

# EXHIBIT N

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

DEPARTMENT/AGENCY: Department of Health  
DIVISION: Center Public Health Protection, Epidemiology  
DIVISION DIRECTOR: Marisha DiCarlo  
CONTACT PERSON: Lori Simmons  
ADDRESS: 4815 West Markham St. Slot # 16, Little Rock, AR 72205  
PHONE NO.: 501-661-2936 FAX NO: E-MAIL: Lori.Simmons@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING: Laura Shue  
PRESENTER E-MAIL: Laura.Shue@arkansas.gov

### INSTRUCTIONS

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

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

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1. What is the short title of this rule? RULES PERTAINING TO LEAD - BASED PAINT ACTIVITIES
2. What is the subject of the proposed rule? Compliance with Acts 315, 426, 820, and 1011, of 2019.
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 \_\_\_\_\_

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

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 Yes \_\_\_ No  If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

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

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation: **A.C.A. Section § 20-27-2501 et seq.**
7. What is the purpose of this proposed rule? Why is it necessary? **To comply with the Acts cited in Number 2, above.**
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://www.healthv.arkansas.gov/rules-and-regulations>

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

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

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

**Pending**

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

**1/1/2020**

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.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health

**DIVISION** Office of Chief Counsel

**PERSON COMPLETING THIS STATEMENT** Charles Thompson, Managing Attorney

**TELEPHONE NO.** 501.682.1006 **FAX NO.** **EMAIL:** charles.thompson@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 GOVERNING THE PRACTICE OF LICENSED LAY MIDWIFERY IN 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   - as determined by the legislature in Acts 315, 426, 820, 990, and 1011, of 2019. \_\_\_\_\_  
  
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 \_\_\_\_\_

Federal Funds \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_



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

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

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

**Current Fiscal Year**

**Next Fiscal Year**

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

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

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

**Current Fiscal Year**

**Next Fiscal Year**

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

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

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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**

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

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

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

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

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 Changes to Lead Paint Rules**

### **In compliance with:**

**Act 820** - Add Section VI (a)(5) Licensure of Active Duty Service Members, Returning Military Veterans, and Their Spouses.

**Acts 426/1011** - Add Section VI (a)(1)(B) Reciprocal Licensure.

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

(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

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

## Subtitle

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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.

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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





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

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

As Engrossed: H2/13/19

# A Bill

HOUSE BILL 1301

5 By: Representative Cozart  
6

## For An Act To Be Entitled

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

## Subtitle

15 TO CREATE THE RED TAPE REDUCTION  
16 EXPEDITED TEMPORARY AND PROVISIONAL  
17 LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL  
18 LICENSING ENTITIES TO GRANT EXPEDITED  
19 TEMPORARY AND PROVISIONAL LICENSING FOR  
20 CERTAIN INDIVIDUALS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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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/s/Cozart

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APPROVED: 3/12/19

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

1 State of Arkansas *As Engrossed: S3/28/19*

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

SENATE BILL 564

4

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

6 By: Representative Bentley

7

8

## For An Act To Be Entitled

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

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## Subtitle

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

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28

SECTION 1. DO NOT CODIFY. Legislative Intent.

29

The General Assembly finds that:

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

35

36

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



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

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

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

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

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

13 (a) As used in this section,:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 licensure; and

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

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

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

9 (2) Assign information filed with the Administrative Rules and  
10 Regulations Subcommittee of the Legislative Council under this section to one  
11 (1) or more subcommittee of the Legislative Council, including without  
12 limitation a subcommittee created under subdivision (e)(1) of this section;  
13 or

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

18 (f) An occupational licensing entity shall:

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

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

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

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

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

34

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

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

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7  
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 1011 of the Regular Session

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

As Engrossed: H2/4/19 S4/5/19

# A Bill

HOUSE BILL 1255

4  
5 By: Representative Dotson  
6 By: Senator Hester

## 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.

## Subtitle

16  
17  
18 TO AMEND THE LAW CONCERNING LICENSING,  
19 REGISTRATION, AND CERTIFICATION FOR  
20 CERTAIN PROFESSIONS; AND TO ESTABLISH A  
21 SYSTEM OF ENDORSEMENT, RECOGNITION, AND  
22 RECIPROCITY FOR LICENSING.  
23

24  
25  
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 ~~(a)(1) 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 ~~person is credentialed.~~

35 ~~(2) It is the intent of the General Assembly to ensure that a~~  
36 ~~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:



