye;

21 (2) Has a minimum of three (3) years' experience under the direct
22 supervision of a licensed or registered dispensing optician holding a
23 certificate of licensure or registry in the State of Arkansas, one (1) year of
24 which may be while working in a qualified full-service optical laboratory
25 approved by the board; or

26 (3) Is a graduate of an approved school of opticianry which has been
27 accredited by a national accreditation organization and is recognized by the
28 board."

29

30 SECTION 19. Arkansas Code Annotated §17-88-305 is amended to read as
31 follows:

32 "17-88-305. Reciprocity.

33 (a) Any person who desires to provide ophthalmic dispensing services to
34 the public as a licensed or registered dispensing optician in this state and
35 who holds a current validated certificate of licensure or registry as a

1 dispensing optician in a state whose requirements for licensure or registry
2 are, in the opinion of the board, at least equivalent to those of this state
3 may, at the discretion of the board, be issued a certificate of licensure or a
4 certificate of registry.

5 (b) The certificate may be issued without a written or practical
6 examination upon payment of the fees prescribed in §17-88-304(f) to the
7 secretary-treasurer of the board and upon satisfactory proof that the
8 applicant:

- 9 (1) Is qualified under the provisions of this chapter;
10 (2) Is of good moral character;
11 (3) Has provided ophthalmic dispensing services to the public as
12 a dispensing optician in the state of licensure or registration for a period
13 of at least five (5) years for licensure or three (3) years for registration
14 immediately prior to his application for reciprocity to this state; and
15 (4) Is licensed or registered in a state which grants like
16 reciprocal privileges to opticians who hold certificates of licensure or
17 registry issued by this state."

18

19 SECTION 20. Arkansas Code Annotated §17-88-306 is amended to read as
20 follows:

21 "17-88-306. Dispensers from nonlicensing states.

22 (a) Any person from a nonlicensing state who desires to provide
23 ophthalmic dispensing services to the public as a licensed or registered
24 dispensing optician in this state, and who submits satisfactory evidence to
25 the board that he meets the following requirements, shall be eligible for
26 licensure or registry by the board.

27 (b) The applicant must:

- 28 (1) Be qualified under the provisions of this chapter;
29 (2) Be of good moral character;
30 (3) Have been engaged in ophthalmic dispensing as described in §
31 17-88-102(1) for a period of:
32 (A) Five (5) years for applicants for licensure, of which
33 no more than three (3) years may be while working in a qualified full-service
34 optical laboratory approved by the board; or
35 (B) Three (3) years for applicants for registry, of which

1 no more than one (1) year may be while working in a qualified full-service
2 laboratory approved by the board immediately prior to the date of application;

3 (4) Successfully complete the written and practical examination
4 for licensure or registry prepared and conducted by the board; and

5 (5) Have paid the fee prescribed in §17-88-304(f) to the
6 secretary-treasurer of the board."

7

8 SECTION 21. Arkansas Code Annotated §17-92-303 is amended to read as
9 follows:

10 "17-92-303. Physical therapists.

11 (a) (1) The board shall register as a physical therapist each applicant
12 who proves to the satisfaction of the board his fitness for licensure under
13 the terms of this chapter.

14 (2) It shall issue a license to each person registered. This
15 license shall be prima facie evidence of the right of that person to practice
16 physical therapy subject to the conditions and limitations of this chapter.

17 (3) Every person receiving a license from the board shall have
18 the license recorded in the office of the county clerk in the county where he
19 is practicing or intends to practice. When the licensee moves to another
20 county for the purpose of continuing the practice of physical therapy, he
21 shall have his license recorded in the county to which he moves.

22 (b) Each physical therapist applicant must:

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

24 (2) Be of good moral character;

25 (3) Have been graduated by a school of physical therapy approved
26 by the American Physical Therapy Association;

27 (4) Have passed a written examination selected, approved, and
28 administered by the State Examining Committee for Physical Therapists.

29 (c) (1) All examinations of applicants for all licenses to practice
30 physical therapy shall be held at a time and a place provided by the
31 committee.

32 (2) Applicants shall be given examinations on the following
33 subjects: The applied sciences of anatomy, neuroanatomy, kinesiology,
34 physiology, pathology, psychology, physics, neurology, orthopedics,
35 pediatrics, surgery, medical ethics, and technical procedures in the practice

1 of physical therapy as defined in this chapter, and any other subjects the
2 board may determine to be necessary or desirable.

