

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 1219 OF 1993**  
**HOUSE BILL 1941**

4 **By: Representatives Beatty and Hill**

5  
6  
7

## **For An Act To Be Entitled**

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

16  
17

## **Subtitle**

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

20

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

22

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

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

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

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

1 completed within that time or within such time as the board in its discretion  
2 may determine upon application."

3

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

6 "17-14-304. Examinations.

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

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

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

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

20

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

23 "17-15-301. Qualifications - Examination.

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

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

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

34 (2) The examination shall include questions on ethics, reading,  
35 writing, spelling, elementary arithmetic, and a general knowledge of the laws

1 of Arkansas and the Arkansas Code, including, but not limited to, contracts of  
2 sale, agency, leases, auctions brokerage, and the provisions of the Uniform  
3 Commercial Code, § 4-1-101 et seq.

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

8

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

11 "17-18-406. Manager certification.

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

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

18

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

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

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

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

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

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

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

1

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

4 "17-24-301. Licensed professional counselor - Qualifications.

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

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

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

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

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

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

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

34

35 SECTION 7. Arkansas Code Annotated §17-32-202 is amended to read as

1 follows:

2 "17-32-202. Qualifications.

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

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

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

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

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

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

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

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

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

31 "17-32-205. Reciprocity.

32 An applicant who is a polygraph examiner licensed under the laws of  
33 another state or territory of the United States may be issued a license  
34 without examination by the board, in its discretion, upon payment of a fee of  
35 sixty dollars (\$60.00) and the production of satisfactory proof that:

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

2 (2) He is of good moral character;

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

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

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

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

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

16 "17-32-304. Application for license - Proof and fee.

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

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

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

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

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

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

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

35 (6) Has posted a surety bond or insurance policy in the amount of

1 one thousand dollars (\$1,000) or proof that the individual is covered by a  
2 business insurance policy.

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

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

9 "17-33-306. License - Applicant qualifications.

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

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

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

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

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

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

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

25 (7) Be of good moral character;

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

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

1 of an investigations company.

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

9

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

12 "17-36-303. Application for examination.

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

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

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

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

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

34 (d) Within ninety (90) days after an application is filed with the  
35 secretary, the board shall notify the applicant whether his application for



1 examination was accepted or rejected and, if rejected, the reason therefor.

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

4

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

7 "17-40-302. Eligibility - Application.

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

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

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

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

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

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

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

26

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

28 "17-43-301. Certificate - Applicant qualifications.

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

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

34 (2) is of good moral character;

35 (3) has knowledge of the rules and regulations adopted under this

1 chapter; and

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

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

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

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

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

16

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

19           "17-81-305. Qualifications of applicants.

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

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

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

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

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

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

35           (6) Be of good moral character;

1           (7) Not have been convicted of a felony;

2           (8) Not be an habitual user of intoxicants, drugs, hallucinatory  
3 preparations.

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

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

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

17

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

20           "17-84-302. Qualifications and examination of applicants - Fees -  
21 Waiver.

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

27           (b) Each applicant must:

28                 (1) Be at least eighteen (18) years of age;

29                 (2) Be of good moral character;

30                 (3) Have been awarded a high school diploma or its equivalent;

31                 (4) Have satisfactorily completed training in an American Medical  
32 Association-approved respiratory care program to include adequate instruction  
33 in basic medical science, clinical science, and respiratory care theory and  
34 procedures;

35                 (5) Have passed a written examination approved by the board and

1 committee.

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

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

- 7 (1) Clinical data;
- 8 (2) Equipment; and
- 9 (3) Therapeutic procedures.

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

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

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

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

24

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

27 "17-87-302. Qualifications of applicants.

28 Each applicant must meet the following conditions:

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

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

32 (3) The applicant must have successfully completed the academic  
33 requirements of an educational program in occupational therapy with  
34 concentration in biologic or physical science, psychology and sociology, and  
35 with education in selected manual skills.

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

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

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

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

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

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

20

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

23           "17-88-302. Qualifications - Licensed dispensing opticians.

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

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

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

35           (A) No more than three (3) years may consist of working in

1 a qualified service optical laboratory approved by the board; or

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

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

9

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

12 "17-88-303. Qualifications - Registered dispensing opticians.

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

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

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

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

28

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

31 "17-88-305. Reciprocity.

