

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

DEPARTMENT/AGENCY: Arkansas Department of Health
DIVISION: Health Systems Licensing and Regulation/Cosmetology and Massage Therapy Section
DIVISION DIRECTOR: Connie Melton
CONTACT PERSON: Kelli Kersey
ADDRESS: 4815 West Markham, Slot 8, Little Rock, AR 72205
PHONE NO.: 501-661-2171 **FAX NO.:** 501-661-2055 **E-MAIL:** kelli.kersey@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, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? Rules for Massage Therapy in Arkansas
- 2. What is the subject of the proposed rule? Rule revision to update language of Rule to mirror Act 315, Act 426, Act 820, Act 990, Act 426 and Act 1011 of 2019. To Clean up the Rules for more clarification.
- 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 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 Yes _____ No x If yes, a copy of the repealed rule is to be included with your completed questionnaire.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. Act 530 of 2017, codified at A.C.A. § 17-86-102 (3) et seq.
7. What is the purpose of this proposed rule? Why is it necessary? To update language of Rule to mirror Act 315, Act 426, Act 820, Act 990, Act 426 and Act 1011 of 2019. To Clean up the Rules for more clarification.
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). www.healthy.arkansas.gov
9. Will a public hearing be held on this proposed rule? Yes x No _____
If yes, please complete the following:
Date: 8/27/2020
Time: 9:00 a.m.
Place: Freeway Medical Tower, 5800 W. 10th St., Room 906, Little Rock, Arkansas
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
August 27, 2020
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
October 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.
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).
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.
Massage Therapist – For

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Arkansas Department of Health

DIVISION: Health Systems Licensing and Regulation/Cosmetology and Massage Therapy Section

PERSON COMPLETING THIS STATEMENT: Kelli Kersey

TELEPHONE NO.: 501-682-2171 **FAX NO.:** 501-682-5640 **EMAIL:** kelli.kersey@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 Massage Therapy of Arkansas

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No x _____

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 _____ x _____ 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 _____

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;

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

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

 - (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?

Current Fiscal Year

General Revenue: 0
Federal Funds: 0
Cash Funds: 0
Special Revenue _____

Next Fiscal Year

General Revenue: 0
Federal Funds: 0
Cash Funds: 0
Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total: 0

Total: 0

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

Current Fiscal Year

Next Fiscal Year

General Revenue: 0

General Revenue: 0

Federal Funds: 0

Federal Funds: 0

Cash Funds: 0

Cash Funds: 0

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total: 0

Total: 0

- 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

\$ 0

\$ 0

- 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

\$ 0

\$ 0

- 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.

Summary of Proposed Changes
 Rules for Massage Therapy in Arkansas

REVISION by Section	Supporting Information
§1 Massage Therapy Section	
<p>§ 1. Remove language "regulation"</p> <p>§ 2. Add language "Purpose – These Rules are prepared for the purpose of establishing standards to regulate the vocation of massage therapy, to provide for the licensing of persons to carry on and to teach such vocation, to regulate the conduct and sanitation of massage therapy clinics, Massage Therapy schools, and Massage Therapy postsecondary schools to prevent the spreading of communicable diseases and to provide penalties for violation thereof."</p>	<p>Correct Rule to meet requirements of Act 315</p> <p>Better clarification of the Rules</p>
§2 Principles, Methods and Definitions	
<p>§ 1. – 7. Replace language "is defined as to means"</p> <p>§ 7. Remove language "who does not teach more than sixteen (16) clock hours in school curriculum"</p> <p>§ 8. Remove language "and Regulation."</p> <p>§ 10. C. (v) Replace language "(a) Heliotherapy means to with" (vi) Move language "Therapist must demonstrate training in the use of electrical devices other than simple mechanical vibrators and present qualifications acceptable to the Department before using such devices." (vii) Replace language "this chapter to the Massage Therapy Act"</p> <p>§ 10. D. (iv) Add language " Piercing, lancing, or penetrating the skin"</p> <p>§ Add language "11. "Massage Therapy Act" means Arkansas Code § 17-86-101 et. Seq."</p> <p>§ Add language "17. "NCBTMB" means National Certification Board of Therapeutic Massage and BodyWork."</p> <p>§ Add language "18. "Passing grade" means score of seventy (70%) percent or better."</p> <p>§ Add language "19. "Postsecondary massage therapy school" means a massage therapy school that: (A) Offers a postsecondary curriculum approved by the State Board of Health; and (B) Has an enrollment in which no more than fifty percent (50%) of its students do not have a diploma or the recognized equivalent of a high school diploma."</p>	<p>Better Clarification of the definition</p> <p>Industry Concerns raised by subcommittee</p> <p>Correct Rule to meet requirements of Act 315</p> <p>Better Clarification of the definition</p> <p>Moved to educational requirements</p> <p>Better Clarification of the definition</p> <p>Better Clarification of the definition</p> <p>Better Clarification of the Rules</p> <p>Better Clarification of the Rules</p> <p>Better Clarification of the Rules</p> <p>Correct Rule to match Statute § 17-86-102</p>