3 (3) A fee as determined by the board must accompany the
4 application.

5 (4)(A) Any applicant who fails an examination and is refused a
6 license may take another examination within six (6) months upon payment of an
7 additional fee.

8 (B) Any applicant who fails the second examination may take
9 subsequent examinations within six (6) months upon the payment of an
10 additional fee.

11 (C) Any applicant who fails three (3) examinations must
12 take additional educational work in the areas of weakness as deemed necessary
13 by the committee before being eligible for reexamination.

14 (d)(1) A license or reregistration fee of ten dollars (\$10.00) shall be
15 paid to the board by each physical therapist who holds a license to practice
16 physical therapy in the State of Arkansas. The reregistration fee shall be
17 paid during the month of January of each year.

18 (2) Failure to reregister and pay the fee by March 1 shall cause
19 the license of any person so failing to reregister to expire automatically.

20 (3) Any delinquent licentiate may be reinstated by paying all
21 delinquent fees and a penalty of one dollar (\$1.00) for each year or part of a
22 year he has been delinquent."

23

24 SECTION 22. Arkansas Code Annotated §17-93-403 is amended to read as
25 follows:

26 "17-93-403. Application - Qualifications.

27 (a)(1) Every person desiring a license to practice medicine shall make
28 application to the board. The application shall be verified by oath and shall
29 be in such form as shall be prescribed by the board.

30 (2) The application shall be accompanied by the license fee and
31 such documents, affidavits, and certificates as are necessary to establish
32 that the applicant possesses the qualifications prescribed by this section,
33 apart from any required examination by the board.

34 (3) The burden of proof shall be upon the applicant, but the
35 board may make such independent investigation as it may deem advisable to

1 determine whether the applicant possesses the qualifications and whether the
2 applicant has at any time committed any of the acts or offenses herein defined
3 as unprofessional conduct.

4 (b) No person shall be granted a license to practice medicine in the
5 State of Arkansas unless he or she:

6 (1) Is at least twenty-one (21) years of age;

7 (2) Is of good moral character and has not been guilty of acts
8 constituting unprofessional conduct as defined in §17-93-409;

9 (3) (A) Is a graduate of:

10 (i) A recognized United States or Canadian medical
11 school whose entrance requirements and course of instruction have been
12 approved by the Council on Medical Education of the American Medical
13 Association; or

14 (ii) A Canadian eclectic medical school which has
15 been approved by the Council on Medical Education of the National Eclectic
16 Medical Association; or

17 (iii) A foreign medical school whose entrance
18 requirements and course of instruction have been approved by the Arkansas
19 State Medical Board. He or she must also have served one (1) year as an
20 intern or resident in an accredited medical school-affiliated hospital in the
21 United States.

22 (B) However, the Arkansas State Medical Board, at such time
23 as it deems expedient, may require of all applicants for licensure a properly
24 verified certificate that they have served one (1) year of internship in a
25 general accredited hospital;

26 (4) Has successfully passed an examination approved by the
27 Arkansas State Medical Board as set forth in their rules and regulations."
28

29 SECTION 23. Arkansas Code Annotated §17-93-409 is amended to read as
30 follows:

31 "17-93-409. Denial, suspension, or revocation - Grounds.

32 The board may revoke an existing license, suspend an existing license,
33 or refuse to issue a license in the event the holder or applicant, as the case
34 may be, has committed any of the acts or offenses defined in this section to
35 be unprofessional conduct. The words unprofessional conduct as used in

1 subchapters 2-4 of this chapter are declared to mean:

2 (1) Conviction of any crime involving moral turpitude or conviction of
3 a felony. The judgment of any such conviction, unless pending upon appeal,
4 shall be conclusive evidence of unprofessional conduct;

5 (2) Resorting to fraud, misrepresentation, or deception in applying for
6 or securing a license to practice medicine or in taking the examination for
7 the license;

8 (3) Aiding or abetting an unlicensed person to practice medicine;

9 (4) Procuring or aiding or abetting in procuring a wrongful and
10 criminal abortion;

11 (5) Violation of the laws of the United States or the State of Arkansas
12 regulating the possession, distribution, or use of narcotic or controlled
13 drugs classed in schedules 1-5 of the Controlled Substances Act of 1970 or the
14 Arkansas Controlled Substances Act, §5-64-101 et seq., including any
15 amendments thereto;

