

**DEPARTMENT OF HEALTH, SECTION OF EMERGENCY MEDICAL SERVICES**

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**SUBJECT:** Rules for Emergency Medical Services

**DESCRIPTION:** The proposed rules amend the Rules for Emergency Medical Services as follows:

- Remove the word “regulation” from the entire document (Act 315);
- Remove outdated terms in definitions;
- Encounter Form definition clarification to include electronic or hard copy submission;
- Data submission requirement changed to fifteen (15) days from the date of the call from the last day of the subsequent month;
- General standard of primary responder(s) clarification – In the event of a disaster or an extenuating circumstance, an air ambulance service may be considered a primary responder if ground ambulance services may be unable to reach patients by ground;
- Define “Advanced Response Agency” with general standards for agency license and permit of vehicle;
- Require Emergency Vehicle Operator (EVO) criminal history backgrounds;
- Revise Continuing Education Renewal Hours at Local Level: AR Trauma, Pediatric, Stroke, Cardiology, Documentation, Ethics, and Professionalism;
- Requirement to maintain national certification for Emergency Medical Services Providers (EMSP) state licensure renewal (Act 958);
- Temporary license for ninety (90) days and expedited licensing for military members and spouses (Acts 426 and 820);
- EMSP Initial Instructor requirement of forty (40) hour EMSP instructor course or bachelor’s degree in education;
- EMS education programs for EMT and AEMT are extended to licensed advanced life support ambulance services sponsored by a Private Carer License;
- Surrender of unwanted controlled substances must be in accordance with the Drug Enforcement Agency’s regulations;
- Equipment list updated by removing quantities, using drug classification, and the requirement of 12 EKG lead capability.

**PUBLIC COMMENT:** A public hearing was held on this rule on May 4, 2020. The public comment period expired on May 4, 2020. The agency provided the following summary of the public comments it received and its responses to those comments.

**Commenter’s Name:** Ken Kelley, Arkansas Ambulance Association

**COMMENT 1 SUMMARY:** Ken Kelly wanted to thank the Arkansas Department of Health, Section of EMS, for their work on the process. The Arkansas Ambulance Association had a chance to review the proposed changes internally as well as with key partners and has no major comments and to say thank you.

**RESPONSE:** Thank you, Mr. Kelley.



**COMMENT 2:** Mass Casualty definition - the only comment I have is to maybe remove the word *vastly*. That is kind of like the word *serious*. What is serious to one may not be serious to another.

**RESPONSE:** Thank you, Mr. Kelley. [No changes were made to the proposed rule as a result of this comment.]

**Commenter's Name:** Allan Ussery, Southern Paramedic

**COMMENT:** Encounter Form definition- it says the division of EMS must approve the encounter forms. Can we have better criteria of what they will approve? There is no clarification on what you want or don't want on it. So, if I have a perfect encounter form, you guys can deny it for no reason.

Mass Casualty Incident definition- it is fine what you have defined in there but shouldn't the Rules and Regs state that you should coordinate through Trauma Comm to get a MAC channel so that everybody can communicate on the right channel. This was brought up back in August. If we have a resource like Trauma Comm, why are we not putting it in the Rules to utilize something like this in a mass casualty incident.

**RESPONSE:** Thank you, Mr. Ussery, in this meeting, we will not get into a lot of discussion with your proposal, but it will be considered. We will have a response in due course in timeline with the statute. [No changes were made to the proposed rule as a result of this comment.]