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§3 Policies and Procedures	
<p>§ 1. Remove language "to accompany requests such as applications for licensure, licensing renewals, applications for upgrades to master, massage therapy instructor, continuing education program applications, school renewals, school and/or clinic inspections, and any other such forms and letters,"</p>	Remove restrictive language
<p>§ 2. Remove language "pre-determined" a. The MTTAC may adopt Robert's Rules of Order or such procedures or methodologies, as it deems necessary." § 2. c. Remove language "for school and spa/clinic inspections" § 2. c. Replace language "Article Four to Section 4."</p>	Remove restrictive language
<p>§ 3. Remove language "Applications to the Department continuing education program courses and all r" "from members of the public" "by mail or email and postmarked or sent" Replace language "thirty (30) to fourteen (14)"</p>	Remove restrictive language
<p>§ 4. Remove language "and Regulations"</p>	Correct Rule to meet requirements of Act 315
<p>Add language § 6. "The MTTAC may deny, suspend, place on probation, or revoke a license if a licensee or applicant has pleaded guilty or nolo contendere to or been found guilty of any felony listed under Ark. Code Ann. § 17-2-102</p>	Correct Rule to Statute § 17-2-102
<p>§ 7. Replace language "Unless waived by the Department of Health, no applicant is eligible to receive or hold a license issued by the Department if the applicant has pleaded guilty or nolo contendere to or been found guilty of a felony or Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual misconduct, sexual solicitation, lewd behavior, child abuse or molestation, statutory rape, sexual assault, human trafficking, or other violent crime. a. The Department, at its sole discretion, and upon written request from the applicant, may consider waiver of the bar to eligibility to licensure as provided in Ark. Code Ann. § 17-86-203(e)-(h). b. If the Department waives the bar to eligibility, the Department must submit the reasons for waiving the bar to eligibility in writing, and the determination and reasons shall be made available to members of the Department for review. To Pre-Licensure Criminal Background Check (A) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained. (B) The individual must obtain the pre-licensure criminal background check petition form from the Department. (C)The Department will respond with a decision in writing to a completed petition within a reasonable time.</p>	Correct Rule to meet requirements of Act 990

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(D) The Department's response will state the reasons for the decision.

(E) All decisions of the Department in response to the petition will be determined by the information provided by the individual.

(F) Any and all decisions made by the Department in response to a pre-licensure criminal background check petition are not subject to appeal.

(G) The Department will keep and maintain a copy of the petition and response, which will be reviewed during the formal application process.

Add language § 8. Waiver Request:

(A) If an individual has been convicted of a felony listed in A.C.A. § 17-2-102, the Department may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

(i) An affected applicant for a license; or

(ii) An individual holding a license subject to revocation.

(B) The Department may grant a waiver upon consideration of the following, without limitation:

(i) The age at which the offense was committed;

(ii) The circumstances surrounding the offense;

(iii) The length of time since the offense was committed;

(iv) Subsequent work history since the offense was committed;

(v) Employment references since the offense was committed;

(vi) Character references since the offense was committed;

(vii) Relevance of the offense to the occupational license; and

(viii) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health and safety of the public.

(C) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees. A request for waiver, if made by a licensee, must be in writing.

(D) The Department will respond with a decision in writing and will state the reasons for the decision.

(E) Appeals under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

§ 9. Remove language "Individuals who perform "rubdowns" or apply tanning lotions, oils, or apply other substances over the body of clients must hold a current massage license or a license from another discipline and are allowed to use only such procedures as are within the limits of their respective licenses and scope of practice. i. Each service performed without a massage license will constitute a violation of Ark. Code Ann. § 17-86-101 and may be subject to penalties under Ark. Code Ann. § 17-86-103.

Correct Rule to Statute § 17-2-102

Industry Concerns raised by subcommittee

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<p>§ 10. As a part of the original approval process, the Department considers only U.S. State-approved medical doctors, nurse practitioners and departments of health, and their equivalents, as qualified health care providers for purposes of certifying health compliance. A copy of the verifiable statement or health card issued by such providers indicating that the holder is free from contagious tuberculosis must be provided and meet the requirements of <i>Arkansas Code</i> 17-86-303(a) (6).</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§ 4 Enforcement</p>	
<p>§ (A) Remove language "Complaint against a person, a clinic/spa, or massage therapy school or postsecondary massage therapy school."</p> <p>§ Add language 1. "Consumer Information: (A) A copy of the most recent inspection sheet shall be posted in a conspicuous area. (B) All Massage Therapy schools, Massage Therapy postsecondary schools, Massage therapist licenses, Master massage therapist license and Massage instructor licenses and spa and clinic registration letter shall be conspicuously posted in a designated place in reception areas, outside individual work rooms, or in the clinic area. (C) A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology and Massage Therapy Section shall be posted in a designated place in reception area, outside individual work rooms, or in the clinic area."</p> <p>§ Add language 2. "Inspections: Initial, routine and complaint inspections are conducted to ensure compliance with the licensing law and rules. Any inspector shall have the authority to enter into and inspect any massage therapy spa, clinic or school at any time during business hours. Massage Therapy spas or clinics are inspected at least annually but not limited to, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department. The inspectors examine licenses; inspect buildings and equipment; report violations of the law or rules; investigate complaints; - and perform initial inspections of new spas, clinics and schools."</p> <p>§ Add language 3. "Complaints:"</p> <p>§ Add language 3. " (A) and who practices massage therapy, massage therapy"</p> <p>§ Remove language 3. (A) "licensed by the Board"</p> <p>§ Remove language 3. (B) "The accusations must be in writing, signed by the accuser, and verified under oath."</p> <p>§ Remove language 3. (C) "one (1) member of the MTTAC with assistance of"</p> <p>§ Add language 3. (D) " The Department has the authority to investigate all such written complaints, investigate and refer to MTTAC any information that comes to their attention</p>	<p>Remove repetitive language</p> <p>Rule for transparency of health and safety consumer information</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Moved for clarification of Rule for better understanding</p>