16 (6) Habitual indulgence in the use of alcohol to such an extent as to
17 render himself incapable of exercising that degree of skill and judgment in
18 the treatment of his patients which the moral trust and confidence in him
19 demands;

20 (7) Grossly negligent or ignorant malpractice;

21 (8) Habitual, intemperate, or excessive use of narcotics or of any
22 other habit-forming drugs;

23 (9) Representing to a patient that a manifestly incurable condition of
24 sickness, disease, or injury can be permanently cured;

25 (10) Becoming physically or mentally incompetent to practice medicine
26 to such an extent as to endanger the public;

27 (11) Insanity or mental disease, if evidenced by an adjudication or by
28 voluntary commitment to an institution for treatment of a mental disease or as
29 determined by an examination conducted by three (3) impartial psychiatrists
30 retained by the board;

31 (12) (A) Soliciting for patronage;

32 (B) Advertising for patronage in a false, fraudulent, deceptive,
33 or misleading manner;

34 (C) Advertising the quality of medical services; or

35 (D) Advertising illegal procedures and practices;

1 (13) Offering, undertaking, attempting, or agreeing to cure or treat
2 disease by a secret method, procedure, treatment, or medicine or representing,
3 directly or indirectly, that he can treat, operate on, or prescribe for any
4 human condition by a method, means, or procedure which he refuses to divulge
5 upon demand to the Arkansas State Medical Board;

6 (14) The willful betraying of a professional secret;

7 (15) Persistent, flagrant overcharging or overtreatment of patients."
8

9 SECTION 24. Arkansas Code Annotated §17-96-302 is amended to read as
10 follows:

11 "17-96-302. Psychologists - Application - Qualifications.

12 (a) Any person wishing to obtain the right to practice as a
13 psychologist in this state who has not heretofore been licensed to do so shall
14 make application to the Arkansas Board of Examiners in Psychology through the
15 chairman, in a form and in a manner as shall be adopted and prescribed by the
16 board, and obtain from the board a license to do so.

17 (b)(1) A candidate for a license shall furnish the board with
18 satisfactory evidence that he:

19 (A) Is of good moral character;

20 (B) Has received a doctorate degree in psychology from an
21 accredited institution recognized by the board as maintaining satisfactory
22 standards at the time the degree was granted or, in lieu of degree, a
23 doctorate degree in a closely allied field, if it is the opinion of the board
24 that the training required therefor is substantially similar;

25 (C) Has had at least one (1) year of experience in
26 psychology of a type considered by the board to be qualifying in nature;

27 (D) Is competent in psychology, as shown by passing such
28 examinations, written or oral, or both, as the board deems necessary;

29 (E) Is not considered by the board to be engaged in
30 unethical practice; and

31 (F) Has not, within the preceding six (6) months, failed an
32 examination given by the board.

33 (2) The board may at its discretion accept satisfactory
34 substitute training and experience in lieu of that prescribed in subdivision
35 (b)(1) of this subsection."

1

2 SECTION 25. Arkansas Code Annotated §17-96-303 is amended to read as
3 follows:

4 "17-96-303. Psychological examiners - Application - Qualifications.

5 (a) Any person wishing to obtain the right to practice as a
6 psychological examiner who has not heretofore been licensed to do so shall
7 make application to the Arkansas Board of Examiners in Psychology through the
8 chairman, upon a form and in such manner as shall be adopted and prescribed by
9 the board, and obtain from the board a license to do so.

10 (b)(1) A candidate for a license shall furnish the board with
11 satisfactory evidence that he:

12 (A) Is of good moral character;

13 (B) Has had two (2) academic years of graduate training in
14 psychology, including a master's degree from an accredited educational
15 institution recognized by the board as maintaining satisfactory standards or,
16 in lieu thereof, such training and experience as the board shall consider
17 equivalent;

18 (C) Is competent as a psychological examiner as shown by
19 passing such examinations, written or oral, or both, as the board deems
20 necessary;

21 (D) Is not considered by the board to be engaged in
22 unethical practice; and

23 (E) Has not, within the preceding six (6) months, failed an
24 examination given by the board.

25 (2) The board may at its discretion accept satisfactory
26 substitute training and experience in lieu of that prescribed in subdivision
27 (b)(1) of this subsection."
28

29 SECTION 26. Arkansas Code Annotated §17-98-303 is amended to read as
30 follows:

31 "17-98-303. Massage therapist.