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

1. Where do the topics added to the continuing education requirements come from? (Pages 56, 58, and 60 of the markup.) **RESPONSE:** The topics are decided by the Branch Chief, Section Chief, and Licensure Administrator of the Section of EMS and then presented to the EMS Advisory Council's Training Committee for approval.
2. Is there specific authority for requiring emergency vehicle operators to undergo 10 hours of refresher training every two years? **RESPONSE:** No.
3. Section IX(H)(4)(b) states, "The Department shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction . . ." Must that individual hold that license in good standing, as required by Act 820? **RESPONSE:** Yes
4. What is the source for the requirement that an EMS provisional instructor submit a letter of recommendation from the training site representative of an accredited EMS education program with his or her application? (Page 86 of the markup.) **RESPONSE:** The EMS curriculum must be taught by an accredited EMS training site that is sponsored by a higher education institution. To ensure a provisional instructor has the ability to



meet the provisional teaching requirements, a letter of recommendation from the training site is required.

5. Where do the provisions of Section XVI(A), Regulatory Administration, come from?

**RESPONSE:** This was moved from Section IV.B.7.

6. Is there specific statutory authority that allows the Department to revoke or suspend a license or place a licensee on probation, as mentioned in Section XVI(B)?

**RESPONSE:** The general authority is granted by the EMS act and the authority granted to the Board of Health for review and approval. The statutory authority governing EMS is very generalized. See the Emergency Medical Services Act at Ark. Code 20-13-201 et. seq. Section 20-13-208 – Board of Health Powers and Duties, generally confers power on the Board of Health to regulate EMS. “The State Board of Health shall have the responsibility and authority to hold public hearings and promulgate and implement rules and standards which it deems necessary to carry out the provisions of this subchapter.” Section 20-13-209 – Department of Health Powers and duties, confers power on the Department of Health to “administer this subchapter”; to enforce the rules and standards promulgated by the State Board of Health” for the administration and enforcement of this subchapter; to “certify emergency medical services personnel through use of a national competency examination by qualified examiners upon the completion of required curriculum”; to “issue initial and renewal licenses to any qualified applicant that provides EMS or advanced life support rescue services....”.

Other statutory authority for EMS licensure or regulation are the EMS Do Not Resuscitate Act (20-13-901 et. seq.); Section 20-13-1001 et. seq. regarding licensure of Ambulance services and Section 20-13-1101 requiring criminal background checks for EMS licensure applicants and setting forth certain disqualifying offenses.

Also, under the Board of Health’s general authority, section 20-7-101(a), every firm, person, or corporation violating any of the provisions of this act or any of the orders or rules made and promulgated in pursuance hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both. Under Section 20-7-101 (b), every firm, person, or corporation who violates any of the rules issued or promulgated by the State Board of Health or who violates any condition of a license, permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

7. There is a word or phrase missing from the third bullet point under Section XVI(B)(1)(a)’s list of offenses. (Page 94 of the markup.) Could you clarify the language in that bullet point? **RESPONSE:** The phrase was accidentally marked through. It



should read “Violating any provisions of the Arkansas Department of Health’s Emergency Medical Services Rules, as well as federal, state, or local laws, rules affecting, but not limited to the practice of EMS.”

**8.** Is there specific authority for Section XVI(C), dealing with criteria for denial of EMSP licensure? **RESPONSE:** No, the statute giving the State Board of Health power to regulate licensure is general and does not go into granular detail of regulating licensure.

**9.** Is there specific authority for the portions of Section XVI(D) dealing with probation and reapplication? **RESPONSE:** No, the statute giving the State Board of Health power to regulate licensure is general and does not go into granular detail of regulating licensure.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has a financial impact.

Per the agency, all initial licensure applicants are currently required to have a current NREMT certification to obtain EMSP licensure for all levels. Act 958 requires Emergency Medical Service Providers to maintain or regain national certification for state licensure, providing continuity for more standard licensing. EMSP will be assessed a recertification fee by NREMT bi-annually upon renewal. The fees for each level of licensure are as follows: EMT - \$20; AEMT - \$20; and Paramedic - \$25.

The agency indicated that there will be no additional cost to state, county, or municipal government as a result of this rule.