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<p>constituting reasonable belief that a violation of the Law or rule has occurred.”</p> <p>§ Add language 4. “Hearings”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ 5 Licensing and Renewals</p>	
<p>§ Remove language 2. “the Federation of the State Massage Therapy Board Massage Therapy and Bodywork Licensing Exam (MBLEx)</p>	<p>Better flow and ease for reciprocity candidates</p>
<p>§ Add language 2. “(A) Federation of State Massage Therapy Board Massage and Bodywork Licensing Exam (MBLEx) (B) National Certification Examination for Therapeutic Massage (NCETM) (C) National Certification Examination for Therapeutic Massage & Bodywork (NCETMB)”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ Replace language 3. “choose specific exams to approve additional exams that are equivalent to those listed in Section 5, number 2.”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ Remove language 4. A., b., 1. a., “a. The Department determines the location for practical examinations b. Guidelines for massage and draping techniques will be tested at all locations. 1. The Department will be testing the draping of unclothed clients. a. However, exceptions may be allowed for documented medical or religious reasons.”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ Move language 5. “Every massage therapy license, active or inactive, is valid for a period of two (2) years and expires on the licensee’s birthday. a. The licensee must submit the following for renewal of his or her license: a completed license renewal application, payment of the appropriate fees and documented proof of no fewer than eighteen (18) hours of continuing education that have been approved in accordance with Article Six. b. A renewal application must be postmarked on or before the first day of the month preceding the month in which the licensee’s birthday falls in the biennial renewal year. <i>Example: Joe’s birthday is June 14th and his license expires in 2011. His renewal application must be postmarked on or before May 1, 2011.</i> c. A renewal application postmarked after the first day of the month preceding the month in which the licensee’s birthday falls shall be charged a late fee of twenty-five dollars (\$25.00) in addition to renewal fees. d. A license is expired if application is postmarked after the birthday of the licensee in the biennial renewal year. (1) Before the Department issues a new license to an applicant with an expired license, the applicant shall: (a) Submit a new application that requires the applicant to meet current requirements; and (b) Successfully complete an examination recognized by the Department of Health.</p>	<p>Moved Rule for better understanding and flow</p>

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<p>§ Move language 6. Renewal application forms will be mailed out the first of the month preceding the month they are due.</p> <p>§ Move language 7. Any individual licensee who is currently not practicing and wishes to place his or her license on the inactive list shall: a. Submit a renewal application for inactive status every two (2) years, even if remaining inactive. b. Surrender his or her current license to the Department of Health office. c. Not practice massage therapy during the time licensee is on the inactive list. d. Not remain on the inactive list for a period to exceed four (4) years without reexamination. e. An individual who has been placed on the inactive list for fewer than four (4) years and wishes to reactivate licensure shall follow the procedures for license renewal, present satisfactory evidence of completion of continuing education hours for the inactive period and pay all appropriate fees before resuming active practice of massage therapy. f. An individual who passes the four (4) year time allotment shall be considered to have an expired license and must meet the current requirements for licensure and successfully complete an examination recognized by the Department before resuming active practice of massage therapy.</p> <p>8. Persons practicing with an expired license may be referred for prosecution or civil action for practicing without a license and penalties of Arkansas Code § 17-86-103 may be applied.</p>	<p>Moved Rule for better understanding and flow</p> <p>Moved Rule for better understanding and flow</p>
<p>§ 6 Reciprocity, Temporary Licensure and Military Licensure.</p>	
<p>§ Add language "Reciprocity under Act 1011 of 2019 1. Reciprocity (A) Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements: (i) The applicant shall hold a substantially similar license in another United States jurisdiction. (a) A license from another state is substantially similar to an Arkansas Massage Therapy license if the other state's licensure qualifications require: i. Completed and graduated with a minimum of five (500) in-classroom hours of massage therapy classes, or proof is given of completion of the specific classes and hours taken as required in Arkansas massage schools as required by Ark. Code Ann. § 17-86-306(e). (b) The applicant shall hold his or her occupational licensure in good standing; (c) The applicant shall not have had a license revoked for: i. An act of bad faith; or ii. A violation of law, rule, or ethics; (d) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; (B) The applicant shall be sufficiently competent in the Massage Therapy and (C) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. 2. Required documentation. An applicant shall</p>	<p>Correct Rule to meet requirements of Act 1011</p>

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submit a fully-executed application, the required fee, and the documentation described below. (A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information: (i) Evidence of current and active licensure in that state. The Department may verify this information online if the jurisdiction that issue provides primary source verification on its website and; (ii) Evidence that the other state's licensure requirements match those listed in 1. (A) (i) (a) The Department may verify this information online if the jurisdiction that issue provides primary source verification on its website. (B) To demonstrate that the applicant meets the requirements in 1. (A) (i) (b) through (d), the applicant shall provide the Department with: (i) The names of all states in which the applicant is currently licensed or has been previously licensed; (ii) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in 1. (A) (i) (c) and does not hold a license on suspended or probationary status as described in 1. (A) (i) (d) The Department may verify this information online if the jurisdiction that issue provides primary source verification on its website. (C) As evidence that the applicant is sufficiently competent in the field of Massage Therapy, an applicant shall: (i) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. (ii) Submit three (3) letters of recommendation from former employers, former educators, or clients. (D) Documents required to show compliance with least restrictive Requirements: (i) A valid photo identification or driver's license, or both; and (ii) A social security card issued in the same name as the applicant or licensee. (iii) Present a high school diploma, Certificate of General Educational Development, or college transcript and credentials issued by a department-accepted massage therapy school or a like institution with no less than five hundred (500) in-classroom hours of instruction. (iv) An applicant shall have the massage therapy school submit the transcript directly to the department office. (a) If the applicant's transcript is not obtainable from the original school, the applicant shall submit a statement to explain why it may not be obtained. (b) Other documentation of credentials may be submitted and accepted for licensure at (v) Furnish to the department satisfactory proof of passing an examination recognized and approved by the department;