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

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

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

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

17

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

20 "17-88-306. Dispensers from nonlicensing states.

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

26 (b) The applicant must:

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

1 laboratory approved by the board immediately prior to the date of application;

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

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

6

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

9 "17-92-303. Physical therapists.

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

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

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

21 (b) Each physical therapist applicant must:

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

23 (2) Be of good moral character;

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

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

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

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



1 board may determine to be necessary or desirable.

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

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

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

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

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

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

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

22

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

25 "17-93-403. Application - Qualifications.

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

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

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

1 applicant has at any time committed any of the acts or offenses herein defined  
2 as unprofessional conduct.

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

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

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

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

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

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

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

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

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

27

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

30 "17-93-409. Denial, suspension, or revocation - Grounds.

31 The board may revoke an existing license, suspend an existing license,  
32 or refuse to issue a license in the event the holder or applicant, as the case  
33 may be, has committed any of the acts or offenses defined in this section to  
34 be unprofessional conduct. The words unprofessional conduct as used in  
35 subchapters 2-4 of this chapter are declared to mean:

- 1           (1) Conviction of any crime involving moral turpitude or conviction of  
2 a felony. The judgment of any such conviction, unless pending upon appeal,  
3 shall be conclusive evidence of unprofessional conduct;
- 4           (2) Resorting to fraud, misrepresentation, or deception in applying for  
5 or securing a license to practice medicine or in taking the examination for  
6 the license;
- 7           (3) Aiding or abetting an unlicensed person to practice medicine;
- 8           (4) Procuring or aiding or abetting in procuring a wrongful and  
9 criminal abortion;
- 10          (5) Violation of the laws of the United States or the State of Arkansas  
11 regulating the possession, distribution, or use of narcotic or controlled  
12 drugs classed in schedules 1-5 of the Controlled Substances Act of 1970 or the  
13 Arkansas Controlled Substances Act, §5-64-101 et seq., including any  
14 amendments thereto;
- 15          (6) Habitual indulgence in the use of alcohol to such an extent as to  
16 render himself incapable of exercising that degree of skill and judgment in  
17 the treatment of his patients which the moral trust and confidence in him  
18 demands;
- 19          (7) Grossly negligent or ignorant malpractice;
- 20          (8) Habitual, intemperate, or excessive use of narcotics or of any  
21 other habit-forming drugs;
- 22          (9) Representing to a patient that a manifestly incurable condition of  
23 sickness, disease, or injury can be permanently cured;
- 24          (10) Becoming physically or mentally incompetent to practice medicine  
25 to such an extent as to endanger the public;
- 26          (11) Insanity or mental disease, if evidenced by an adjudication or by  
27 voluntary commitment to an institution for treatment of a mental disease or as  
28 determined by an examination conducted by three (3) impartial psychiatrists  
29 retained by the board;
- 30          (12) (A) Soliciting for patronage;  
31               (B) Advertising for patronage in a false, fraudulent, deceptive,  
32 or misleading manner;
- 33               (C) Advertising the quality of medical services; or  
34               (D) Advertising illegal procedures and practices;
- 35          (13) Offering, undertaking, attempting, or agreeing to cure or treat

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

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

6 (15) Persistent, flagrant overcharging or overtreating of patients."  
7

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

10 "17-96-302. Psychologists - Application - Qualifications.

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

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

18 (A) Is of good moral character;

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

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

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

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

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

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

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

3 "17-96-303. Psychological examiners - Application - Qualifications.

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

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

11 (A) Is of good moral character;

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

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

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

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

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

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

30 "17-98-303. Massage therapist.

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

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

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

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

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

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

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

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

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

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

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

29

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

32           "17-99-303. Veterinarians - Application - Qualifications.

33           (a)(1) Any veterinarian or licensed veterinarian desiring a license to  
34 practice veterinary medicine in this state may make written application to the  
35 board showing that he is:

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

2 (B) A person of good moral character.

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

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

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

13

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

16 "23-32-203. Issuance and filing of certificate of incorporation.

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

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

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

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

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

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

1 other business only as is incidental and necessarily preliminary to its  
2 organization until it has been authorized by the commissioner and has filed  
3 its endorsed copy of the articles of agreement for record with the county  
4 clerk."

5

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

9

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

15

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

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*/s/David Beatty, et al*

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APPROVED: 4/19/93

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