**LEGAL AUTHORIZATION:** The State Board of Health has the authority to promulgate rules “which it deems necessary to carry out the provisions of” the Arkansas Emergency Medical Services Act. Ark. Code Ann. § 20-13-208. The Arkansas Department of Health is tasked with administering the Act, certifying emergency medical services personnel, and issuing and renewing licenses to such personnel. Ark. Code Ann. § 20-13-209. These rule revisions implement provisions of Acts 426, 820, 958, and 990 of 2019.

Act 426, sponsored by Representative Bruce Cozart, created the Red Tape Reduction Expedited Temporary and Provisional Licensure Act and authorized occupational licensing entities to grant expedited temporary and provisional licensing for certain individuals. Act 426 requires occupational licensing entities to promulgate rules adopting “the least restrictive requirements for occupational licensure for” certain individuals. *See* Act 426, § 3(b).

Act 820, sponsored by Senator Missy Irvin, amended the law concerning the occupational licensure of active duty service members, returning military veterans, and their spouses and provided automatic licensure.





Act 958, sponsored by Representative Mark Perry, amended the Arkansas Emergency Medical Services Act to ensure that persons licensed to provide emergency medical services or advanced life support rescue services maintain continual national emergency medical services certification.

Act 990, sponsored by Senator John Cooper, amended the laws regarding criminal background checks for professions and occupations to obtain consistency regarding criminal background checks and disqualifying offenses for licensure. The Act gives licensing entities authority to adopt or amend rules necessary for its implementation. *See* Ark. Code Ann. § 17-2-104(a), *as amended by* Act 990.



**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE  
ARKANSAS LEGISLATIVE COUNCIL**

**DEPARTMENT/AGENCY** The Arkansas Department of Health  
**DIVISION** Section of Emergency Medical Services  
**DIVISION DIRECTOR** Greg Brown  
**ADDRESS** 5800 West 10<sup>th</sup> Street, Suite 800, Little Rock, AR 72204  
**PHONE NO.** 501-661-2262 **FAX NO.** 501-280-4901 **E-MAIL** greg.brown@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Laura Shue  
**PRESENTER E-MAIL** laura.shue@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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- 1. What is the short title of this rule? Rules for Emergency Medical Services
  
- 2. What is the subject of the proposed rule? Revisions of several sections of the Rules based on new legislation, updates, and clean-up of typographical errors. See attached sheet for index and citations summary.
  
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_\_\_\_\_ No X  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
  
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes \_\_\_\_\_ No X  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No X



5. Is this a new rule? Yes \_\_\_\_\_ No  If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes \_\_\_\_\_ No  If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes  No \_\_\_\_\_ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. Tit. 20, Subtit. 2, Ch. 13

7. What is the purpose of this proposed rule? Why is it necessary?

The revisions include: clean-up of language and typographical errors, timeframe requirement for data submission, licensure renewal continuing education hours, EMSP instructor candidate and affiliation requirements, more robust violations section, update equipment lists for ambulances, criminal background check requirements and address new legislation listed below.

Act 315 - Cleanup language to remove "regulation" from code and insert "rule".

Act 426 -Requires boards and commissions that issue occupational licenses to issue temporary licenses to people holding substantially similar licenses and adopt the least restrictive rules for issuance of a permanent license for those people.

Act 820 – Requires those occupational Boards and Commissions that have to promulgate rules granting licenses to military members as required by Act 248 of 2017 to grant those licenses automatically or engage in an expedited licensing rule amendments completed no later than 1 year from effective date of Act.

Act 958 – Requires anyone after the effective date of the Act to maintain national EMS certification for the level of state certification they are applying for.

Act 990 – Makes significant changes to licensing boards background check requirements including not allowing certain offenses to be disqualifiers under certain circumstances, prohibit "vague" terms such as moral turpitude and "good moral character." Also require, boards to render a pre-application opinion regarding criminal convictions upon request by potential applicant.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules>



9. Will a public hearing be held on this proposed rule? Yes X No \_\_\_\_\_  
If yes, please complete the following:

Date: May 4, 2020

Time: 10:00 a.m.