(E) (A) An out-of-state applicant holding a current massage therapy license issued by another state and after receiving an Arkansas massage therapy license may apply for an upgrade to master massage therapist or massage therapy instructor by providing appropriate continuing education credits and experience gained before Arkansas licensure for department approval. (B) An upgrade request shall be made by submitting

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a complete application package and paying the fees required by this chapter."

§ Add language 2. "Temporary License

(A) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under 2. (A) (i) and (ii). (B) The temporary license shall be effective for 90 days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections (A), (B), (C), and (D) in which case the temporary license shall be immediately revoked. (C) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license."

Correct Rule to meet requirements of Act 1011

§ Add language 3. "License for person from state that doesn't license profession pursuant to Act 1011 of 2019.

(A) Required Qualifications. An applicant from a state that does not license Massage Therapy shall meet the following requirements: (i) The applicant shall be sufficiently competent in Massage Therapy; and (ii) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. (iii) Submit three (3) letters of recommendation from former employers, former educators, or clients. (B) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below. (i) As evidence that the applicant is sufficiently competent in the field of Massage Therapy an applicant shall: (a) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. (b) Submit three (3) letters of recommendation from former employers, former educators, or clients; (ii) A valid photo identification or driver's license, or both; and (iii) A social security card issued in the same name as the applicant or licensee. (iv) Present a high school diploma, Certificate of General Educational Development, or college transcript and credentials issued by a department-accepted massage therapy school or a like institution with no less than five hundred (500) in-classroom hours of instruction. (v) An applicant shall have the massage therapy school submit the transcript directly to the department office. (a) If the applicant's transcript is not obtainable from the original school, the applicant shall submit a statement to explain why it may not be obtained. (b) Other documentation of credentials may be submitted and accepted for licensure at (vi)Furnish to the department satisfactory proof of passing an examination recognized and approved by the department;"

Correct Rule to meet requirements of Act 1011

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<p>§ Add language 4. "Reciprocity and state-specific education pursuant to Act 1011 of 2019. (A) The Department shall require an applicant to take no less than five hundred (500) in-classroom hours of instruction department-accepted massage therapy school or a like institution if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in A.C.A. § 17-1-108. (B) Reciprocity in another state will be considered similar to reciprocity under A.C.A. § 17-1-108 if the reciprocity provisions in the other state: (i) Provide the least restrictive path to licensure for Arkansas applicants; (ii) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure. (iii) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in A.C.A. § 17-1-108."</p>	<p>Correct Rule to meet requirements of Act 1011</p>
<p>§ Add language 5. "Military licensure under Act 820 of 2019 (A) As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable. (B) The Department shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is: 1. An active duty military service member stationed in the State of Arkansas; 2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or 3. The spouse of a person under (B)1 or 2 above. C. The Department shall grant such automatic licensure upon receipt of all the below: 1. Payment of the initial licensure fee; 2. Evidence that the individual holds a substantially equivalent license in another state; and 3. Evidence that the applicant is a qualified applicant under Section B. "</p>	<p>Correct Rule to meet requirements of Act 820</p>
<p>§7 Continuing Education</p>	
<p>§7 Replace language "under to within" and "practice as relates to the definition of massage therapy found in Article 2 to practice of massage therapy" §7 1. Add language "unless approved by the NCBTMB, AMTSA, or ABMP." §7 2. b. Remove language "college level", "of C or higher", "as", "defined in Article Two and accepted by the Department." §7 2. b. Add language "from a U.S. Department of Education approved and accredited postsecondary institution"</p>	<p>Clarification of Rule for better understanding Clarification of Rule for better understanding Clarification of Rule for better understanding</p>

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<p>§7 2. c. Replace language “with prior approval of another state agency that oversees of massage therapy or certified professional massage therapy in Article Two to that fall within the scope of practice of massage therapy that are approved by NCBTMB, AMTA, or ABMP.”</p>	<p>Clarification of Rule for better understanding</p>
<p>§7 2. d. Add language “Courses falling outside above guidelines may be submitted for consideration.”</p>	<p>Clarification of Rule for better understanding</p>
<p>§7 3. a. Replace language “or another state agency regulating massage therapy or certified professional massage therapy agency to NCBTMB, AMTA, or ABMP.” And as defined in Article Two of these rules and regulations to of massage therapy”</p>	<p>Clarification of Rule for better understanding</p>
<p>§7 3. b. Replace language “must be in a non to content cannot be in a”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. Remove language “I and be accompanied”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. b. Replace language “Article Two to Section 2”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. c. Replace language “written, clearly defined learning objectives subject matter and teaching methods. to the following: i) proposed title ii) schedule of course iii) learning outcomes iv) session description v) relevance of course vi) program content/time frame vii) teaching strategies viii) learning environment</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. d. Add language “meets one of the following:” “i. A. For every one hour of CE to be taught the instructor must have 5 hours of specialized related training. B. The Department may give credit for extensive experience teaching the course, related courses, or years employed in the field.”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. d. Replace language “or to ii. and or to iii.”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. e. Replace language “and who meets to Meet”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. e. ii. Add language “or postsecondary massage therapy school”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. e. Replace language “which has to a school with”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 4. e. Remove language “in classroom five hundred (500) hours” and “Graduated from a postsecondary massage therapy school approved by the Department or one which has a comparable in-classroom six hundred (600) hours curriculum;”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. a. Remove language “Continuing education course providers must”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. a. Replace language “roster to record”</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. a. Add language “course”</p>	<p>Industry Concerns raised by subcommittee</p>

