

DEPARTMENT OF HEALTH, SECTION OF EMERGENCY MEDICAL SERVICES

SUBJECT: Rules for Emergency Medical Services

<u>DESCRIPTION</u>: 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- Remove outdated terms in definitions;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.

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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

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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

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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.

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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.

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QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEP	PARTMENT/AGENCY The Arkansas Department of Health
DIV	ISION Section of Emergency Medical Services
	ISION DIRECTOR Greg Brown
	DRESS 5800 West 10 th Street, Suite 800, Little Rock, AR 72204
PHC	DNE NO. <u>501-661-2262</u> FAX NO. <u>501-280-4901</u> <u>E-MAILgreg.brown@arkansas.gov</u>
	ME OF PRESENTER AT COMMITTEE MEETING Laura Shue
PRE	SENTER E-MAIL laura.shue@arkansas.gov
	<u>INSTRUCTIONS</u>
A. B.	Please make copies of this form for future use. Please answer each question <u>completely</u> 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 th Floor Little Rock, AR 72201
****	Little Rock, AR /2201 **********************************
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 NoX

5.	Is this a new rule? Yes No X If yes, please provide a brief summary explaining the rule.
	Does this repeal an existing rule? Yes No X 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 X_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

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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.

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FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT The Arkansas Department of Health	
	ION Section of Emergency Medical Services
	ON COMPLETING THIS STATEMENT Christy Kresse PHONE NO. 501-661-2262 FAX NO.501-280-4901 EMAIL: Christine.kresse@arkasnas.gov
IELE	THORE NO. 301-001-2202 FAX NO.301-280-4901 EMAIL: Christine.kresse@arkasnas.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.	
SHOR	T TITLE OF THIS RULE Rules for Emergency Medical Services
1.	Does this proposed, amended, or repealed rule have a financial impact? YesX 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? YesX 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 X No 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.

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Cash Funds	Cash Funds
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Total	Total
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Current Fiscal Year	Next Fiscal Year
General Revenue	General Revenue
Federal Funds	Federal Funds
Cash Funds	Cash Funds
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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?
	YesNoX
	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.

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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

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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)
- 10. Temporary license for ninety (90) days and expedited licensing for military members and spouses (Acts 426 & 820)
- 11. EMSP Initial Instructor requirement of forty (40) hour EMSP instructor course or bachelor's degree in education
- 12. EMS education programs for EMT and AEMT are extended to licensed advanced life support ambulance services sponsored by a Private Career License.
- 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.

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Stricken language would be deleted from and underlined language would be added to present law. Act 315 of the Regular Session

	(906 page Act)
1	State of Arkansas
2	92nd General Assembly A Bill
3	Regular Session, 2019 HOUSE BILL 1430
4	
5	By: Representative Dotson
6	By: Senator B. Ballinger
7	
8	For An Act To Be Entitled
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.
18	
19	
20	Subtitle
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

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

293031

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



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Stricken language would be deleted from and underlined language would be added to present law. Act 426 of the Regular Session

1 2	State of Arkansas As Engrossed: H2/13/19 92nd General Assembly A Bill
3	92nd General Assembly Regular Session, 2019 HOUSE BILL 1301
4	Regular Session, 2019
5	By: Representative Cozart
6	
7	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	
15	Subtitle
16	TO CREATE THE RED TAPE REDUCTION
17	EXPEDITED TEMPORARY AND PROVISIONAL
18	LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
19	LICENSING ENTITIES TO GRANT EXPEDITED
20	TEMPORARY AND PROVISIONAL LICENSING FOR
21	CERTAIN INDIVIDUALS.
22	
23	
24	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25	
26	SECTION 1. DO NOT CODIFY. <u>Title.</u>
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



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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	<u>and</u>
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,

As Engrossed: H2/13/19 HB1301

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	<pre>for:</pre>
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)(l)(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.
	procession in another state, territory, or district of the united states.

As Engrossed: H2/13/19 HB1301

- 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
- 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 <u>initial occupational licensure or of a person currently holding an</u>
- 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 <u>initial occupational licensure or as the person currently holding an</u>
- 26 <u>occupational licensure</u>.
- 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 <u>17-93-414</u>, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or
- 36 (2) The occupational licensing entities that administer the

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As Engrossed: H2/13/19 HB1301

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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Stricken language would be deleted from and underlined language would be added to present law. Act 820 of the Regular Session

1	State of Arkansas As Engrossed: \$3/28/19
2	92nd General Assembly A B1II
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	
16	
17	Subtitle
18	TO AMEND THE LAW CONCERNING THE
19	OCCUPATIONAL LICENSURE OF ACTIVE DUTY
20	SERVICE MEMBERS, RETURNING MILITARY
21	VETERANS, AND THEIR SPOUSES; TO PROVIDE
22	AUTOMATIC LICENSURE; TO REQUIRE REVIEW
23	AND APPROVAL OF RULES SUBMITTED.
24	
25	
26	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:
30	(1) The current law regarding the issuance of licenses,
31	certificates, and permits required to enable the holder to lawfully engage in
32	a profession, trade, or employment in this state continues to constitute a
33	hardship on active duty service members, returning military veterans, and
34	their spouses;
35	(2) Acts 2017, No. 248, amended the law to require that all
36	state boards and commissions promulgate rules to expedite the process and



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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
۱7	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
8.8	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	$\underline{\text{in an occupation or profession}}$ $\underline{\text{if the}}$ $\underline{\text{to an}}$ individual $\underline{\text{who}}$ is the holder in
16	good standing of a substantially equivalent license, certificate, or permit

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occupational license issued by another state, territory, or district of the
United States and is:
(1) (A) An active duty military service member stationed in the
State of Arkansas;
(2)(B) A returning military veteran applying for licensure
within one (1) year of his or her discharge from active duty; or
(3) (C) The spouse of a person under subdivisions (b) (1)
$\underline{(b)(1)(A)}$ and $\underline{(2)}$ $\underline{(b)(1)(B)}$ of this section.
(2) However, an occupational licensing entity shall be required
to provide automatic licensure if the proposed rules are not approved as
required under subsection (d)(2) of this section.
(c) A state board or commission shall expedite the process and
procedures for full licensure, certification, or permitting for the following
individuals:
(1) An active duty military service member stationed in the
State of Arkansas;
(2) A returning military veteran applying within one (1) year of
his or her discharge from active duty; or
(3) The spouse of a person under subdivisions (c)(1) and (2) of
this section.
(d) When considering an application for full licensure,
certification, or permitting for an active duty military service member
stationed in the State of Arkansas or a returning military veteran applying
within one (1) year of his or her discharge from active duty, a state board
or commission:
(1) Shall consider whether or not the applicant's military
training and experience in the area of licensure, certification, or
permitting is substantially similar to experience or education required for
licensure, certification, or permitting; and
(2) Shall accept the applicant's military training and
experience in the area of licensure, certification, or permitting in lieu of
experience or education required for licensure, certification, or permitting
if the state board or commission determines the military training and
experience is a satisfactory substitute for the experience or education
required for licensure, certification, or permitting.
(e) A license, certificate, or permit required to enable the holder to

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As Engrossed: S3/28/19

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)(l) 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

in an analysis of

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	<u>or</u>
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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8	/s/Irvin
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11	APPROVED: 4/9/19
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Stricken language would be deleted from and underlined language would be added to present law. Act 958 of the Regular Session

1	State of Arkansas As Engrossed: H3/14/19
2	92nd General Assembly A B111
3	Regular Session, 2019 HOUSE BILL 1547
4	
5	By: Representative Perry
6	
7	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	
14	Subtitle
15 16	TO ENSURE THAT PERSONS LICENSED TO
17	
18	PROVIDE EMERGENCY MEDICAL SERVICES OR ADVANCED LIFE SUPPORT RESCUE SERVICES
19	MAINTAIN CONTINUAL NATIONAL EMERGENCY
20	MEDICAL SERVICES CERTIFICATION.
21	HEDIONE SERVICES CERTIFICATION.
22	
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



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As Engrossed: H3/14/19 HB1547

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	<u>Technicians</u> ;
9	/s/Perry
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12	APPROVED: 4/12/19
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Stricken language would be deleted from and underlined language would be added to present law. Act 990 of the Regular Session

Act 990 of the Regular Session (66 page Act)

1	State of Arkansas
2	92nd General Assembly A B111
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	
16	Subtitle
17	TO AMEND THE LAWS REGARDING CRIMINAL
18	BACKGROUND CHECKS FOR PROFESSIONS AND
19	OCCUPATIONS TO OBTAIN CONSISTENCY
20	REGARDING CRIMINAL BACKGROUND CHECKS AND
21	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



(Was page Act)