32 (a) In order to be registered as a massage therapist, the person
33 seeking registration shall:

34 (1) Furnish to the board satisfactory proof that he or she is
35 eighteen (18) years of age or older, and of good moral character and temperate

1 habits;

2 (2) Make oath that he or she has not been convicted of any
3 offense that would constitute a felony, either in this state or the United
4 States;

5 (3) Present a high school diploma, graduate equivalency diploma,
6 or credentials issued by a recognized accredited massage therapy school or
7 like institution with no less than five hundred (500) in classroom hours;

8 (4) Pass a demonstrative, oral, and written examination conducted
9 by and under the supervision of the board in the art of massage therapy as
10 defined in §17-98-102(1);

11 (5) Furnish a certificate of physical examination signed by a
12 regularly practicing physician, declaring such person to be free from any
13 contagious, infectious, or communicable disease. Such examination must have
14 taken place, or a certificate must have been issued, within the preceding
15 thirty (30) days; and

16 (6) Pay the fees specified, which shall accompany the application
17 to the secretary-treasurer of the board.

18 (b)(1) Fees are as follows:

- 19 (A) Registration fee..... \$75.00
- 20 (B) Annual renewal fee 25.00
- 21 (C) Examination fee or reexamination fee 25.00

22 (2) Should reexamination be necessary, the registration fee of
23 seventy-five dollars (\$75.00) will be held in escrow until after the
24 reexamination is taken. Should the reexamination qualifications not be met,
25 the board will refund the seventy-five dollars (\$75.00) but not the
26 examination and reexamination fees.

27 (c) Any person who attempts to procure or does procure a license in
28 violation of the provisions of this section shall be subject to the penalties
29 provided for in §17-98-103."

30

31 SECTION 27. Arkansas Code Annotated §17-99-303 is amended to read as
32 follows:

33 "17-99-303. Veterinarians - Application - Qualifications.

34 (a)(1) Any veterinarian or licensed veterinarian desiring a license to
35 practice veterinary medicine in this state may make written application to the

1 board showing that he is:

2 (A) At least twenty-one (21) years of age;

3 (B) A person of good moral character.

4 (2) The application shall contain other information and proof as
5 required by regulation of the board and shall be accompanied by an application
6 fee established by the board. This fee shall not be refundable.

7 (b)(1) If the board finds that the applicant possesses the proper
8 qualifications, it shall admit him to the next examination, or, if the
9 applicant is eligible for license without examination, it shall forthwith
10 grant him a license.

11 (2) If an applicant is found unqualified to take the examination
12 or to receive a license without examination, the board shall immediately
13 notify the applicant in writing of its findings and the grounds for them."
14

15 SECTION 28. Arkansas Code Annotated §23-32-203 is amended to read as
16 follows:

17 "23-32-203. Issuance and filing of certificate of incorporation.

18 (a) The Bank Commissioner shall, upon payment of the fees, give to the
19 persons named as stockholders a certificate of incorporation, in such form as
20 he may prescribe, if the commissioner is satisfied that:

21 (1) The persons named as stockholders have the confidence of the
22 community and are financially able to discharge the obligations resting upon
23 the stockholders under any of the provisions of this act; and

24 (2) The requisite capital has been in good faith subscribed; and

25 (3) There exists a public necessity for the business in the
26 community in which it is sought to establish the same.

27 (b) The commissioner shall also return one (1) of the copies submitted
28 to him of the articles of agreement upon which he has endorsed the fact of the
29 issuance by him of the certificate of incorporation.

30 (c) The return of the endorsed copy and the filing of the copy for
31 record with the county clerk of the county in which the institution is located
32 shall authorize it to proceed with its business, but with only one (1) office
33 for the transaction of business in only the one (1) town or city as to which
34 the application has been made. The institution shall transact no business
35 except the election of officers, the taking and approving of their bonds, the

1 receipt of payment on account of subscribers to its capital stock, and such
2 other business only as is incidental and necessarily preliminary to its
3 organization until it has been authorized by the commissioner and has filed
4 its endorsed copy of the articles of agreement for record with the county
5 clerk."

6

7 SECTION 29. All provisions of this act of a general and permanent
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
9 Code Revision Commission shall incorporate the same in the Code.

10

11 SECTION 30. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16

17 SECTION 31. All laws and parts of laws in conflict with this act are
18 hereby repealed.

19

20

21

22

23

/s/David Beatty, et al