Governor's summary

<p>§7 5. b. Remove language "Continuing education course providers must"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. b. Add language "2. The certificate"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. c. Remove language "Continuing education course providers must"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. c. Add language "course revisions"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. c. Replace language "forms for the approval for any substantial changes or additional subjects that they may wish to offer to for approval"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. c. Add language "1. Course revisions are defined as changes to the following: i) proposed title ii) schedule of course iii) learning outcomes iv) relevance of course v) program content/time frame vi) teaching strategies vii) learning environment 2. Course revisions affecting less than ten (10) percent of the currently approved content may be approved by the Department. 3. Course revisions exceeding ten (10) percent of the currently approved content may be approved by the Massage Therapy Technical Advisory Committee."</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. f. Replace language "audit and/or monitor to review"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. Add language "course approval applicant and any"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. 1. Replace language "administrative adjudication to hearing"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. 2. Replace language "which to The hearing"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. 2. Remove language "procedures adopted in and in accordance with"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 6. Replace language "college level to from a U.S. Department of Education approved and accredited postsecondary institution completed with a passing grade"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 Remove language "7. Instructors may only teach courses that reflect a percentage level of their training consistent with hours of credit being offered by the instructor. a. No more than twenty (20) percent of the hourly credit can be offered in relation to the training received by the instructor. 1. For example, if a trainer takes an approved thirty (30) hour continuing education program, he or she would qualify to teach a six (6) hour course in that particular subject.</p>	<p>Industry Concerns raised by subcommittee</p>

Governor's summary

<p>b. At the Department's discretion, credit may be given for extensive experience teaching the course and/or related courses, and/or years employed in the field."</p> <p>§7 9. Replace language "may to shall, a to five to ten"</p> <p>§7 9. Remove language "as determined by the Department"</p> <p>§7 9. Add language "renewals and annually"</p> <p>§7 9. a. Add language "within thirty days of receipt"</p> <p>§7 Remove language "9. Disciplinary action for violations of rules of the Conduct and Ethics will be conducted in accordance with the procedures adopted in Article Three of these rules."</p>	<p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p>
<p>§8 Massage Clinics</p>	
<p>§8 1. Add language "With the exception of treatments that are given at the location of a client, or treatments given at a temporary location lasting not more than 14 days such as a trade show, sporting event or community festival"</p> <p>§8 1. Replace language "be given to have a"</p> <p>§8 1. Add language "a., b., c. Sanitize all body surface area(s) that come into contact with a client, prior to such contact, with a disinfecting solution that is bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. Contact time listed on the manufacturers label must be adhered to at all times to effectively destroy pathogens d. Have accessible restrooms that are clean and sanitary without offensive odors and in working order at all times. e. Keep furniture, equipment, electrical equipment and other fixtures clean and in good repair at all times. f. Launder linens after each use. g. Have a separate receptacle for soiled and clean linens. h. Keep clean linens stored out of public use areas including but not limited to restrooms, reception area, hallways and other public traffic areas. i. Keep oils, lotions, or any other products that are used on clients in containers that are labeled and closed. n. Be compliant with all applicable city, state and local statutes and regulations., o., p., q."</p> <p>§8 1. q. Replace language "Article Two to Section 2"</p> <p>§8 Remove language "4. A towel or sheet that has been used by one (1) client may not be used on another person unless the towel or sheet has been re-laundered. 5. Therapists must comply with all city, county, and/or state regulations. 6. Anyone who has an infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or</p>	<p>Rule for health and safety of consumer</p> <p>Clarification of Rule for better understanding</p> <p>Rule for health and safety of consumer</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p>

Governor's summary

indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared."

§8 Add language "2. In-home massage clinics/offices must be located in a separate room or rooms, used only for massage therapy services during business operations. 3. Mobile clinics are not considered temporary. 4. Anyone who has an infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared."