Place: Freeway Medical Building, Suite 801

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

TBD

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. See attachment

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). See attachment

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

A draft and revisions of the draft were disseminated to the EMS Advisory Council Committees, and provider associations for comment. The Advisory Council Committees, the Arkansas EMT Association, and the Arkansas Ambulance Association are in support of the revisions made.





**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** The Arkansas Department of Health

**DIVISION** Section of Emergency Medical Services

**PERSON COMPLETING THIS STATEMENT** Christy Kresse

**TELEPHONE NO.** 501-661-2262 **FAX NO.** 501-280-4901 **EMAIL:** Christine.kresse@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Rules for Emergency Medical Services

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes  No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes  No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes  No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

Currently all initial licensure applicants are required to have a current NREMT certification to obtain EMSP licensure for all levels. Act 958 requires Emergency Medical Service Providers to maintain or regain national certification for State licensure.

(b) The reason for adoption of the more costly rule;

Act 958 provides continuity for standardized licensing.

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

Act 958 provides continuity for standardized licensing.

(d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

The challenge will be the fiscal impact for the Emergency Medical Services Provider.



**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

EMSP will be assessed a recertification fee by NREMT bi-annually upon renewal. The fees for each level of licensure are as follows: EMT- \$20, AEMT- \$20, and Paramedic \$25

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



- 
7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes \_\_\_\_\_ No  X

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



## EMS Rules

### Summary of Public Comment

1. Commenter's Name: Ken Kelley  
Commenter's Agency: Arkansas Ambulance Association

Summary of Comment: Ken Kelly wanted to thank the Arkansas Department of Health, Section of EMS, for their work on the process. The Arkansas Ambulance Association had a chance to review the proposed changes internally as well as with key partners and has no major comments and to say thank you.

Agency's Response to Comment: Thank you, Mr. Kelley.

Were there any changes made to the Proposed Rule as a result of this comment? If so, please describe. N/A

2. Commenter's Name: Allan Ussery  
Commenter's Agency: Southern Paramedic

Summary of Comment:

Encounter Form definition- it says the division of EMS must approve the encounter forms. Can we have better criteria of what they will approve? There is no clarification on what you want or don't want on it. So, if I have a perfect encounter form, you guys can deny it for no reason.

Mass Casualty Incident definition- it is fine what you have defined in there but shouldn't the Rules and Regs state that you should coordinate through Trauma Comm to get a MAC channel so that everybody can communicate on the right channel. This was brought up back in August. If we have a resource like Trauma Comm, why are we not putting it in the Rules to utilize something like this in a mass casualty incident.

Agency's Response to Comment: Thank you, Mr. Ussery, in this meeting, we will not get into a lot of discussion with your proposal, but it will be considered we will have a response in due course in timeline with the statute.

Were there any changes made to the Proposed Rule as a result of this comment? If so, please describe. No

3. Commenter's Name: Ken Kelley  
Commenter's Agency: Arkansas Ambulance Association





Summary of Comment:

Mass Casualty definition- the only comment I have is to maybe remove the word *vastly*. That is kind of like the word *serious*. What is serious to one may not be serious to another.

Agency's Response to Comment: Thank you, Mr. Kelley.

Were there any changes made to the Proposed Rule as a result of this comment? If so, please describe. No



**Arkansas Board of Health**  
**Department of Health**  
**Rules for Emergency Medical Services**  
**Ark. Code Ann. §20-13-201 et seq.**

The proposed revisions:

1. Remove the word regulation from the entire document (Act 315)
2. Remove outdated terms in definitions
3. Encounter Form definition clarification to include electronic or hard copy submission.
4. Data submission requirement was changed to fifteen (15) days from the date of the call from the last day of the subsequent month.
5. General standard of primary responder(s) clarification- In the event of a disaster or an extenuating circumstance, an air ambulance service may be considered a primary responder if ground ambulance services may be unable to reach patients by ground.
6. Define Advanced Response Agency with general standards for agency license and permit of vehicle.
7. Requirement of Emergency Vehicle Operator (EVO) criminal history backgrounds.
8. Revised Continuing Education Renewal Hours at Local Level revised: AR Trauma, Pediatric, Stroke, Cardiology, Documentation, Ethics and Professionalism
9. Requirement to maintain national certification for Emergency Medical Services Providers (EMSP) state licensure renewal (Act 958)
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13. Surrender of unwanted controlled substances- must be in accordance with the office of Drug Enforcement Agency's Regulation.
14. Violations- expansive update
15. Equipment list updated by removing quantities, using drug classification, and the requirement of 12 EKG lead capability.



(906 page Act)

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1430

4  
5 By: Representative Dotson  
6 By: Senator B. Ballinger

## For An Act To Be Entitled

7  
8  
9 AN ACT TO ELIMINATE UNNECESSARY REFERENCES TO  
10 REGULATIONS THROUGHOUT THE ARKANSAS CODE; TO PROVIDE  
11 FOR CONSISTENT REFERENCES TO RULES THROUGHOUT THE  
12 ARKANSAS CODE; TO CHANGE THE NAME OF A ARKANSAS  
13 LEGISLATIVE COUNCIL SUBCOMMITTEE; TO AMEND PORTIONS  
14 OF THE ARKANSAS CODE RESULTING FROM INITIATED ACT 1  
15 OF 1914, INITIATED ACT 4 OF 1948, INITIATED ACT 1 OF  
16 1988, AND INITIATED ACT 1 OF 1996; AND FOR OTHER  
17 PURPOSES.

## Subtitle

18  
19  
20  
21 TO ELIMINATE UNNECESSARY REFERENCES TO  
22 REGULATIONS AND TO PROVIDE FOR CONSISTENT  
23 REFERENCES TO RULES THROUGHOUT THE  
24 ARKANSAS CODE; AND TO CHANGE THE NAME OF  
25 A ARKANSAS LEGISLATIVE COUNCIL  
26 SUBCOMMITTEE.

27  
28  
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30  
31 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

32 (a) The General Assembly finds:

33 (1) The Administrative Procedure Act, § 25-15-202(9)(A) defines  
34 "rule" as "an agency statement of general applicability and future effect  
35 that implements, interprets, or prescribes law or policy, or describes the  
36 organization, procedure, or practice of an agency and includes, but is not





1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H2/13/19

# A Bill

HOUSE BILL 1301

5 By: Representative Cozart  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED  
9 TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE  
10 OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED  
11 TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN  
12 INDIVIDUALS; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO CREATE THE RED TAPE REDUCTION  
16 EXPEDITED TEMPORARY AND PROVISIONAL  
17 LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL  
18 LICENSING ENTITIES TO GRANT EXPEDITED  
19 TEMPORARY AND PROVISIONAL LICENSING FOR  
20 CERTAIN INDIVIDUALS.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. DO NOT CODIFY. Title.

27 This act shall be known and may be cited as the "Red Tape Reduction  
28 Expedited Temporary and Provisional Licensure Act."  
29

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

31 (a) The General Assembly finds that:

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

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







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

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

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

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

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

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

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

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

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

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

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

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

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

32 (a) As used in this section:

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

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



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

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

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

11 (1) Demonstrates that he or she:

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

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

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

19 (i) An act of bad faith; or

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

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

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

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

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

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

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



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

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

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

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

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

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

31 (g) This section shall not apply to:

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

36 (2) The occupational licensing entities that administer the



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

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

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9 /s/Cozart

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

As Engrossed: S3/28/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

SENATE BILL 564

4

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

6 By: Representative Bentley

7

8

## For An Act To Be Entitled

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

15

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## Subtitle

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

27

28

SECTION 1. DO NOT CODIFY. Legislative Intent.

