

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/14/17 H3/20/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1835

4

5 By: Representative Dotson

6 By: Senator Hester

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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 RECIPROCITY FOR LICENSING, REGISTRATION,
14 AND CERTIFICATION FOR CERTAIN PROFESSIONS; AND FOR
15 OTHER PURPOSES.

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Subtitle

19 TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
20 SKILLED WORKFORCE IN THE STATE OF
21 ARKANSAS; TO ESTABLISH A SYSTEM OF
22 RECIPROCITY FOR LICENSING, REGISTRATION,
23 AND CERTIFICATION FOR CERTAIN
24 PROFESSIONS.

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

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

30 17-1-107. Reinstatement of licenses.

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

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



1 ~~person may be credentialed to work in Arkansas if he or she generally~~
2 ~~demonstrates the skills and ethics required by state law based on the~~
3 ~~person's experience and credentials in another state.~~

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

6 (1) Demonstrates that he or she:

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

9 (B) Held his or her license in good standing at the time
10 of licensing;

11 (C) Did not have his or her license revoked for:

12 (i) An act of bad faith; or

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

14 (D) Is not holding a suspended or probationary license in
15 any state; and

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

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

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

20 (1) Proficiency testing;

21 (2) Letters of recommendation; or

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

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

28 (2) The licensing entity may require the person to participate
29 in continuing education or training if the continuing education or training
30 is required for all professionals in the field to maintain the license,
31 registration, or certification.

32 ~~(e)(d)~~ A person shall not be required to comply with requirements
33 under this section to obtain reinstatement of his or her license,
34 registration, or certification if the person meets the requirements for
35 reciprocity.

36 ~~(f)(e)~~ *If a criminal background check is required of an applicant for*

1 an original license, registration, or certification, or of a person currently
2 holding a license, registration, or certification, then the licensing entity
3 may require a person seeking reinstatement under this section to meet the
4 same criminal background check requirements as the applicant for an original
5 license, registration, or certification, or as the person currently holding a
6 license, registration, or certification.

7 ~~(g)~~(f)(1) As used in this section "licensing entity" means an agency,
8 board, commission, department, committee, or other authority of the
9 government of the State of Arkansas, whether within or subject to review by
10 another agency ~~except the General Assembly, the courts, and the Governor,~~
11 that has the duty to license, register, certify, or otherwise approve a
12 person to work in a particular field or industry.

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

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16 SECTION 2. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
17 to add an additional section to read as follows:

18 17-1-108. Reciprocity.

19 (a)(1) It is the intent of the General Assembly to ensure that a
20 person may be credentialed to work in Arkansas if he or she generally
21 demonstrates the skills and ethics required by state law based on the
22 person's experience and credentials in another state.

23 (2) It is not the intent of the General Assembly to cause the
24 licensing entity to engage in simple comparisons of the required hours of
25 training and other personal qualifications under Arkansas's occupational
26 licensing statutes with those qualifications required in the state where the
27 person is credentialed.

28 (b) A licensing entity shall by rule adopt the least restrictive
29 requirements for licensing, registration, or certification for a person who:

30 (1) Demonstrates that he or she:

31 (A) Was previously licensed, registered, or certified for
32 a term specified by rule of the licensing entity to practice in the field of
33 his or her profession in another state;

34 (B) Holds his or her license in good standing;

35 (C) Has not had his or her license revoked for:

36 (i) An act of bad faith; or

1 (ii) A violation of law, rule, or ethics;
2 (D) Is not holding a suspended or probationary license in
3 any state; and

4 (E) Is sufficiently competent in his or her field; and
5 (2) Pays any licensing, registration, or certification fee
6 required by law.

7 (c)(1)(A) A licensing entity shall comply with the requirements under
8 subsection (b) of this section by adopting a rule that is least restrictive
9 that allows for state-to-state reciprocity.

10 (B) The rule under subdivision (c)(1)(A) of this section
11 shall provide the procedure by which a licensing entity shall grant a one-
12 year temporary reciprocal license or permit to a person under subsection (b)
13 of this section by presenting evidence of current and active licensure,
14 registration, or certification in another state.

15 (2) If a state does not require licensing, registration, or
16 certification for a profession that requires licensing, registration, or
17 certification in this state, a licensing entity shall adopt a rule that is
18 least restrictive to permit a person to obtain licensing, registration, or
19 certification for that profession in this state.

20 (3) The licensing entity may require additional state-specific
21 education for persons certified or licensed in other states that do not offer
22 reciprocity similar to reciprocity under this section to persons licensed or
23 certified in this state.

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

29 (2) The licensing entity may require the person to participate
30 in continuing education or training if the continuing education or training
31 is required for all professionals in the field to maintain the license,
32 registration, or certification.

33 (e) If a criminal background check is required of an applicant for an
34 original license, registration, or certification, or of a person currently
35 holding a license, registration, or certification, then the licensing entity
36 may require a person seeking reinstatement under this section to meet the

1 same criminal background check requirements as the applicant for an original
2 license, registration, or certification, or as the person currently holding a
3 license, registration, or certification.

4 (f) The licensing entity may require the person or entity applying for
5 licensure, registration, or certification under this section to meet any
6 bonding, financial statement, or insurance requirements that are applicable
7 to all applicants.

8 (g)(1) As used in this section "licensing entity" means an agency,
9 board, commission, department, committee, or other authority of the
10 government of the State of Arkansas, whether within or subject to review by
11 another agency, that has the duty to license, register, certify, or otherwise
12 approve a person to work in a particular field or industry.

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

15 (h) This section shall not apply to:

16 (1) Reciprocity provisions under §§ 17-12-308, 17-26-315, 17-27-
17 308, 17-28-306, 17-31-308, 17-36-304, 17-43-307, 17-53-208, 17-83-305, 17-88-
18 305, 17-89-305, 17-90-302, 17-92-114, 17-92-308, 17-93-414, 17-97-306, 17-99-
19 304, 17-100-304, and 17-103-302; or

20 (2) The licensing entities that administer the reciprocity
21 provisions under subdivision (h)(1) of this section.

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24 /s/Dotson
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