Rule for health and safety for consumer

§ 9 Massage Therapy Schools and Postsecondary Massage Therapy Schools

1. Application for Massage Therapy School:
 - A. Any person, firm or corporation seeking to open a school of Massage Therapy shall submit an application with required forms to the Massage Therapy Section office and receive pre-approval from the Department. The application shall include:
 1. Completed application provided by the Department and available on the Department's website at www.healthv.arkansas.com.
 2. Describe the location of your school, type of structure, and furnish a detailed floor plan in compliance with Section 2.
 3. List of proposed equipment used for instructional purposes in compliance with Section 2.
 4. Submit proposed curriculum including name and addition of textbooks and any other material that will uses for instructional purposes.
 5. List of instructors and their qualifications.
 6. Submit samples of all forms to be used in the School, such as, contract, sign-in sheets, attendance records, transcripts, guest instructor log, etc.
 7. Submit a copy of your school's handbook- including refund policy. Postsecondary Schools must also include a disciplinary policy.
 8. Valid background checks for each owner.
 9. Application Fee
 - B. A person shall not establish, operate, or maintains a massage therapy school without first having obtained a certificate of massage therapy school licensure issued by the Department.
 - C. Any Massage Therapy School wishing to teach both secondary and postsecondary students shall obtain both a license for a Massage Therapy School and a Postsecondary Massage Therapy School. The School shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the postsecondary school and receive Title IV funds.
 - D. After satisfactory completion of initial requirements, schools are required to undergo Department inspection before they can be licensed.
 - a. A Department staff member will perform an inspection of the school premises with required forms completed, and the results of such inspection will be returned to the Department for approval and/or adjustment recommendations.
 - b. Facilities that do not pass the first inspection will be re-inspected within thirty (30) days of notification of corrections.
 - E. Postsecondary Massage Therapy Schools must show proof that the school adopts and discloses to the students a complaint process substantially similar to the one outlined in Section Four of these Rules.
2. Facility and Sanitary Requirements
 1. School facilities must:
 - a. Be kept clean, sanitary and in good repair at all times.

Section 9 rearranged for clarification and better flow of the Rule

Governor's summary

<p>b. Clean equipment and tools thoroughly on a routine basis and sanitize them with a disinfecting solution that is bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. Contact time listed on the manufacturers label must be adhered to at all times to effectively destroy pathogens.</p> <p>c. Have clinical workspace allowing for unrestricted movement around massage tables.</p> <p>d. Have adequately ventilated workspace to keep them free of excessive vapors, odors and fumes.</p> <p>e. Be heated and air-conditioned with adjustable temperature control.</p> <p>f. Have adequate space to accommodate all students during the theory and clinical instructional hours for which they are enrolled.</p> <p>g. Have an instructional classroom that is clean, in good repair and well ventilated.</p> <p>h. Have a minimum of one (1) massage table for every three (3) students in class.</p> <p>i. Have an accessible hand-washing sink supplied with hot and cold running water, a soap dispenser and a sanitary hand drying method. Common towels are not allowed.</p> <p>j. Have accessible restrooms that are clean and sanitary and in working order at all times. Restrooms shall not be used for storage of products used for servicing clients.</p> <p>k. Have trash containers that are durable and easily cleanable that do not leak. Trash containers must be emptied daily to prevent an accumulation of garbage and the development of odors.</p> <p>l. Dispose of all one time use towels, sheets and protective covering that cannot be disinfected immediately after use.</p> <p>m. Have furniture, equipment and other fixtures that are made of washable material and kept clean and in good repair. Electrical equipment shall be kept clean and in good repair at all times.</p> <p>n. Launder sheets and towels to disinfect after each use on client.</p> <p>o. Have a separate receptacle for soiled linens.</p> <p>p. Keep clean linens separate from public and/or covered in public use areas.</p> <p>q. Keep oils, lotions or any products that are used on the public in containers that are labeled and sanitary.</p> <p>r. Anyone who has an infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee or student with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared.</p> <p>2. Schools shall have an identifiable Massage Therapy Instructor who provides oversight and supervision under which other Master Massage Therapist or Massage Therapy Instructors can teach.</p> <p>3. Schools must adhere to all state and local ordinance and provide a copy of the fire inspection, occupancy license, and/or business permits where required by law, and furnish copies to the Department upon request.</p> <p>4. Schools must inform students regarding emergency evacuation procedures and clearly mark or post all routes and exits.</p> <p>3. Curriculum</p> <p>1. Schools have the discretion to grant CLEP credit for any previously obtained, successfully passed, and officially documented classroom education relevant to massage therapy.</p> <p>a. Such credit may be granted at the rate of three (3) college credits to equal no more than forty (40) clock-hours.</p> <p>b. Schools will maintain a file copy of all such examinations for Department inspection.</p> <p>2. Schools must follow the curriculum outlined in Ark. Code Ann. § 17-86-306(e). The curriculum must be presented to and approved by the Department and will make further applications to the Department for any substantial modifications in the subjects, contents, or instructional methods offered to the students.</p> <p>3. Schools must provide no less than three (3) clock-hours of HIV/AIDS and other basic communicable disease education within their twenty-five (25) hours of hygiene and infectious control as required by Arkansas Code § 17-86-306 (e)(4).</p>	<p>Section 9 rearranged for clarification and better flow of the Rule</p>
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Governor's summary

4. Schools that teach massage with students wearing swimsuits or underwear must instruct students at some time during their school on how to work on unclothed clients with a minimum of twenty (20) hours of classroom or student clinic massages on unclothed clients, unless there is a documented religious or medical objection made by the student.
5. Schools may not include more than five (5) percent of their total school curriculum of instruction with reiki, polarity, or other energy-based modalities.

4. Instruction Methods

1. Each specified course of study must be outlined with a syllabus that includes written learning objectives. Instructors will follow daily lesson plans and will provide active, organized learning sessions.
2. Recognized methods of instruction, such as, but not limited to, lecture, demonstration, and supervised hands-on practice will be utilized to ensure reasonable learning objectives and outcomes.
3. All classes must be instructed and supervised by qualified and approved personnel and consist of no less than fifty (50) minutes of active teaching per credit hour. In-school independent study time is limited to no more than five (5) percent of the total hours of a program.
4. Active teaching means qualified school personnel offering organized lecture, activities, demonstration, and/or direct and immediate supervision of students during hands-on practice.
5. Written and practical evaluations shall be conducted with all grades recorded and available for inspection.