29

The General Assembly finds that:

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

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36

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





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

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

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

8  
 9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of~~ Automatic  
 11 licensure for active duty service members, returning military veterans, and  
 12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section,:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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





1 licensure; and

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

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

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

9 (2) Assign information filed with the Administrative Rules and  
10 Regulations Subcommittee of the Legislative Council under this section to one

11 (1) or more subcommittee of the Legislative Council, including without  
12 limitation a subcommittee created under subdivision (e)(1) of this section;  
13 or

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

18 (f) An occupational licensing entity shall:

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

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

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

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

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

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



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

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*/s/Irvin*

**APPROVED: 4/9/19**



1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

As Engrossed: H3/14/19

# A Bill

HOUSE BILL 1547

4  
5 By: Representative Perry  
6

## For An Act To Be Entitled

8 AN ACT TO ENSURE THAT PERSONS LICENSED TO PROVIDE  
9 EMERGENCY MEDICAL SERVICES OR ADVANCED LIFE SUPPORT  
10 RESCUE SERVICES MAINTAIN CONTINUAL NATIONAL EMERGENCY  
11 MEDICAL SERVICES CERTIFICATION; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14  
15 TO ENSURE THAT PERSONS LICENSED TO  
16 PROVIDE EMERGENCY MEDICAL SERVICES OR  
17 ADVANCED LIFE SUPPORT RESCUE SERVICES  
18 MAINTAIN CONTINUAL NATIONAL EMERGENCY  
19 MEDICAL SERVICES CERTIFICATION.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 20-13-209(6), concerning the powers and  
26 duties of the Department of Health within the Emergency Medical Services Act,  
27 is amended to read as follows:

28 (6)(A) Issue initial and renewal licenses to any qualified  
29 applicant that provides emergency medical services or advanced life support  
30 rescue services, whether the applicant is an individual, partnership,  
31 corporation, or other legal entity, as well as a municipality or other unit  
32 of government.

33 (B) After the effective date of this section, an applicant  
34 seeking initial licensure or renewal of licensure shall be certified by the  
35 National Registry of Emergency Medical Technicians for the particular  
36 emergency medical services personnel license that the applicant is applying





1 for on the state level.  
2 (C) An individual who is licensed as emergency medical  
3 services personnel before the effective date of this section is not required  
4 to be certified by the National Registry of Emergency Medical Technicians to  
5 renew a license if he or she has never been certified by the National  
6 Registry of Emergency Medical Technicians or is not eligible for  
7 reinstatement of certification by the National Registry of Emergency Medical  
8 Technicians;

9 /s/Perry

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12 **APPROVED: 4/12/19**  
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(66 page Act)

1 State of Arkansas As Engrossed: S3/18/19 H4/3/19  
2 92nd General Assembly **A Bill**  
3 Regular Session, 2019

SENATE BILL 451

4  
5 By: Senator J. Cooper  
6 By: Representative Dalby  
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAWS REGARDING CRIMINAL  
10 BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO  
11 OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND  
12 CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND  
13 FOR OTHER PURPOSES.  
14

15 **Subtitle**

16 TO AMEND THE LAWS REGARDING CRIMINAL  
17 BACKGROUND CHECKS FOR PROFESSIONS AND  
18 OCCUPATIONS TO OBTAIN CONSISTENCY  
19 REGARDING CRIMINAL BACKGROUND CHECKS AND  
20 DISQUALIFYING OFFENSES FOR LICENSURE.  
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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that:

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

30 (2) Arkansas became one (1) of eleven (11) states chosen to  
31 participate in the Occupational Licensing Policy Learning Consortium, an  
32 initiative funded by a grant from the United States Department of Labor and  
33 supported in partnership with the National Conference of State Legislatures,  
34 the Council of State Governments, and the National Governors Association;

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



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