5. Instructor Qualifications

1. All persons who instruct any portion of a curriculum within an approved massage therapy school must be a licensed master massage therapist or massage therapy instructor.
 - a. Each school must have on file such diplomas, transcripts, certifications, resumes, and/or other verifiable documents that attest to the person's qualifications and technical expertise.
 - b. Each school must be able to supply the Department with a list of instructors who have taught or who will be teaching at that school along with documentation of their qualifications and the subjects they have instructed or will instruct.
2. For the purposes of qualifying instructors for subjects required by Arkansas Code § 17-86-306, the following definitions will be used:
 - a. Technical subjects are those defined as massage therapy techniques, hydrotherapy, heliotherapy, electrotherapy, and any hands-on training that may occur under various related subjects.
 - b. Academic subjects include anatomy, physiology, pathology, and related human sciences; and
 - c. Non-technical subjects include massage therapy laws, ethics, and business management.
 - d. Persons to instruct technical subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor, and must have a minimum of two (2) consecutive years of active experience in the practice of massage therapy.
 - e. Persons to instruct academic subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor as defined in Arkansas Code § 17-86-102 (6)(A) or hold a minimum of a Bachelor's degree plus two (2) years practical experience in a subjects directly related to that being taught.
 - f. Persons to instruct non-technical subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor as defined in Arkansas Code § 17-86-102 (6)(A) or hold a minimum of a two (2) year associate's degree and two (2) years practical experience in a subject directly relates to that being taught.
3. Schools may invite guest instructors to teach within their program without Department pre-approval if such guest instructor instructs on no more than sixteen (16) hours per school curriculum. (Section 9), 5.1 and 2 show how guest instructors shall be qualified.
 - a. Schools may utilize guest instructors to provide no more than a total of twenty-five (25) hours per school curriculum. A Record of all hours of instruction provided in this manner must be maintained by the school and be made available for Department inspection upon request.

Section 9 rearranged for clarification and better flow of the Rule

Governor's summary

<p>b. Schools must keep a log of guest instructors.</p> <p>6. Student Clinical</p> <ol style="list-style-type: none"> 1. The purpose of any student clinical is to provide advancing students, enrolled in approved schools, an opportunity to gain practical experience working with the public in a supervised setting. 2. The status of the practitioner must be made clearly evident to the recipient of student massage. 3. Any student to be considered eligible for clinical practice must have completed the following requirements: <ol style="list-style-type: none"> a. one hundred (100) hours of anatomy, physiology, pathology, and contraindications for massage therapy, and one hundred (100) hours of technical training, and all portions of the school's curriculum pertaining to personal hygiene, sanitation, ethics, and professional standards; b. provide proof of student liability insurance. 4. All clinical massages by a student must be documented and performed under the supervision of a qualified technical instructor who has access to the treatment area at all times. 5. No more than fifty (50) hours of student massage may be attained in this manner and applied to meet the requirements for licensure. 6. Students may not solicit payment in any form during clinical practice either on school premises, at chosen locations for field trips, or while practicing away from school facilities and direction. <ol style="list-style-type: none"> a. This includes barter, donations and/or trades. b. The student may accept gratuities during supervised clinical massage. 7. No student may leave classroom instruction to perform student-client massages. <p>7. Records</p> <ol style="list-style-type: none"> 1. All student records must be maintained for a period of not less than five (5) years. 2. In the event of school closure or change of school ownership a copy of all current student records and all student records maintained for the previous five (5) years must be submitted to the Department. 3. Attendance records will be maintained and verified by the school and must be made available for inspection by the Department upon request. Such records must verify both the subject and the actual attendance in class of each student enrolled. 4. Schools must require and maintain proof of CPR training for all students at the time of their graduation. <p>8. Mics.</p> <ol style="list-style-type: none"> 1. Each school operated within the state shall be inspected during regular operations by the Department at least one (1) time each year. 2. Any school desiring to move the location of its license must notify the Department in writing at least thirty (30) days prior to any location change. The Department will inspect the school's new location within thirty (30) days of receiving a relocation notice. 3. Schools providing off-site student massages shall be allowed only under the direct supervision of a Massage Therapy Instructor or Master Massage Therapist. 	<p>Section 9 rearranged for clarification and better flow of the Rule</p>
<p>§10 Conduct and Ethics</p>	
<p>§10 1. Add Language "(therapists)"</p> <p>§10 1. Remove language "and comfortable and the engenders trust and mutual respect"</p> <p>§10 2. Add language "including but not limited to the following: a. Their right to terminate the treatment at any time; b. Their right to modify the treatment at any time;"</p> <p>§10 3. Replace language "Massage therapists to Therapists"</p> <p>§10 3. b. & d. Move language "Inform the client of their right to terminate or modify their treatment at any time" and "Refer all clients to appropriate health care practitioners or other professionals as such need arises; and"</p>	<p>Clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p>

Governor's summary

<p>§10 4. c. Move language "Upholds the highest standards of concern and respect for the well-being of their clients:"</p> <p>§10 4. d. Remove language "and Regulations"</p> <p>§10 4. e. Remove language "Wears proper and professional attire that is suitable and consistent with accepted business and professional practices."</p> <p>§10 6. Remove language "Disciplinary action for violations of Rules of Conduct and Ethics will be conducted"</p>	<p>Rearranged for clarification and better flow of the Rule</p> <p>Correct Rule to meet requirements of Act 315</p> <p>Removed does not cause health and safety risk to the public.</p> <p>Remove repetitive language</p>
<p>§11 Miscellaneous Guidelines</p>	
<p>§11 1. Replace language "Draping and treatment to Massage Therapy"</p> <p>§11 2. Remove language "Draping must take place during the massage, and the therapist shall comply with the client's request to remain partially or fully clothed under the drape"</p> <p>§11 3. Add language "or dressed"</p> <p>§11 5. Remove language "female"</p> <p>§11 5. D. Remove language "female and her"</p> <p>§11 5. E. Remove language "female"</p>	<p>Clarification and better flow of the Rule</p> <p>Remove repetitive language</p> <p>Clarification and better flow of the Rule</p> <p>Clarification of the Rule</p> <p>Clarification of the Rule</p>

(906 pages)

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

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

As Engrossed: H2/13/19

A Bill

HOUSE BILL 1301

4
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

Subtitle

14
15
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. 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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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
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/28/19

A Bill

SENATE BILL 564

5 By: Senators Irvin, T. Garner, J. Hendren, D. Wallace
6 By: Representative Bentley
7

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

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.
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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



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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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 990 of the Regular Session

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

As Engrossed: S3/18/19 H4/3/19
A Bill (66 pages)

SENATE BILL 451

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.
22

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



Stricken language would be deleted from and underlined language would be added to present law.
Act 1011 of the Regular Session

1 State of Arkansas *As Engrossed: H2/4/19 S4/5/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1255

4

5 By: Representative Dotson

6 By: Senator Hester

7

8

For An Act To Be Entitled

9

AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
10 SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
11 THE LAW CONCERNING LICENSING, REGISTRATION, AND
12 CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
13 SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
14 FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
15 CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

16

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18

Subtitle

19

TO AMEND THE LAW CONCERNING LICENSING,
20 REGISTRATION, AND CERTIFICATION FOR
21 CERTAIN PROFESSIONS; AND TO ESTABLISH A
22 SYSTEM OF ENDORSEMENT, RECOGNITION, AND
23 RECIPROCITY FOR LICENSING.

24

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26

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

27

28

SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:

29

17-1-107. Reinstatement of licenses – Definition.

30

31

~~(a)(1) It is not the intent of the General Assembly to cause the
licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 person is credentialed.~~

35

36

~~(2) It is the intent of the General Assembly to ensure that a
person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

3 ~~(b)(a)~~ A occupational licensing entity shall by rule adopt reduced
4 requirements for reinstatement of a license, registration, permit, or
5 certification for a person who:

6 (1) Demonstrates that he or she:

7 (A) Was previously licensed, registered, permitted, or
8 certified to practice in the field of his or her profession at any time in
9 this state;

10 (B) Held his or her license, registration, permit, or
11 certification in good standing at the time of licensing, registration,
12 permitting, or certification;

13 (C) Did not have his or her license, registration, permit,
14 or certification revoked for:

15 (i) An act of bad faith; or

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

17 (D) Is not holding a suspended or probationary license,
18 registration, permit, or certification in any state; and

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

20 (2) Pays any reinstatement fee required by law.

21 ~~(e)(b)~~ The occupational licensing entity may require that sufficient
22 competency in a particular field be demonstrated by:

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

25 (3) Both proficiency testing and letters of recommendation.

26 ~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this
27 section, the occupational licensing entity shall not require a person who
28 meets the requirements of subsection (a) of this section to participate in
29 the apprenticeship, education, or training required as a prerequisite to
30 licensing, registration, permitting, or certification of a new professional
31 in the field.

32 (2) The occupational licensing entity may require the person to
33 participate in continuing education or training if the continuing education
34 or training is required for all professionals in the field to maintain the
35 license, registration, permit, or certification.

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 registration, permit, or certification if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, registration, permit, or certification, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor~~, that has the duty to license,
17 register, permit, certify, or otherwise approve a person to work in a
18 particular field or industry.

19 (2) As used in subdivision (f)(1) of this section "agency"
20 does not include the General Assembly, the courts, or the Governor.

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

30 (2) It is not the intent of the General Assembly to cause the
31 licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 individual is credentialed.

35 ~~(a)~~(b) As used in this section:

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

3 (2) "Occupational licensing entity" means an office, board,
4 commission, committee, department, council, bureau, or other agency of state
5 government having authority to license, certify, register, permit, or
6 otherwise authorize an individual to engage in a particular occupation or
7 profession; and

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

12 ~~(b)~~(c) An occupational licensing entity shall by rule adopt the least
13 restrictive requirements for occupational licensure for an individual who:

14 (1) Demonstrates that he or she:

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

18 (B) Holds his or her occupational licensure in good
19 standing;

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

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

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

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

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

29 ~~(e)(1)(A)~~(d)(1)(A) An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)~~(c) of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)(1)(A)~~(d)(1)(A)
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)~~(c) of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

5 (2) If a state, territory, or district of the United States does
6 not require occupational licensure for a profession that requires
7 occupational licensure in this state, an occupational licensing entity shall
8 adopt a rule that is least restrictive to permit an individual who is
9 sufficiently competent in his or her field to obtain occupational licensure
10 for that occupation or profession in this state.

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

16 ~~(d)~~(1)(e)(1) Except as provided under subdivision ~~(d)~~(1)(e)(2) of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)~~(c) of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)~~(f) If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)~~(g) The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)~~(h) This section shall not apply to:

