ARKANSAS BOARD OF PODIATRIC MEDICINE RULES AND REGULATIONS
ARTICLE I
DEFINITIONS

The "Board" will be construed as meaning the Arkansas Board of Podiatric Medicine.

ARTICLE II. APPLICATION FOR EXAMINATION APPLICATION FOR LICENSURE, RECIPROCITY, AND RENEWAL

1. Application for Licensure

(A) Official application forms are available on the Board's website. No application for examination will be considered unless fully and completely filled out on this form and properly attested.

2. (B) An applicant must have official documentation sent to the Secretary of the Board from the National Board of Podiatric Medical Examiners that a passing score was achieved by the applicant on the American Podiatric Medical Licensing Examination (APMLE) Part I and Part II or successor exam, of the National Board Examination.

3. (C) An applicant may take the state licensing examination or submit official documentation from the National Board of Podiatric Medical Examiners of a passing score on the Part III Examination or successor exam.

4. (D) No applicant will be admitted to the state examination except on presentation of a valid driver's license or other form of government-issued photo identification.

5. (E) Applications should be sent to the address provided on the Board's website.

6. (F) The fee for examination, as set by the Board, an application fee of $200 shall accompany the application. The fee shall be sent in form of cashier's check, personal check or money order.

7. (G) The applicant will furnish with the application transcripts under seal of the college or colleges of podiatric medicine attended.
Applicants shall provide themselves with pen and ink to be used in writing the state examination. Paper and other materials will be furnished by the Board.

9. (H) If an applicant wishes to take the state examination, all applications must be completed and submitted to the Board’s secretary-treasurer at least sixty (60) days prior to the state Board examination, unless otherwise provided by law.

40. (J) The application is subject to Arkansas law at the time of consideration of the application by the Arkansas Board of Podiatric Medicine.

44. (J) The state examination shall be conducted in English.

42. (K) All state examinations shall be conducted in the presence of at least one member of the Board.

43. (L) If an applicant fails to pass the state examination, the applicant may appear before the Board for not more than two examinations, all of which must be taken within a period of six months from the date of the first examination of the applicant; the applicant’s license application is denied for failure to pass the exam.

Reinstatement

44. An applicant who can demonstrate that he meets the following criteria may have his license reinstated upon payment of the application fee:

(A) Was previously licensed as a podiatrist at any time in this state;

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

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

   (i) An act of bad faith; or
   (ii) A violation of law, rule, or ethics;

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

(E) Furnish evidence of completion of the number of hours of acceptable continuing medical education computed by multiplying twenty (20) times the number of years the licensee has held an inactive or invalid license, not to exceed 100 hours. Has been practicing as a podiatrist in another state and holds a license there that is in good standing.

Reciprocity
(A) Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

(i) The applicant shall hold in good standing a substantially similar license in another U.S. jurisdiction.

(a) A podiatric medical license from another state is substantially similar to an Arkansas podiatric medical license if an applicant has, or the other state's licensure qualifications require an applicant to have:

1. Graduated from a legally incorporated, regularly established school of podiatric medicine recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association; and


(b) The applicant shall not have had a license revoked for:

1. An act of bad faith; or
2. A violation of law, rule, or ethics;

(c) The applicant shall not hold a suspended or probationary license in a U.S. jurisdiction; and

(ii) The applicant shall be sufficiently competent in the field of podiatric medicine.

(B) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(i) As evidence that the applicant's podiatric medical license from another jurisdiction is in good standing and is substantially similar to an Arkansas podiatric medical license, the applicant shall submit the following information:

(a) Evidence of current licensure in good standing in that state. The Board may verify this information online or by telephone; and

(b) A certificate of graduation from a legally incorporated, regularly established school of podiatric medicine recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association; and
(c) A certificate issued by an accredited podiatric residency program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association as proof of the satisfactory completion of the residency described in Ark. Code Ann. 17-96-303(d)(2); and

(ii) To demonstrate that the applicant has not had a license revoked for bad faith or a violation of law, rule, or ethics, as required by Article 1, section 3(A)(ii)(b), and that the applicant does not hold a license on suspended or probationary status, as required by Article 1, section 3(A)(ii)(c), the applicant shall provide the Board with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant's license has not been revoked for the reasons listed in Article 1, section 3(A)(ii)(b), and is not on suspended or probationary status as described in Article 1, section 3(A)(ii)(c). The Board may verify information online or by telephone.

(iii) As evidence that the applicant is sufficiently competent in podiatric medicine, an applicant shall:

(a) Submit official documentation from the National Board of Podiatric Medical Examiners of a passing score on the American Podiatric Medical Licensing Examination (APMLE) Part I and Part II (or successor exams); and either

(b) Pass the Arkansas state licensing examination; or

(c) Submit official documentation of a passing score on the PMLexis/Part III Examination (or successor exam).

ARTICLE III
EMERGENCY PROVISIONAL LICENSE
In addition to the provisional license the Board may grant under Article VIII.2., the Board may grant an emergency provisional license in case of emergency and to prevent hardship after receiving evidence that the applicant:

(A) Has all qualifications and meets all requirements of Ark. Code Ann. §§ 17-96-303; and

(B) Holds a current license, in good standing, to practice podiatric medicine in another state; and

(C) Is not holding a revoked, suspended, or probationary license in any state; and

(D) Has paid the application fee.

An emergency provisional license issued pursuant to this Article automatically expires ninety (90) days from the date of issuance.

An emergency provisional license may be renewed once under the same requirements described in Article III(1):

1. The Board shall issue a provisional license immediately upon receipt of the required fee and the documentation required under Article I., section 3(B)(ii) to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to an Arkansas podiatric physician license.

2. An applicant shall submit a completed application with all required remaining documentation in order to receive a license.

3. The provisional license shall be effective for 90 days or, if the complete application and remaining documentation are submitted, until the Board makes a decision on the application.

ARTICLE III.V GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE COMPLAINTS AND DISCIPLINARY ACTION

In accordance with Ark. Code Ann. §§ 17-96-308 and 25-15-217, the Board may revoke, suspend, refuse to renew, or otherwise penalize the license of a podiatric physician after notice and hearing for any one or more of the following causes:
(A) A plea of guilty or nolo contendre or conviction of any crime involving moral turpitude or a felony, is convicted of a crime listed under Ark. Code Ann. §17-3-102;

(B) Failure to display in the primary office the current certificates of registration;

(C) Unprofessional and dishonest conduct, including but not limited to:
   (i) Aiding and abetting an unlicensed person to practice Podiatric Medicine;
   (ii) Violation of Ark. Code Ann. §§ 17-96-101, et seq; and
   (iii) Violation of any statute, rule, or order of the Arkansas Board of Podiatric Medicine;

(D) Habitual, intemperate, or excessive use of narcotics or any other habit-forming drugs;

(E) Incompetent to practice medicine to such an extent as to endanger the public;

(F) Insanity or mental disease if evidenced by adjudication or by an involuntary commitment to an institution for treatment of a mental disease or as determined by an examination conducted by three impartial psychiatrists;

(G) Submitting false, deceptive or unfounded claims, reports or opinions to any patient or payor;

(H) Gross, willful and continued overcharging for professional services;

(I) Failure to report to the Board any disciplinary action, suspension or loss of privileges by a hospital, outpatient treatment or surgical facility within 30 days of such action; and

(J) Failure to check the information in the Prescription Drug Monitoring Program when prescribing controlled substances, as required by the Prescription Drug Monitoring Program Act, Ark. Code Ann. §§ 20-7-601 et seq.

2. Any person may file a complaint with the Board against any licensed podiatric physician or unlicensed person that charges said person with having violated the Board’s statutes or rules.

3. Complaints must be submitted to the Board in written form.
The Board may designate an individual to conduct investigations of written complaints.

Nothing in these rules shall prohibit informal disposition of complaints or allegations by agreement of parties.

All hearings shall be conducted in accordance with the Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201 et seq.

ARTICLE IV
OFFICERS OF THE ARKANSAS BOARD OF PODIATRIC MEDICINE AND THEIR DUTIES

1. The officers of the Arkansas Board of Podiatric Medicine shall consist of a President and a Secretary-Treasurer. They shall be elected annually by the members of the Board and shall serve a term of one year, or until their successors are elected and qualified.

2. President. The president shall be the chief executive officer of the Board and shall preside at all of its meetings. The president shall approve and keep in custody the bond of the secretary, sign all licenses, and perform such other duties as may pertain to the office. The president shall approve all requests for the expenditure of funds of the Board, and shall have power to vote on all questions coming before the Board.

3. Secretary-Treasurer. The following described duties of the Secretary-Treasurer may be delegated to Board staff. The Secretary-Treasurer shall be in charge of the books, records, property, and money of the Arkansas Board of Podiatric Medicine. The Secretary-Treasurer shall conduct the Board’s correspondence, keep a complete and accurate record of the business transactions at all meetings and of all fees received and expenses paid under these rules and regulations, and shall report the same to the Arkansas Board of Podiatric Medicine annually. The Secretary-Treasurer shall also have the following duties and responsibilities:

(A) The Secretary-Treasurer shall keep a complete record listing the names and addresses of all persons to whom licenses have been granted with the number, and the date of issuance of each license.

(B) The Secretary-Treasurer shall collect all fees and renewals, and deposit to the account of the Arkansas Board of Podiatric Medicine all money received not later than the first day of the calendar month following receipt of the money.
(C) The Secretary-Treasurer shall keep a full and complete record of all forfeited, revoked and expired licenses, and shall countersign all newly issued licenses.

(D) The Secretary-Treasurer shall receive and submit to the Board for approval all applications for licensure and shall further be required to keep a full and complete record thereof.

(E) The Secretary-Treasurer shall notify the members of the Board of the dates and places of all regular and special meetings of said Board, and shall notify applicants for licensure of the date and place of examination.

(F) Before taking possession of office, the Secretary-Treasurer shall file with the president of the Board such surety bond as may be required by the Board, the expense of which shall be paid by the Board. At the expiration of the term of office the Secretary-Treasurer shall deliver to the successor all books, records, property, and money of the Board.

(G) The Secretary-Treasurer shall receive and submit to the Board for approval all applications for license and any complaints regarding podiatric physicians that appear to be violations of these Rules and Regulations.

(H) The Secretary-Treasurer shall not issue any duplicate license number or reassign any number that may become vacant.

4. Other members of the Board may countersign, license, preside over meetings when necessary, and aid in conducting examinations of applicants.

ARTICLE

V

MEETINGS OF THE ARKANSAS BOARD OF PODIATRIC MEDICINE

1. The Board shall hold an annual business meeting. Special meetings of the Board may be called by the President, or in the absence or inability of the President to act, by the members of said Board, for the proper and efficient discharge of their duties as required by law.

2. At all meetings of the Board, three members shall be necessary for the transaction of business, and all motions must have two favorable votes in order for them to carry. At examinations only one member need be present to supervise the examination and render such service as may be needed.
ARTICLE VI

PODIATRIC PHYSICIAN DELEGATION

1. Act 472 of the 87th General Assembly of the State of Arkansas, as of the year 2009, authorized Podiatric Physicians to delegate the performance of certain medical practices or tasks to qualified and properly trained employees (commonly referred to as medical assistants), who are not licensed or otherwise specifically authorized by Arkansas law to perform the practice or task. This Regulation will set forth standards to be met and the procedures to be followed by the Podiatric Physician when delegating to employees.

2. Definitions for Purposes of this Article VI:

   (A) "Podiatrist" means an individual licensed by the Arkansas Board of Podiatric Medicine as a Podiatric Physician.

   (B) "Medical Practice" means those tasks or functions that are delegated to a qualified and properly trained employee, including the administration of drugs, pursuant to Act 472 of 2009 and this rule.

   (C) "Delegate" means to authorize a qualified and properly trained employee to perform a medical practice that does not conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice.

   (D) "Supervision" means the act by a Podiatric Physician in directing and overseeing an employee who performs a delegated medical practice.

   (E) "Medical Assistant" means an employee of a Podiatric Physician who has been delegated medical practices or tasks, and who has not been licensed by or specifically authorized to perform the practice or task pursuant to other provisions of Arkansas law.


   (A) The delegating Podiatric Physician remains responsible for the acts of the employee performing the delegated medical practice;

   (B) The employee performing the delegated medical practice shall not be represented to the public as a licensed Podiatric Physician or licensed nurse, licensed physician's assistant, or other licensed healthcare provider; and
Medical practices delegated pursuant to this statute and regulation-rule shall be performed under the Podiatric Physician's supervision.

4. Procedures for Delegating a Medical Practice

Prior to delegating a medical practice or task, the Podiatric Physician shall determine the following:

(A) That the medical practice or task is within that Podiatric Physician's authority to perform;

(B) That the medical practice or task is indicated for the patient;

(C) The appropriate level of supervision for the Podiatric Physician to exercise while the medical practice or task is being performed;

(D) That the person to whom the medical practice or task is being delegated is qualified and properly trained to perform the medical practice or task; and

(E) That the medical practice is one that can be appropriately delegated when considering the following factors:

   i. That the medical practice can be performed without requiring the exercise of judgment based on medical knowledge;

   ii. That the results of the medical practice are reasonably predictable;

   iii. That the medical practice can be safely performed according to exact, unchanging directions;

   iv. That the medical practice can be performed without the need for complex observations or critical decisions; and

   v. That the medical practice can be performed without repeated medical assessments.

5. Additional Requirements for Delegating the Administration of Drugs

(A) A Podiatric Physician may only delegate the administration of drugs that do not require substantial, specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

(B) Administration of drugs, delegated pursuant to this Regulation-rule, shall only be permissible within the physical boundaries of the delegating Podiatric Physician's offices.
The Podiatric Physician shall evaluate the acuity of the patient and make a determination that delegation is appropriate.

The Podiatric Physician shall determine the competency of the person to whom the administration of drugs is being delegated through training and experience, including the physician's personal observation.

6. Prohibitions

A Podiatric Physician shall not transfer his or her responsibility for supervising an unlicensed person in the performance of a delegated medical practice, except to another Podiatric Physician who has knowingly accepted that responsibility;

A Podiatric Physician shall not authorize or permit an unlicensed person to whom a medical practice is delegated to delegate the performance of that practice to another person;

A Podiatric Physician shall not delegate to an unlicensed person the administration of anesthesia;

A Podiatric Physician shall not delegate a medical practice that is not within the authority of that physician or is beyond the Podiatric Physician's training, expertise, or normal course of practice; and

A Podiatric Physician shall not delegate a medical practice to an unlicensed person if the practice is beyond that person's competence.

ARTICLE VII:
Licensure for Active Duty Service Members, Returning Military Veterans, and Spouses

1. (A) As used in this rule, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

   (B) "Automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by this Rule.

2. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:
   (A) An active duty military service member stationed in the State of Arkansas;
(B) A returning military veteran applying for licensure within one (1) year of his or discharge from active duty or
(C) The spouse of a person under Article VII, section 2.(A) or (B).

3. The Board shall grant such automatic licensure upon receipt of all of the below: Payment of the initial licensure fee;
(B) Evidence that the individual holds a substantially equivalent license in another state; and
(C) Evidence that the applicant is a qualified applicant under Article VII, section 2.(A), (B), or (C).

2. Provisional Licensure
Upon the Board's receipt of an application and fee for full licensure, the Board will grant to the following individuals a provisional license while completing the application process for full licensure, if the individual is the holder in good standing of a license to practice pediatric medicine from another U.S. jurisdiction and submits proof of military service dates:

(A) An active duty military service member stationed in the State of Arkansas;
(B) A returning military veteran applying within one (1) year of his or her discharge from active duty or
(C) The spouse of a person under (A) or (B) above.

3. A license under this rule shall expire on its face in three (3) months.

4. The Board office shall expedite the application for full licensure of any individual listed under subdivisions (2)(A) and (2)(B) and (2)(C) of this rule. The individual must submit proof of active service dates.

5. When considering an application for full licensure for an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Board shall:

(A) Consider whether or not the applicant's military training and experience is substantially similar to the experience and education required by Rule for the class of license being sought; and

(B) Accept the applicant's military training and experience in lieu of the training experience and education required by Rule if the Board determines the military training and experience is a satisfactory substitute for the training and experience required by Rule.

6. A license held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return
ARTICLE VIII.X
CONTINUING MEDICAL EDUCATION

1. As part of the application for annual license renewal, licensees must submit to the Board proof that they completed twenty hours of approved continuing medical education within the year prior to the license renewal date.

2. To satisfy the requirements of paragraph 1 of this Rule, a continuing medical education hour shall be considered “approved” if:

   (A) The hour has been approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association;

   (B) The hour was obtained when attending official meetings presented by any State Podiatric Medical Association;

   (C) The hour was obtained from meetings approved by the Council on Medical Education of the American Medical Association or approved by the Council on Osteopathic Medical Education of the American Osteopathic Association as long as the hours pertain to the practice of Podiatric Medicine and

   (D) The hour was obtained from hospital lectures, as long as the hour pertains to the practice of Podiatric Medicine.

3. The Board will accept any “approved” hours, as that term is defined in Article VIII., section 2 above, regardless of whether those hours are from meetings, the internet, or periodicals.

4. In addition to the methods of approval for continuing medical education hours provided in paragraph Article VIII., section 2 of this Rule, the Board may consider prior approval of meetings. Such prior approval shall be obtained from the Secretary of the Board or, if the Secretary is unavailable to consider hours for approval, a designee of the Board appointed by the President of the Board.

ARTICLE IX. PRESCRIBING AND DISPENSING SCHEDULE II NARCOTICS

1. Unless otherwise stated in this Article IX., terms used shall be defined in accordance with the Prescription Drug Monitoring Program Act, A.C.A. §§ 20-7-601 et sec.
2. **Dispensing Schedule II Narcotics.**

A podiatric physician shall not dispense Schedule II narcotics.

3. **Prescribing Schedule II Narcotics.**

(A) The prescribing of excessive amounts of controlled substances to a patient including the writing of an excessive number of prescriptions for an addicting or potentially harmful drug to a patient. "Excessive" is defined as the writing of any prescription in any amount without a detailed medical justification for the prescription documented in the patient record.

(i) **Chronic Pain:** If there is documented medical justification, "excessive" is defined, pursuant to the Centers for Disease Control (CDC) guideline for prescribing opioids for chronic pain as, prescribing opioids at a level that exceeds ≥ 50 Morphine Milligram Equivalents (MME) per day, unless the physician/physician assistant documents each of the following:

(a) **Objective findings,** which include, but are not limited to, imaging studies, lab testing and results, nerve conduction testing, biopsy, and any other test that would establish pain generating pathology.

(b) **Specific reasons for the need to prescribe ≥ 50 MED per day.**

(c) **Documented alternative treatment plans as well as alternative therapies trialed and failed prior to considering chronic opioid therapy.**

(d) **Documented risk factor assessment detailing that the patient was informed of the risk and the addictive nature of the prescribed drug.**

(e) **Documented assessment of the potential for abuse and/or diversion of the prescribed drug.**

(f) **That the Prescription Drug Monitoring Program had been checked prior to issuing the prescription.**

(g) **A detailed clinical rationale for the prescribing and the patient must be seen in an in-person examination every three (3) months or every 90 days.**

(h) **The definition of "excessive" as contained in this rule shall not apply to prescriptions written for a patient in hospice care, in active cancer treatment, palliative care, end-of-life care.**
nursing home, assisted living or a patient while in an inpatient setting or in an emergency situation.

(i) Regular urine drug screens should be performed on patients to insure the patient is taking prescribed medications and is not participating or suspected in participating in diversion or abuse of non-prescribed medications. The treatment of chronic pain shall be consistent with the CDC guidelines as they relate to baseline drug testing, and at least annual follow up testing as warranted for treatment.

(i) A pain treatment agreement must be signed and reviewed by the patient when initiating chronic opioid therapy. This agreement should discuss the following: informed risk and addictive nature of prescribed medications, outline the specific expectations between patient and physician, informed consent for periodic urine drug screenings and random pill counts with urine screening as well as the provisions for termination of opioid therapy.

B. Acute Pain: For treatment of acute pain, “excessive” is further defined as an initial prescription written for more than seven (7) days, without detailed documented medical justification in the medical record. If the patient requires further prescriptions, they must be evaluated in regular increments with documented medical justification for continued treatment in medical record.

C. When opioids are started, clinicians should prescribe the lowest effective dosage. Clinicians should use caution when prescribing opioids at any dosage, should carefully reassess evidence of individual benefits and risks when considering increasing dosage to > 50 morphine milligram equivalents (MME)/day, and should avoid increasing dosage to > 90 MME/day or carefully justify a decision to titrate dosage to > 90 MME/day.

ARTICLE X. PRESCRIPTION DRUG MONITORING PROGRAM

1. A Podiatric Physician shall check the information in the Prescription Drug Monitoring Program when prescribing:

   (A) An opioid from Schedule II or Schedule III for every time prescribing the medication to a patient; and
   (B) A benzodiazepine medication for the first time prescribing the medication to a patient.

2. This Article X does not apply to the following:

   (A) A licensee administering a controlled substance:
(i) Immediately before or during surgery;
(ii) During recovery from a surgery while in a healthcare facility;
(iii) In a healthcare facility; or
(iv) Necessary to treat a patient in an emergency situation at the scene of an emergency, in a licensed ground ambulance or air ambulance, or in the intensive care unit of a licensed hospital.

(B) A healthcare provider prescribing or administering a controlled substance to:
(i) A palliative care or hospice patient; or
(ii) A resident in a licensed nursing home facility; or
(iii) Situations in which the Prescription Drug Monitoring Program is not accessible due to technological or electrical failure.

3. A licensee must document in the patient record that the Prescription Drug Monitoring Program was checked.

ARTICLE XI. FEES

The Board shall impose the following fees:

Initial License Fee - $200

Annual Renewal Fee - $75

ARTICLE XII. CRIMINAL HISTORY

1. Pre-Licensure Criminal Background Check

(A) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual’s criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

(B) The individual must obtain the pre-licensure criminal background check petition form from the Board.

(C) The Board or the Board’s designee will respond with a decision in writing to a completed petition within a reasonable time.

(D) The Board’s response will state the reasons for the decision.

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

(F) Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.

(G) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.
2. **Waiver Request**

(A) If an individual has been convicted of an offense listed in A.C.A. § 17-3-102(a), except those permanently disqualifying offenses found in subsection (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
   i. An affected applicant for a license; or
   ii. An individual holding a license subject to revocation.

(B) The Board may grant a waiver upon consideration of the following, without limitation:
   i. The age at which the offense was committed;
   ii. The circumstances surrounding the offense;
   iii. The length of time since the offense was committed;
   iv. Subsequent work history since the offense was committed;
   v. Employment references since the offense was committed;
   vi. Character references since the offense was committed;
   vii. Relevancy of the offense to the occupational license; and
   viii. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

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

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

(E) An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 et seq.
A Bill

HOUSE BILL 1013

For An Act To Be Entitled
AN ACT TO REQUIRE THE ARKANSAS BOARD OF PODIATRIC MEDICINE TO ADOPT RULES REGARDING LIMITATIONS ON SCHEDULE II NARCOTICS; AND FOR OTHER PURPOSES.

Subtitle
TO REQUIRE THE ARKANSAS BOARD OF PODIATRIC MEDICINE TO ADOPT RULES REGARDING LIMITATIONS ON SCHEDULE II NARCOTICS.

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

SECTION 1. Arkansas Code Title 17, Chapter 96, Subchapter 2, is amended to add an additional section to read as follows:
17-96-205. Rules on Schedule II narcotics.
The Arkansas Board of Podiatric Medicine shall adopt rules:
    (1) Limiting the amount of Schedule II narcotics that may be prescribed and dispensed by licensees of the board; and
    (2) Requiring licensees of the board to check the information in the Prescription Drug Monitoring Program as required under § 20-7-604(d)(2).

APPROVED: 2/13/19
Stricken language would be deleted from and underlined language would be added to present law.
Act 315 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representative Dotson
By: Senator B. Ballinger

A Bill

HOUSE BILL 1430

For An Act To Be Entitled

AN ACT TO ELIMINATE UNNECESSARY REFERENCES TO
REGULATIONS THROUGHOUT THE ARKANSAS CODE; TO PROVIDE
FOR CONSISTENT REFERENCES TO RULES THROUGHOUT THE
ARKANSAS CODE; TO CHANGE THE NAME OF A ARKANSAS
LEGISLATIVE COUNCIL SUBCOMMITTEE; TO AMEND PORTIONS
OF THE ARKANSAS CODE RESULTING FROM INITIATED ACT 1
OF 1914, INITIATED ACT 4 OF 1948, INITIATED ACT 1 OF
1988, AND INITIATED ACT 1 OF 1996; AND FOR OTHER
PURPOSES.

Subtitle

TO ELIMINATE UNNECESSARY REFERENCES TO
REGULATIONS AND TO PROVIDE FOR CONSISTENT
REFERENCES TO RULES THROUGHOUT THE
ARKANSAS CODE; AND TO CHANGE THE NAME OF
A ARKANSAS LEGISLATIVE COUNCIL
SUBCOMMITTEE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
(a) The General Assembly finds:
(1) The Administrative Procedure Act, § 25-15-202(9)(A) defines
"rule" as "an agency statement of general applicability and future effect
that implements, interprets, or prescribes law or policy, or describes the
organization, procedure, or practice of an agency and includes, but is not
limited to, the amendment or repeal of a prior rule.

(2) While the term "regulation" is not defined in the Administrative Procedure Act, the term is used interchangeably with the defined term "rule" throughout the Arkansas Code;

(3) Use of the term "regulation" out of the proper context creates confusion and inconsistency in the Arkansas Code;

(4) This act provides for the uniform use of the term "rule" for an agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice of an agency and includes, but is not limited to, the amendment or repeal of a prior rule throughout the Arkansas Code as envisioned by defining of the term in the Administrative Procedures Act.

(b) It is the intent of the General Assembly that the uniform use of the term rule shall be applied to mean an agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice of an agency and includes, but is not limited to, the amendment or repeal of a prior rule, and includes a regulation.

SECTION 2. Arkansas Code § 2-1-102(c), concerning the definition of "sustainable agriculture", is amended to read as follows:

(c)(1) The Arkansas Agriculture Department and the State Plant Board shall interpret any administrative rule or federal rule or regulation promulgated by a state or federal agency that establishes standards for harvesting or producing agricultural crops in accordance with the definition and guidelines provided in this section.

(2) This section does not apply to silviculture and any state rules or federal rules or regulations regarding silviculture.

SECTION 3. Arkansas Code § 2-5-207(a)(6), concerning unlawful acts, penalties, and revocations of certificate under the Commercial Bait and Ornamental Fish Act, is amended to read as follows:

(6) Violate any rule or regulation of the board under this subchapter; or
SECTION 1628. Arkansas Code § 17-95-704(c)(1)(E), concerning Arkansas State Medical Board treatment prohibitions, is amended to read as follows:

(E) Revoke the physician’s license for serious violations of statutes and regulations rules.

SECTION 1629. Arkansas Code § 17-95-704(c)(2), concerning Arkansas State Medical Board treatment prohibitions, is amended to read as follows:

(2) With a finding of severe violation of statutes and regulations rules, the board may initially impose the more severe sanctions.

SECTION 1630. Arkansas Code § 17-96-103(b), concerning penalties by the Arkansas Board of Podiatric Medicine for unlawful acts, is amended to read as follows:

(b) Except as otherwise provided in this section, any person who shall swear falsely to any affidavit or oral testimony made or given by virtue of the provisions of this chapter or the regulations rules of the board shall be guilty of perjury and upon conviction shall be subject to all the pains and penalties of perjury.

SECTION 1631. Arkansas Code § 17-96-202(a)(3)(A), concerning the organization and proceedings of the Arkansas Board of Podiatric Medicine, is amended to read as follows:

(3)(A) The board shall make and adopt all necessary rules, regulations, and bylaws necessary or convenient to perform its duties and to transact business as required by law.

SECTION 1632. Arkansas Code § 17-96-304(a), concerning examinations by the Arkansas Board of Podiatric Medicine, is amended to read as follows:

(a) The Arkansas Board of Podiatric Medicine may make such rules and regulations governing the conduct of the examinations as it shall deem necessary, and willful violation of the rules and regulations shall subject the applicant to the loss of the examination fee.

SECTION 1633. Arkansas Code § 17-97-203(3), concerning the powers and duties of the Arkansas Psychology Board, is amended to read as follows:
Stricken language would be deleted from and underlined language would be added to present law.
Act 820 of the Regular Session

As Engrossed: 53/28/19

A Bill

SENATE BILL 564

State of Arkansas
92nd General Assembly
Regular Session, 2019

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

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL OF RULES SUBMITTED BY OCCUPATIONAL LICENSING ENTITIES; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING THE OCCUPATIONAL LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.
The General Assembly finds that:

(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;

(2) Acts 2017, No. 248, amended the law to require that all state boards and commissions promulgate rules to expedite the process and
procedures for full licensure, certification, or permitting for active duty
service members, returning military veterans, and their spouses;

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

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

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

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

(a) As used in this section:

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

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

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

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

(b)(1) A state board or commission that issues licenses, certificates,
or permits required to enable the holder to lawfully engage in a profession,
trade, or employment in this state An occupational licensing entity shall
allow grant the following individuals to secure employment with a temporary
license, certificate, or permit while completing the application process for
full licensure or certification or permitting automatic licensure to engage
in an occupation or profession if the to an individual who is the holder in
good standing of a substantially equivalent license, certificate, or permit
occupational license issued by another state, territory, or district of the
United States and is:

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

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

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

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

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

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

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

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

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

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

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

(e) A license, certificate, or permit required to enable the holder to
lawfully engage in a profession, trade, or employment in this state held by
an active duty military service member deployed outside the State of Arkansas
or his or her spouse shall not expire until one hundred eighty (180) days
following the active duty military service member's or spouse's return from
active deployment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) An occupational licensing entity shall:

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

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

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

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

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

SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational licensing entity proposing rules recommending an expedited process and
procedure for occupational licensure instead of automatic licensure as
provided under § 17-1-106(b) to the Administrative Rules and Regulations
Subcommittee of the Legislative Council shall complete the review and
approval process of the proposed rules required by § 17-1-106 within one (1)
year of the effective date of this act.

/s/Irvin

APPROVED: 4/9/19
Stricken language would be deleted from and underlined language would be added to present law.

Act 990 of the Regular Session

A Bill

State of Arkansas  As Engrossed:  S3/18/19 H4/3/19

92nd General Assembly
Regular Session, 2019

By: Senator J. Cooper
By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
(a) The General Assembly finds that:
   (1) Arkansas is taking a leading role in the nationwide pursuit
       of reforms to the system of occupational licensing;
   (2) Arkansas became one (1) of eleven (11) states chosen to
       participate in the Occupational Licensing Policy Learning Consortium, an
       initiative funded by a grant from the United States Department of Labor and
       supported in partnership with the National Conference of State Legislatures,
       the Council of State Governments, and the National Governors Association;
   (3) Governor Asa Hutchinson appointed seventeen (17) individuals
       to the Red Tape Reduction Working Group to review and address occupational
licensing regulations that create unnecessary barriers to labor market entry;
and

(4) The Red Tape Reduction Working Group issued a final report
to the Governor in the fall of 2018 with five (5) recommendations for
substantive legislative reform, which are to:

(A) Establish an expedited procedure for occupational
licensing entities to collectively submit administrative rules that are
responsive to new legislation;

(B) Extend Acts 2017, No. 781, to allow repeal of
subsections of rules;

(C) Establish provisions to allow certain agencies to
consider occupational relevance with regard to criminal background issues;

(D) Authorize occupational licensing entities to identify
types of individuals or entities that may be issued temporary or provisional
licenses; and

(E) Establish a systematic process for review of:

(i) New occupational licenses and occupational
licensing entities; and

(ii) Existing occupational licenses and occupational
licensing entities.

(b) It is the intent of the General Assembly to establish provisions
to allow certain agencies to consider occupational relevance with regard to
criminal background issues.

SECTION 2. Arkansas Code Title 17 is amended to add an additional
chapter to read as follows:

CHAPTER 2

OCCUPATIONAL CRIMINAL BACKGROUND CHECKS


As used in this subchapter:

(1) "Criminal record" means any type of felony or misdemeanor
 conviction;

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

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

17-2-102. Licensing restrictions based on criminal records.

(a) An individual is not eligible to receive or hold a license issued by a licensing entity if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed, pardoned or expunged under prior law:

(1) Capital murder as prohibited in § 5-10-101;

(2) Murder in the first degree and second degree as prohibited in §§ 5-10-102 and 5-10-103;

(3) Manslaughter as prohibited in § 5-10-104;

(4) Negligent homicide as prohibited in § 5-10-105;

(5) Kidnapping as prohibited in § 5-11-102;

(6) False imprisonment in the first degree as prohibited in § 5-11-103;

(7) Permanent detention or restraint as prohibited in § 5-11-106;

(8) Robbery as prohibited in § 5-12-102;

(9) Aggravated robbery as prohibited in § 5-12-103;

(10) Battery in the first degree as prohibited in § 5-13-201;

(11) Aggravated assault as prohibited in § 5-13-204;

(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;

(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility as prohibited in § 5-13-211, if a Class Y felony;

(14) Terroristic threatening in the first degree as prohibited in § 5-13-301.
(15) Rape as prohibited in § 5-14-103;
(16) Sexual indecency with a child as prohibited in § 5-14-110;
(17) Sexual extortion as prohibited in § 5-14-113;
(18) Sexual assault in the first degree, second degree, third
degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
(19) Incest as prohibited in § 5-26-202;
(20) Offenses against the family as prohibited in §§ 5-26-303 –
5-26-306;
(21) Endangering the welfare of an incompetent person in the
first degree, as prohibited in § 5-27-201;
(22) Endangering the welfare of a minor in the first degree as
prohibited in § 5-27-205;
(23) Permitting the abuse of a minor as prohibited in § 5-27-
221;
(24) Engaging children in sexually explicit conduct for use in
visual or print media, transportation of minors for prohibited sexual
conduct, pandering or possessing visual or print medium depicting sexually
explicit conduct involving a child, or use of a child or consent to use of a
child in a sexual performance by producing, directing, or promoting a sexual
performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402, and 5-27-403;
(25) Computer child pornography as prohibited in § 5-27-603;
(26) Computer exploitation of a child in the first degree as
prohibited in § 5-27-605;
(27) Felony adult abuse as prohibited in § 5-28-103;
(28) Theft of property as prohibited in § 5-36-103;
(29) Theft by receiving as prohibited in § 5-36-106;
(30) Arson as prohibited in § 5-38-301;
(31) Burglary as prohibited in § 5-39-201;
(32) Felony violation of the Uniform Controlled Substances Act,
§§ 5-64-101 – 5-64-510. as prohibited in the former § 5-64-401, and §§ 5-64-
419 – 5-64-442;
(33) Promotion of prostitution in the first degree as prohibited
in § 5-70-104;
(34) Stalking as prohibited in § 5-71-229;
(35) Criminal attempt, criminal complicity, criminal
solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made by:

(A) An affected applicant for a license; or
(B) The individual holding a license subject to revocation.

(2) A basis upon which a waiver may be granted includes without limitation:

(A) The age at which the offense was committed;
(B) The circumstances surrounding the offense;
(C) The length of time since the offense was committed;
(D) Subsequent work history since the offense was committed;
(E) Employment references since the offense was committed;
(F) Character references since the offense was committed;
(G) Relevance of the offense to the occupational license; and
(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and
(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the
phrase "moral turpitude" and "good character"; or

(2) Consider arrests without a subsequent conviction.

(e) Due to the serious nature of the offenses, the following shall result in permanent disqualification for licensure:

(1) Capital murder as prohibited in § 5-10-101;
(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
(3) Kidnapping as prohibited in § 5-11-102;
(4) Aggravated assault upon a law enforcement officer or an employee of a correctional facility as prohibited in § 5-13-211, if a Class Y felony;
(5) Rape as prohibited in § 5-14-103;
(6) Sexual extortion as prohibited in § 5-14-113;
(7) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
(8) Incest as prohibited in § 5-26-202;
(9) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
(10) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
(11) Adult abuse that constitutes a felony as prohibited in § 5-28-103; and
(12) Arson as prohibited in § 5-38-301.

(f) This chapter does not preclude a licensing entity from taking emergency action against a licensee as authorized under § 25-15-211 for the sake of public health, safety, or welfare.

(g) The permanent disqualification for an offense listed in subsection (e) of this section does not apply to an individual who holds a valid license on the effective date of this chapter.

(h) This section does not apply to licensure or certification:

(1) Of professions not governed by this title;
(2) Of polygraph examiners and voice stress analysis examiners under § 17-39-101 et seq.; or
17-2-103. Prelicensure criminal background checks.
   (a)(1) An individual with a criminal record may petition a licensing
   entity at any time for a determination of whether the criminal record of the
   individual will disqualify the individual from licensure and whether or not
   he or she could obtain a waiver under § 17-2-102(b).
   (2) The petition shall include details on the criminal record of
   the individual.
   (b)(1) A licensing entity may require that the applicant undergo a
   state and federal criminal background check as required by the licensing
   entity for all applicants for a license.
   (2) The petitioner under subsection (a) of this section shall be
   responsible for payment for the state and federal criminal background check.

17-2-104. Rules.
   (a) A licensing entity shall adopt or amend rules necessary for the
   implementation of this chapter.
   (b)(1) When adopting or amending rules to implement this chapter, the
   final rule shall be filed with the Secretary of State for adoption under §
   25-15-204(f):
   (A) On or before January 1, 2020; or
   (B) If approval under § 10-3-309 has not occurred by
   January 1, 2020, as soon as practicable after approval under § 10-3-309.
   (2) A licensing entity shall file the proposed rule with the
   Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
   2020, so that the Legislative Council may consider the rule for approval
   before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and
certificate of registration to become a registered abstracter, is amended to
read as follows:
   (b) The application shall be in a form prepared by the board and
shall contain such information as may be necessary to assist the board in
registration and to determine if the applicant is of good moral character.

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or
reapplication for a certificate of registration by the Arkansas Abstracters' Board, is amended to read as follows:

(a) If the applicant satisfactorily passes the examinations and is of good moral character, the applicant shall be certified as a registered abstracter, and the certificate provided for shall be issued to him or her. The privileges granted by the certificate shall continue unless revoked, as provided in this chapter, or unless the certificate is otherwise surrendered to the Arkansas Abstracters' Board.

SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of certificates authorized by the Arkansas Abstracters' Board, is amended to read as follows:

(a) The Arkansas Abstracters' Board is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of registration issued to any person under the provisions of this chapter:

(1) For a violation of any of the provisions of this chapter;

(2) Upon a conviction of the holder of such a certificate of a crime involving moral turpitude under § 17-1-102; or

(3) If the board finds the holder to be guilty of habitual carelessness or of fraudulent practices in the conduct of the business of abstracting.

SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure of appeal for revocation of certificates authorized by the Arkansas Abstracters' Board, is amended to read as follows:

(a)(1) Upon a verified complaint being filed with the Arkansas Abstracters' Board or upon the board's own motion filing a complaint charging the holder of a certificate of registration with a violation of any of the provisions of this chapter, or conviction of a crime involving moral turpitude, or with under § 17-2-102 or habitual carelessness or fraudulent practices in the conduct of the business of abstracting, or charging the holder of a certificate of authority with failure to furnish the bond or bonds, or other securities, required by § 17-11-324, or with failing to have employed a registered abstracter as provided in § 17-11-301, or with a violation of any of the provisions of this chapter, the board shall immediately notify in writing by registered mail, with return receipt, the
holder of the certificate of the filing of the complaint and furnish the
holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:
17-12-301. Requirements generally — Definition.
(a) A certificate as a certified public accountant shall be granted by
the Arkansas State Board of Public Accountancy to any person of good moral
character:
   (1) Who has met the education and experience requirements set
forth in this chapter and by the board; and
   (2) Who has passed an examination in accounting and auditing and
such related subjects as the board shall determine to be appropriate.
   (b)(1)(A) "Good moral character" as used in this section means lack of
a history of:
   (i) Dishonest or felonious acts; or
   (ii) Conduct involving fraud or moral turpitude.
   (B) The board may refuse to grant a certificate on the
ground of failure to satisfy this requirement only if there is a substantial
connection between the lack of good moral character of the applicant and the
professional responsibilities of a licensee and if the finding by the board
of lack of good moral character is supported by clear and convincing
evidence.
(2) When an applicant is found to be unqualified for a
certificate because of a lack of good moral character, the board shall
furnish the applicant a
   (A) Statement containing the findings of the board;
   (B) Complete record of the evidence upon which the
determination was based; and
   (C) Notice of the applicant's right of appeal.
(e)(1)(b)(1) Any person who has received from the board a certificate
as a certified public accountant which is currently in full force and effect
shall be styled and known as a "certified public accountant" and may also use
the abbreviation "CPA".
(2) The board shall maintain a list of certified public
accountants.
   (c) Any certified public accountant may also be known as a public
accountant.

SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal background check for initial licensure of accountants, is amended to read as follows:
(d) Upon completion of the criminal background checks, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the commission by the applicant of any offense listed in subsection (e) of this section.

SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal background check for initial licensure of accountants, is repealed.
(e) Notwithstanding the provisions of § 17-12-301, a person convicted of a felony or crime involving moral turpitude or dishonesty in any state or federal court may not receive or hold a license as a certified public accountant or public accountant.

SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the grounds for revocation or suspension of licensure of accountants, are amended to read as follows:
(5) Conviction of a felony under the law of any state or of the United States § 17-2-102;
(6) Conviction of any crime an element of which is dishonesty, or fraud, or moral turpitude under the law of any state or of the United States;

SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for revocation or suspension of licensure of an accountant, is amended to add an additional subsection to read as follows:
(c) In addition to the offenses listed in § 17-2-102, the Arkansas State Board of Public Accountancy may refuse to issue a license to or reinstate a license of a person who has been convicted of a felony involving theft or fraud, regardless of the amount of time that has elapsed since the conviction.
SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers and duties regarding criminal background checks of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(i) During the five (5) years immediately preceding the date of the application was convicted of, or pled guilty or nolo contendere to, a crime that would call into question the applicant's fitness for registration, licensure, or certification, including without limitation a crime involving:

(a) Moral turpitude;
(b) An act substantially related to the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed substantially related to the qualifications, functions, or duties of an appraiser if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a real property appraiser credential to perform the functions authorized by the credential;

(b) Taking, appropriating, or retaining the funds or property of another;
(c) Forgery, counterfeiting, or altering an instrument affecting the rights or obligations of another;
(d) Evasion of a lawful debt or obligation, including without limitation a tax obligation;
(e) Trafficking in narcotics or controlled substances;
(f) Violation of a relation of trust or confidence;
(g) Theft of personal property or funds;
(h) An act of violence or threatened violence against persons or property; or
(i) A sexually related crime or act under § 5-14-101 et seq.;


(A) Conviction in any jurisdiction of any misdemeanor
involving moral turpitude or of any felony.

(B) A plea of nolo contendere or no contest shall be considered a conviction for the purposes of this section;

SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements for registration under the Appraisal Management Company Registration Act, is amended to read as follows:

(3)(A) The name, address, and contact information of any person that owns ten percent (10%) or more of the appraisal management company.

(B) Any person owning more than ten percent (10%) of an appraisal management company in this state shall:

(i) Be of good moral character, as determined by the board; and

(ii) Submit to a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations;

SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the disciplinary authority, enforcement, and hearings under the Appraisal Management Company Registration Act, is amended to read as follows:

(3) The person has pleaded guilty or nolo contendere to or been found guilty of:

(A) A felony listed under § 17-2-102; or

(B) Within the past ten (10) years:

(i) A misdemeanor involving mortgage lending or real estate appraising; or

(ii) An offense involving breach of trust, moral turpitude, or fraudulent or dishonest dealing;

SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of "good moral character" related to architects, is repealed.

(3)(A) "Good moral character" means character that will enable a person to discharge the fiduciary duties of an architect to his or her client and to the public for the protection of health, safety, and welfare.

(B) Evidence of inability to discharge such duties
includes the commission of an offense justifying discipline under § 17-15-308.

SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations to be a registered and licensed architect, is amended to read as follows:

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

SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for revocation of a license for an architect, is amended to read as follows:

(5) The holder of the license or certificate of registration has been guilty of a felony listed under § 17-2-102;

SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the registration requirements for an athlete agent under the Uniform Athlete Agents Act, is amended to read as follows:

(8) whether the applicant or any person named pursuant to paragraph (7) has been convicted of a crime that, if committed in this State, would be a crime involving moral turpitude or a felony listed under § 17-2-102, and identify the crime;

SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or revocation of a license of an auctioneer, is amended to read as follows:

(6) Being convicted of a criminal offense involving moral turpitude or a felony listed under § 17-2-102 in a court of competent jurisdiction of this or any other jurisdiction;

SECTION 21. Arkansas Code § 17-19-203(3), concerning character references for a professional bail bondsman license, is amended to read as follows:

(3) Such other provide other proof as the board may require that he or she is competent, trustworthy, financially responsible, and of good personal and business reputation and has not been convicted of a felony or any offense involving moral turpitude listed under § 17-2-102.
SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension and penalties for a professional bail bondsman licensee, is amended to read as follows:

(1) Violated any provision of or any obligation imposed by this chapter or any lawful rule, regulation, or order of the board or has been convicted of a felony or any offense involving moral turpitude listed under § 17-2-102;

SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

17-20-302. Qualifications of applicants.

Any person shall be qualified to receive a certificate of registration to practice as a registered barber who:

(1) Is qualified under this chapter;
(2) Is of good moral character and temperate habits;
(3) Has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his or her fitness to practice barbering;
(4) Is at least sixteen and one-half (16 ½) years of age; and
(5) Has received training approved by the appropriate licensing authorities.

SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for disciplinary action of barbers, is amended to read as follows:

(1)(A) Conviction of a felony listed under § 17-2-102 shown by a certified copy of the record of the court of conviction.

SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for revocation, suspension, or refusal of license issued by the State Board of Collection Agencies, is repealed.

(3) Conviction of any crime involving moral turpitude;

SECTION 26. Arkansas Code § 17-25-305(a), concerning the qualifications for a contractors license, is amended to read as follows:

(a) The Contractors Licensing Board, in determining the qualifications of any applicant for an original license or any renewal license, shall, among other things, consider the following:
(1) Experience;
(2) Ability;
(3) Character;
(4) The manner of performance of previous contracts;
(5) Financial condition;
(6) Equipment;
(7) Any other fact tending to show ability and willingness to conserve the public health and safety; and
(8) Default in complying with the provisions of this chapter or any other law of the state.

SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications for a contractors license, is amended to add an additional subsection to read as follows:

(c) In addition to the offenses listed in § 17-2-102, the board may consider the following offenses when determining fitness for licensure or registration of a contractor under this chapter:

(1) Conviction of a crime with an element of dishonesty or fraud under the laws of this state, another state, or the United States;

(2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-16-102;

(3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et seq.; and

(4)(A) A crime or act that is substantially related to the qualifications, functions, or duties of a contractor.

(B) A crime or act may be deemed substantially related to the qualifications, functions, or duties of a contractor if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a contractors license or registration to perform the functions authorized by the license or registration.

SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications for a contractors license through the Residential Contractors Committee, is amended to add an additional subsection to read as follows:

(c) In addition to the offenses listed in § 17-2-102, the committee may consider the following offenses when determining fitness for licensure or
registration of a contractor under this subchapter:

(1) Conviction of a crime with an element of dishonesty or fraud under the laws of this state, another state, or the United States;

(2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-16-102;

(3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et seq.; and

(4)(A) A crime or act that is substantially related to the qualifications, functions, or duties of a contractor.

(B) A crime or act may be deemed substantially related to the qualifications, functions, or duties of a contractor if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a contractor's license or registration to perform the functions authorized by the license or registration.

SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for disciplinary action for cosmetology and other related occupations, is amended to read as follows:

(10) Conviction under the laws of the United States or any state or territory of the United States of a crime that is:

(A) Is a felony or misdemeanor listed under § 17-2-102, as evidenced by a certified copy of a court record or by license application; and

(B) Involves a misdemeanor involving dishonesty or is in any way related to the practice or teaching of the cosmetology industry, unless the applicant or licensee can demonstrate to the board's satisfaction that the applicant or licensee has been sufficiently rehabilitated to warrant the public trust;

SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of the Cosmetology Technical Advisory Committee, is amended to read as follows:

(c) The committee shall be composed of the following representatives from within the cosmetology industry who are of good moral character and who are at least twenty-five (25) years of age:

(1) One (1) member shall be a licensed cosmetologist actively engaged in practicing the art of cosmetology for at least five (5) years at
the time of appointment;
(2) One (1) member shall be a licensed nail technician;
(3) One (1) member shall be an owner of a licensed school of
cosmetology or shall be a director of cosmetology at a state-supported
school;
(4) One (1) member shall be a licensed aesthetician; and
(5) Three (3) members shall represent the cosmetology industry
at large or a related field.

SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications
for a licensed professional counselor, is amended to read as follows:
(2) The applicant is highly regarded in personal character and
professional ethics;

SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications
for a licensed marriage and family therapist before January 1, 1998, is
amended to read as follows:
(2) The applicant is highly regarded in personal character and
professional ethics;

SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
17-27-313. Criminal background checks.
(a) The Arkansas Board of Examiners in Counseling may require each
applicant for license renewal and each first-time applicant for a license
issued by the board to apply to the Identification Bureau of the Department
of Arkansas State Police for a state and national criminal background check,
to be conducted by the Identification Bureau of the Department of Arkansas
State Police and the Federal Bureau of Investigation.
(b) The check shall conform to the applicable federal standards and
shall include the taking of fingerprints.
(c) The applicant shall sign a release of information to the board and
shall be responsible for the payment of any fee associated with the criminal
background check.
(d) Upon completion of the criminal background check, the
Identification Bureau of the Department of Arkansas State Police shall
forward to the board all releasable information obtained concerning the
applicant.

e—No person shall be eligible to receive or hold a license issued by
the board if that person has pleaded guilty or nolo contendere to or been
found guilty of any of the following offenses by any court in the State of
Arkansas or of any similar offense by a court in another State or of any
similar offense by a federal court:

(1) Capital murder as prohibited in § 5-10-101;
(2) Murder in the first degree and second degree as prohibited
in §§ 5-10-102 and 5-10-103;
(3) Manslaughter as prohibited in § 5-10-104;
(4) Negligent homicide as prohibited in § 5-10-105;
(5) Kidnapping as prohibited in § 5-11-102;
(6) False imprisonment in the first degree as prohibited in § 5-
11-103;
(7) Permanent detention or restraint as prohibited in § 5-11-
106;
(8) Robbery as prohibited in § 5-12-102;
(9) Aggravated robbery as prohibited in § 5-12-103;
(10) Battery in the first degree as prohibited in § 5-13-201;
(11) Aggravated assault as prohibited in § 5-13-204;
(12) Introduction of controlled substance into body of another
person as prohibited in § 5-13-210;
(13) Aggravated assault upon a law enforcement officer or an
employee of a correctional facility, § 5-13-211, if a Class Y felony;
(14) Terroristic threatening in the first degree as prohibited
in § 5-13-301;
(15) Rape as prohibited in § 5-14-103;
(16) Sexual indecency with a child as prohibited in § 5-14-110;
(17) Sexual extortion, § 5-14-113;
(18) Sexual assault in the first degree, second degree, third
degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;
(19) Incest as prohibited in § 5-26-202;
(20) Offenses against the family as prohibited in §§ 5-26-303—
5-26-306;
(21) Endangering the welfare of an incompetent person in the
first degree as prohibited in § 5-27-201;
(22) Endangering the welfare of a minor in the first degree as
prohibited in § 5-27-205;

(23) Permitting abuse of a minor as prohibited in § 5-27-221;

(24) Engaging children in sexually explicit conduct for use in
visual or print media, transportation of minors for prohibited sexual
conduct, pandering or possessing visual or print medium depicting sexually
explicit conduct involving a child, or use of a child or consent to use of a
child in a sexual performance by producing, directing, or promoting a sexual
performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and
5-27-403;

(25) Computer child pornography as prohibited in § 5-27-603;

(26) Computer exploitation of a child in the first degree as
prohibited in § 5-27-605;

(27) Felony adult abuse as prohibited in § 5-28-103;

(28) Theft of property as prohibited in § 5-36-103;

(29) Theft by receiving as prohibited in § 5-36-106;

(30) Arson as prohibited in § 5-38-301;

(31) Burglary as prohibited in § 5-39-201;

(32) Felony violation of the Uniform Controlled Substances Act,
§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—
5-64-442;

(33) Promotion of prostitution in the first degree as prohibited
in § 5-70-104;

(34) Stalking as prohibited in § 5-71-229; and

(35) Criminal attempt, criminal complicity, criminal
sollicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-
3-301, and 5-3-401, to commit any of the offenses listed in this subsection.

(f)(1)(e) The board may issue a six-month nonrenewable letter of
provisional eligibility for licensure to a first-time applicant pending the
results of the criminal background check.

(2) Upon receipt of information from the Identification Bureau
of the Department of Arkansas State Police that the person holding such a
letter of provisional licensure has pleaded guilty or nolo contendere to or
been found guilty of any offense listed in subsection (e) of this section,
the board shall immediately revoke the provisional license.

(g)(1) The provisions of subsections (e) and (f) of this section may
be waived by the board upon the request of:

(A) An affected applicant for licensure, or
(B) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;
(B) The circumstances surrounding the crime;
(C) The length of time since the crime;
(D) Subsequent work history;
(E) Employment references;
(F) Character references; and
(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.

(f) For the purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102.

(b)(1)(g)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to under this section shall not be available for examination except by:

(A) The affected applicant for licensure, or his or her authorized representative; or
(B) The person whose license is subject to revocation, or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

(i)(h) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(j)(i) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(k)(j) The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions and prohibited conduct of embalmers and funeral directors, is amended to read as follows:
(1) Conviction of a felony listed under § 17-2-102;

SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the administrative violations and penalties for an engineer, is amended to read as follows:

(A) A felony listed under § 17-2-102;

SECTION 36. Arkansas Code § 17-31-303(c), concerning application for registration with the Arkansas State Board of Registration for Foresters, is repealed.

(c) A person shall not be eligible for registration as a forester who is not of good character and reputation.

SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a certificate for a registered forester, is amended to read as follows:

(b)(1) The board may revoke the certificate of any registered forester who has been convicted of a felony listed under § 17-2-102 or who is found guilty by the board of any fraud, deceit, gross negligence, misrepresentation, willful violation of contract, misconduct, or gross incompetence.

(2) The board shall investigate such charges.

SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the qualifications for a geologist-in-training certificate, is repealed.

(1) Be of good ethical character;

SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial, suspension, or revocation of a registration certificate of a geologist, is amended to read as follows:

(3) Any felony listed under § 17-2-102;

SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the registration of interior designers, is amended to read as follows:

(2) Has not been convicted of an offense listed under § 17-2-102 that bears directly on the fitness of the applicant to be registered;
SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of revocation for a license of an interior designer, is amended to read as follows:

(5) The holder of the registration has been guilty of a felony listed under § 17-2-102;

SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for licensure as a landscape architect, is amended to read as follows:

(a) An applicant for licensure shall:

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

(2) Be of good moral character; and

(3) Pass an examination covering the matters confronting landscape architects that is prepared by:

(A) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers; or

(B) Another entity as selected by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of revocation for a landscape architect, is amended to read as follows:

(5) The holder of the license or certificate has been guilty of a felony listed under § 17-2-102;

SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the real estate license law, is amended to read as follows:

(a) The following acts, conduct, or practices are prohibited, and any licensee found guilty shall be subject to disciplinary action as provided in § 17-42-312:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment;

(2) Violating any of the provisions of this chapter or any rules or regulations adopted pursuant to under this chapter or any order issued under this chapter;

(3) Being convicted of or pleading guilty or nolo contendere to a felony listed under § 17-2-102 or crime involving moral turpitude violence, fraud, dishonesty, untruthfulness, or untrustworthiness regardless of whether
the imposition of sentence has been deferred or suspended;

(4) Making any substantial misrepresentation;

(5) Making, printing, publishing, distributing, or causing,
authorizing, or knowingly permitting the making, printing, publication, or
distribution of false statements, descriptions, or promises of such character
as to reasonably induce, persuade, or influence any person to act thereon;

(6) Failing within a reasonable time to account for or to remit
any moneys coming into his or her possession which belong to others;

(7) Committing any act involving moral turpitude, violence,
    fraud, dishonesty, untruthfulness, or untrustworthiness;

(8) Acting for more than one (1) party in a transaction without
the knowledge of all parties for whom he or she acts or accepting a
commission or valuable consideration for the performance of any of the acts
specified in this chapter from any person except the licensed principal
broker under whom he or she is licensed;

(9) Acting as a broker or salesperson while not licensed with a
principal broker, representing or attempting to represent a broker other than
the principal broker with whom he or she is affiliated without the express
knowledge and consent of the principal broker, or representing himself or
herself as a salesperson or having a contractual relationship similar to that
of a salesperson with anyone other than a licensed principal broker;

(10) Advertising in a false, misleading, or deceptive manner;

(11) Being unworthy or incompetent to act as a real estate
broker or salesperson in such a manner as to safeguard the interests of the
public;

(12) Paying a commission or valuable consideration to any person
for acts or services performed in violation of this chapter, including paying
a commission or other valuable consideration to an unlicensed person for
participation in a real estate auction; and

(13) Any other conduct, whether of the same or a different
character from that specified in this section, which constitutes improper,
fraudulent, or dishonest dealing.

SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
background check for real estate licensees, is amended to read as follows:

(f) Except as provided in subsection (g) of this section, a person
shall not receive or hold a license issued by the commission if the person
has been convicted of or pleaded guilty or nolo contendere to a felony listed
under § 17-2-102 or a crime involving moral turpitude violence, fraud,
dishonesty, untruthfulness, or untrustworthiness.

SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
or denial of a license for an instructor of real estate education license, is
amended to read as follows:

(3) The person or entity has pleaded guilty or nolo contendere
to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
involving violence, fraud, misrepresentation, or dishonest or dishonorable
dealing in a court of competent jurisdiction; or

SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
that disqualify for a real estate educator license or licensee, is amended to
read as follows:

(3) Committing an act, a felony listed under § 17-2-102, or a
crime involving moral turpitude violence, fraud, dishonesty, untruthfulness,
or untrustworthiness regardless of whether the imposition of the sentence has
been deferred or suspended;

SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
for examination for a sanitarian certificate of registration, is amended to
read as follows:

(a) The Arkansas State Board of Sanitarians shall admit to examination
any person who makes application to the Secretary of the Arkansas State Board
of Sanitarians on forms prescribed and furnished by the board, and pays an
application fee of twenty dollars ($20.00) to defray the expense of
examination, and submits evidence satisfactory to the board that he or she is
of good moral character.

SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:

The Arkansas State Board of Sanitarians shall issue a certificate of
registration without examination to any person who makes application on forms
prescribed and furnished by the board, pays a registration fee of ten dollars
($10.00), and submits satisfactory proof that he or she:

(1) Is of good moral character;

(2)(1) Has had at least two (2) years' experience in the field
of environmental sanitation; and

(3)(2) Is registered as a sanitarian in a state in which the
qualifications for registration are not lower than the qualifications for
registration in this state at the time he or she applies for registration.

SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for
suspension, revocation, or refusal to renew a sanitarian certificate of
registration, is amended to read as follows:

(a) The Arkansas State Board of Sanitarians may suspend, revoke, or
refuse to renew a certificate of registration upon proof that the applicant:

(1) Is not of good character; or

(2) Is guilty of fraud, deceit, gross negligence,
incompetency, or misconduct in relation to his or her duties as a sanitarian.

SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility
and application for registration as a professional soil classifier or soil
classifier-in-training, is amended to read as follows:

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

(1) Be of good character and reputation; and

(2) Submit shall submit a written application to the Arkansas
State Board of Registration for Professional Soil Classifiers containing such
information as the board may require, together with five (5) references,
three (3) of which shall be professional soil classifiers having personal
knowledge of his or her soil classifying experience or, in the case of an
application for certification as a soil classifier-in-training, three (3)
character references.

SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:


The Arkansas State Board of Registration for Professional Soil
Classifiers shall have the power to suspend, refuse to renew, or revoke the
certificate of registration of, or reprimand, any registrant who is guilty
of:

(1) Fraud or deceit in obtaining a certificate of registration;

(2) Gross negligence, incompetence, or misconduct in the
practice of soil classifying;

(3) A felony listed under § 17-2-102 or crime involving moral
turpitude; or

(4) A violation of the code of ethics adopted and promulgated by
the board.

SECTION 53. Arkansas Code § 17-48-203(a), concerning the
qualifications for certification as a surveyor, is amended to read as
follows:

(a) A person who shows to the satisfaction of the State Board of
Licensure for Professional Engineers and Professional Surveyors that he or
she is a person of good character and reputation and over twenty-one (21)
years of age shall be is eligible for licensure as a professional surveyor if
he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure to engage in the
practice of land surveying issued to him or her on the basis of a written
examination by proper authority of a state, territory, possession of the
United States, the District of Columbia, or any foreign country, based on
requirements and qualifications as shown on his or her application that in
the opinion of the board are equal to or higher than the requirements of this
chapter may be licensed at the discretion of the board;

(2)(A) A graduate from an approved engineering curriculum with
sufficient surveying courses or a surveying technology curriculum of two (2)
years or more approved by the board, followed by at least two (2) years of
land surveying that must be surveying experience of a character satisfactory
to the board, who has passed a written examination designed to show that he
or she is qualified to practice land surveying in this state, may be licensed
if he or she is otherwise qualified.

(B) Each year of teaching land surveying in an approved
engineering or surveying curriculum may be considered as equivalent to one
(1) year of land surveying experience; or

(3)(A) An applicant who cannot qualify under subdivision (a)(2)
of this section and who has six (6) years or more of active experience in
land surveying of a character satisfactory to the board and who has passed a
written examination designed to show that he or she is qualified to practice
land surveying may be granted a certificate of licensure to practice land
surveying in this state if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved
engineering or engineering technology curriculum majoring in surveying may be
considered as one (1) year of experience in land surveying, but not exceeding
two (2) years.

SECTION 54. Arkansas Code § 17-48-203(c), concerning the
qualifications for licensure as a surveyor intern, is amended to read as
follows:

(c) A person who shows to the satisfaction of the board that he or she
is a person of good character shall be eligible for licensure as a surveyor
intern if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure as a surveyor
intern issued to him or her on the basis of a written examination by proper
authority of a state, territory, possession of the United States, the
District of Columbia, or any foreign country, based on requirements and
qualifications as shown on his or her application, which requirements and
qualifications, in the opinion of the board, are equal to or higher than the
requirements of this chapter, may be licensed as a surveyor intern at the
discretion of the board;

(2) A graduate from an approved engineering curriculum with
sufficient surveying courses, or a surveying technology curriculum of two (2)
years or more, approved by the board, who has passed a written examination
designed to show that he or she is proficient in surveying fundamentals, may
be licensed if he or she is otherwise qualified; or

(3)(A) An applicant who cannot qualify under subdivision (c)(2)
of this section and who has four (4) years or more of active experience in
land surveying of a character satisfactory to the board and who has passed a
written examination designed to show that he or she is proficient in
surveying fundamentals may be licensed if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved
engineering or engineering technology curriculum majoring in surveying may be
considered as one (1) year of experience in land surveying, but not exceeding
two (2) years.

SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the administrative violations and penalties of a surveyor, is amended to read as follows:

(A) A felony listed under § 17-2-102;

SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant qualifications for registration as a certified water well driller or certified pump installer, is repealed.

(2) Is of good moral character;

SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints against and disciplinary procedures for a home inspector, is amended to read as follows:

(3)(A) Conviction in any jurisdiction of a misdemeanor involving moral turpitude or of any felony listed under § 17-2-102;

(B) A plea of nolo contendere or no contest is considered a conviction for the purposes of this section;

SECTION 58. Arkansas Code § 17-52-315(a), concerning the application for registration as a home inspector, is amended to read as follows:

(a) Any person applying for registration or renewal of registration as a home inspector shall be of good moral character and shall submit to the Arkansas Home Inspector Registration Board:

(1) An application under oath upon a form to be prescribed by the board;

(2) A current certificate of insurance issued by an insurance company licensed or surplus lines approved to do business in this state that states that the applicant has procured general liability insurance in the minimum amount of one hundred thousand dollars ($100,000) and, if applicable, workers' compensation insurance; and

(3) The required registration or registration renewal fee with the application.

SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the
application for licensure as a chiropractor, is amended to read as follows:

(2) The applicant must submit proof satisfactory to the board of graduation from a chartered school or college of chiropractic as herein described and file with his or her application the affidavits of at least two licensed and reputable doctors of chiropractic showing him or her to be of good moral character.

SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the qualifications of applicants for licensure as a chiropractor, is repealed.

(6) Be of good moral character.

SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal background check required for a chiropractor, is amended to read as follows:

(e) Except as provided in subsection (f) of this section, a person shall not receive or hold a license issued by the board if the person has been convicted of or pleaded guilty or nolo contendere to any felony listed under § 17-2-102 or a crime involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness, or is a registered sex offender or required to register as a sex offender.

SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing procedure for dentists, is amended to read as follows:

(b) An applicant:

(1) Must Shall:

(A) Be at least twenty-one (21) years of age and of good moral reputation and character;
(B) Submit upon request such proof as required by the board may require touching upon age, character, and fitness; and
(C) Have been graduated from an American Dental Association-accredited college of dentistry with the degree of Doctor of Dental Surgery or Doctor of Dental Medicine; or

(2) Must Shall:

(A) Be at least twenty-one (21) years of age and of good moral reputation and character;
(B) Have graduated from a college of dentistry in North America with the degree of Doctor of Dental Surgery, Doctor of Dental
Medicine, or an equivalent degree approved by the board;

(C) Have passed an examination approved by the board and
authorized under § 17-82-303;

(D) Be a resident of the State of Arkansas and the United
States and be in compliance with federal laws of immigration; and

(E) Serve a period of at least one (1) year under a
provisional license issued by the board to foreign graduates and successfully
complete the monitoring requirements as ordered by the board at the time the
provisional license is issued.

SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing
procedures for dental hygienists, is amended to read as follows:

(b) An applicant must shall:

(1) Be of good moral reputation and character;

(2)(1) Have graduated from a dental hygiene program which is
accredited by the American Dental Association Commission on Dental
Accreditation and approved by the board for the training of dental
hygienists; and

(3)(2) Submit upon request such proof as required by the board
may require touching upon character and fitness.

SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the
credentials for dentists and dental hygienists licensed in other states, is
amended to read as follows:

(3) A certificate from the authority which issued the license,
setting forth the applicant's moral reputation and character, history with
the board, professional ability, and such other information or data as the
board may deem necessary or expedient.

SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation
or suspension of a license for a dentist, dental hygienist, or dental
assistant, is amended to read as follows:

(3) The commission of any criminal operation; habitual
drunkenness for a period of three (3) months; insanity; adjudication of
insanity or mental incompetency if deemed detrimental to patients; conviction
of an infamous crime or a felony listed under § 17-2-102; addiction to
narcotics; immoral, dishonorable, or scandalous conduct; professional
incompetency; failure to maintain proper standards of sanitation or failure
otherwise to maintain adequate safeguards for the health and safety of
patients; or employment in the practice of the profession of any drug,
o nostrum, unknown formula, or dangerous or unknown anesthetic not generally
used by the dental profession;

SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
17-82-802. License eligibility.
A person shall not be eligible to receive or hold a license to practice
dentistry or another healthcare profession issued by the Arkansas State Board
of Dental Examiners if the person has pleaded guilty or nolo contendere or
has been found guilty of either an infamous crime that would impair his or
her ability to practice dentistry or oral hygiene in the State of Arkansas or
a felony, regardless of whether the conviction has been sealed, expunged, or
pardoned listed under § 17-2-102.

SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
17-83-307. Grounds for denial, revocation, or suspension.
The Arkansas Dietetics Licensing Board may refuse to issue or renew a
license or may revoke or suspend a license issued under this chapter for any
of the following, but is not limited to:
(1) Violation of a provision of this chapter;
(2) Engaging in unprofessional conduct or gross incompetence as
defined by the rules of the board or violating the standards of professional
responsibility adopted and published by the board; or
(3) Conviction in this or any other state of any crime that is a
felony in this state or a felony listed under § 17-2-102; or
(4) Conviction of a felony in a federal court.

SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
qualifications for licensure and internship for hearing instrument
dispensers, is amended to read as follows:
(3) Show to the satisfaction of the board that he or she:
(A) Is twenty (20) years of age or older; and
(B) Has an education equivalent of two (2) or more years
of accredited college-level course work from a regionally accredited college
or university; and

(C) is of good moral character.

SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
dispenser license, is amended to read as follows:

(1) Being convicted of a crime involving moral turpitude. A
record of a conviction, certified by the judge or the clerk of the court
where the conviction occurred, shall be sufficient evidence to warrant
suspension, revocation, or refusal to issue or renew listed under § 17-2-102;

SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers
and duties of the State Board of Health regarding massage therapy licenses,
are amended to read as follows:

(e)(1) For purposes of this section, an applicant is not eligible to
receive or hold a license issued by the Department of Health if the applicant
has pleaded guilty or nolo contendere to or been found guilty of a felony or
Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual
misconduct, sexual solicitation, lewd behavior, child abuse or molestation,
statutory rape, sexual assault, human trafficking, or other violent crimes
the board shall follow the licensing restrictions based on criminal records
under § 17-2-102.

(2) A provision of this section may be waived by the Department
of Health if:

(A) The conviction is for a Class A misdemeanor and:

(i) The completion of the applicant’s sentence and
probation or completion of the applicant’s sentence or probation of the
offense is at least three (3) years from the date of the application; and

(ii) The applicant has no criminal convictions
during the three year period; or

(B) The conviction is for a felony of any classification

and:

(i) The completion of the applicant’s sentence and
probation or the completion of the applicant’s sentence or probation of the
offense is at least five (5) years from the date of the application; and
(ii) The applicant has no criminal convictions during the five-year period.

(f) The Department of Health may permit an applicant to be licensed regardless of having been convicted of an offense listed in this section, upon making a determination that the applicant does not pose a risk of harm to any person served by the Department of Health.

(g) In making a determination under subsection (f) of this section, the Department of Health may consider the following factors:

(1) The nature and severity of the crime;

(2) The consequences of the crime;

(3) The number and frequency of crimes;

(4) The relationship between the crime and the health, safety, and welfare of persons served by the Department of Health, such as:

(A) The age and vulnerability of victims of the crime;

(B) The harm suffered by the victim; and

(C) The similarity between the victim and persons served by the Department of Health;

(5) The time elapsed without a repeat of the same or similar event;

(6) Documentation of successful completion of training or rehabilitation pertinent to the incident; and

(7) Any other information that bears on the applicant’s ability to care for others or other relevant information.

(h) If the Department of Health waives the provisions of subsection (e) of this section, the Department of Health shall submit the reasons for waiving this provision in writing, and the determination and reasons shall be made available to the members of the Department of Health for review.

SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications for licensure as a massage therapist, is amended to read as follows:

(1) Furnish to the Department of Health satisfactory proof that he or she is eighteen (18) years of age or older and of good moral character;

SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary actions and penalties for massage therapists, is amended to read as follows:

(a) The Massage Therapy Technical Advisory Committee may deny,
suspend, place on probation, or revoke a license upon any one (1) of the following grounds:

(1) Conviction of, finding of guilt, or entry of a plea of guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution A felony listed under § 17-2-102;

(2) Malpractice or gross incompetency;

(3) The use in advertisements of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims concerning the licensee's professional excellence or abilities;

(4) Habitual drunkenness or habitual use of any illegal drugs;

(5) Serving alcoholic beverages at the clinic or school in a room where massage therapy is being performed or in a massage therapy school;

(6) Moral turpitude or immoral or unprofessional Unprofessional conduct;

(7) Failure to comply with the Department of Health's Massage Therapy Code of Ethics or any valid regulation or order of the committee;

(8) Invasion of the field of practice of any profession for which a license is required, the diagnosis of ailments, diseases, or injuries of human beings, the performance of osseous adjustments, prescription of medications, or other breaches of the scope of practice of massage therapy;

(9) Failure of any licensee to comply with this chapter; or

(10) Failure to have licensed personnel to perform massage therapy techniques in his or her clinic or school.

SECTION 73. Arkansas Code § 17-87-301(a), concerning the qualifications for an applicant for licensure as a registered nurse, is amended to read as follows:

(a) Qualifications. Before taking the examination or before the issuance of a license by endorsement, an applicant for a license to practice professional nursing shall submit to the Arkansas State Board of Nursing written evidence, verified by oath, that the applicant:

(1) Is of good moral character;

(2)(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and

(3)(2) Has completed the required approved professional nursing
education program.

SECTION 74. Arkansas Code § 17-87-304(a), concerning the
qualifications of an applicant for licensure as a licensed practical nurse,
is amended to read as follows:

(a) Qualifications. An applicant for a license to practice practical
nursing shall submit to the Arkansas State Board of Nursing evidence,
verified by oath, that the applicant:

(1) Is of good moral character;

(2)(1) Has completed an approved high school course of study or
the equivalent thereof as determined by the appropriate educational agency;
and

(3)(2) Has completed a prescribed curriculum in a state-approved
program for the preparation of practical nurses and holds a diploma or
certificate therefrom. However, the board may waive this requirement if the
board determines the applicant to be otherwise qualified.

SECTION 75. Arkansas Code § 17-87-305(a), concerning the
qualifications of an applicant for licensure as a licensed psychiatric
technician nurse, is amended to read as follows:

(a) Qualifications. An applicant for a license to practice
psychiatric technician nursing shall submit to the Arkansas State Board of
Nursing evidence, verified by oath, that the applicant:

(1) Is of good moral character;

(2)(1) Has completed an approved high school course of study or
the equivalent thereof as determined by the appropriate educational agency;
and

(3)(2) Has completed a prescribed curriculum in a state-approved
program for the preparation of psychiatric technician nurses and holds a
diploma or certificate therefrom. However, the board may waive this
requirement if the board determines the applicant to be otherwise qualified.

SECTION 76. Arkansas Code § 17-87-312(d)-(l), concerning criminal
background checks for nurses, are amended to read as follows:

(d) Upon completion of the criminal background check, the
Identification Bureau of the Department of Arkansas State Police shall
forward to the board all releasable information obtained concerning the
applicant in the commission of any offense listed in subsection (e) of this
section.

e) For purposes of this section, the board shall follow the licensing
restrictions based on criminal records under § 17-2-102. Except as provided
in subdivision (1)(1) of this section, a person shall not be eligible to
receive or hold a license issued by the board if that person has pleaded
guilty or nolo contendere to or has been found guilty of any of the following
offenses by a court in the State of Arkansas or of any similar offense by a
court in another state or of any similar offense by a federal court:

(1) Capital murder as prohibited in § 5-10-101;
(2) Murder in the first degree as prohibited in § 5-10-102 and
murder in the second degree as prohibited in § 5-10-103;
(3) Manslaughter as prohibited in § 5-10-104;
(4) Negligent homicide as prohibited in § 5-10-105;
(5) Kidnapping as prohibited in § 5-11-102;
(6) False imprisonment in the first degree as prohibited in § 5-
11-103;
(7) Permanent detention or restraint as prohibited in § 5-11-
106;
(8) Robbery as prohibited in § 5-12-102;
(9) Aggravated robbery as prohibited in § 5-12-103;
(10) Battery in the first degree as prohibited in § 5-13-201;
(11) Aggravated assault as prohibited in § 5-13-204;
(12) Introduction of a controlled substance into the body of
another person as prohibited in § 5-13-210;
(13) Aggravated assault upon a law enforcement officer or an
employee of a correctional facility, § 5-13-211, if a Class Y felony;
(14) Terroristic threatening in the first degree as prohibited
in § 5-13-301;
(15) Rape as prohibited in § 5-14-103;
(16) Sexual indecency with a child as prohibited in § 5-14-110;
(17) Sexual extortion, § 5-14-113;
(18) Sexual assault in the first degree, second degree, third
degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;
(19) Incest as prohibited in § 5-26-202;
(20)—Felony offenses against the family as prohibited in §§ 5-26-303—5-26-306;
(21)—Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
(22)—Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;
(23)—Permitting abuse of a minor as prohibited in § 5-27-221(a);
(24)—Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;
(25)—Computer child pornography as prohibited in § 5-27-603;
(26)—Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
(27)—Felony adult abuse as prohibited in § 5-28-103;
(28)—Felony theft of property as prohibited in § 5-36-103;
(29)—Felony theft by receiving as prohibited in § 5-36-106;
(30)—Arson as prohibited in § 5-38-301;
(31)—Burglary as prohibited in § 5-39-201;
(32)—Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 et seq., as prohibited in the former §§ 5-64-401 and §§ 5-64-419, 5-64-422;
(33)—Promotion of prostitution in the first degree as prohibited in § 5-70-104;
(34)—Stalking as prohibited in § 5-71-229; and
(35)—Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection.
(f)(1)(A) The board may issue a nonrenewable temporary permit for licensure to a first-time applicant pending the results of the criminal background check.
(B)(2) The permit shall be valid for no more than six (6)
months.

(2) Except as provided in subdivision (1)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding the letter of provisional licensure has pleaded guilty or nolo contendere to, or has been found guilty of, any offense listed in subsection (e) of this section, the board shall immediately revoke the provisional license.

(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this section may be waived by the board upon the request of:

(A) An affected applicant for licensure; or
(B) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;
(B) The circumstances surrounding the crime;
(C) The length of time since the crime;
(D) Subsequent work history;
(E) Employment references;
(F) Character references; and
(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of the public.

(h)(1)(g)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to under this section shall not be available for examination except by:

(A) The affected applicant for licensure or his or her authorized representative; or
(B) The person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

(4)(h) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(4)(4) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.
The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

For purposes of this section, an expunged record of a conviction or a plea of guilty or nolo contendere to an offense listed in subsection (e) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (1)(2) of this section.

Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:

(A) Capital murder as prohibited in § 5-10-101;
(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
(C) Kidnapping as prohibited in § 5-11-102;
(D) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
(E) Rape as prohibited in § 5-14-103;
(F) Sexual extortion, § 5-14-113;
(G) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
(H) Incest as prohibited in § 5-26-202;
(I) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
(J) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
(K) Adult abuse that constitutes a felony as prohibited in § 5-28-103 and
(L) Arson as prohibited in § 5-38-301.

SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary actions for nurses, is amended to read as follows:

(1) Has been found guilty of or pleads guilty or nolo contendere to:

(A) Fraud or deceit in procuring or attempting to procure a medication assistive person certificate; or

(B) Providing services as a medication assistive person
without a valid certificate; or

(C) Committing a crime of moral turpitude;

SECTION 78. Arkansas Code § 17-88-302(2), concerning the qualifications of an applicant for licensure as an occupational therapist, is repealed.

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

SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial, revocation, or suspension of an occupational therapist license, is amended to read as follows:

(4) Being convicted of a crime, other than minor offenses defined as "minor misdemeanors", "violations", or "offenses", in any court if the acts for which the applicant or licensee was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant felony listed under § 17-2-102; and

SECTION 80. Arkansas Code § 17-89-302(a), concerning the qualifications of an applicant for licensure as a licensed dispensing optician, is amended to read as follows:

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

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

(2)(A) Has been engaged in the providing of ophthalmic dispensing services, as defined in this chapter, in the State of Arkansas for a period of not less than five (5) years immediately before application.

(B) No more than three (3) years may consist of:

(i) Working in a qualified service optical laboratory approved by the board; or

(ii) Providing ophthalmic dispensing services under
the direct supervision of an Arkansas-licensed or registered dispensing
optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
diseases of the eye.

SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:
Every applicant for examination as a registered dispensing optician
shall present satisfactory evidence to the Arkansas Board of Dispensing
Opticians that he or she is over twenty-one (21) years of age, of good moral
complexion, a high school graduate or the equivalent thereof, and either:
(1) Has a minimum of three (3) years' dispensing experience in
Arkansas under the direct supervision of an Arkansas-licensed optometrist or
Arkansas-licensed physician skilled in disease of the eye;
(2) Has a minimum of three (3) years' experience under the
direct supervision of a licensed or registered dispensing optician holding a
certificate of licensure or registry in the State of Arkansas, one (1) year
of which may be while working in a qualified full-service optical laboratory
approved by the board; or
(3) Is a graduate of an approved school of opticianry which has
been accredited by a national accreditation organization and is recognized by
the board.

SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
dispensing opticians, is amended to read as follows:
(b) The certificate may be issued without a written or practical
examination upon payment of the fee prescribed in § 17-89-304(f) to the
Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
satisfactory proof that the applicant:
(1) Is qualified under the provisions of this chapter;
(2) Is of good moral character;
(3) Has provided ophthalmic dispensing services to the public
as a dispensing optician in the state of licensure or registration for a
period of at least five (5) years for licensure or three (3) years for
registration immediately before his or her application for reciprocity to
this state; and
(4) Is licensed or registered in a state which grants like
Section 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic dispensers from nonlicensing states seeking licensure as a dispensing opticians in Arkansas, is amended to read as follows:

(b) The applicant must shall:

(1) Be qualified under the provisions of this chapter;

(2) Be of good moral character;

(3) Have been engaged in ophthalmic dispensing as described in § 17-89-102(4) for a period of:

(A) Five (5) years for applicants for licensure, of which no more than three (3) years may be while working in a qualified full-service optical laboratory approved by the board; or

(B) Three (3) years for applicants for registry, of which no more than one (1) year may be while working in a qualified full-service laboratory approved by the board immediately before the date of application;

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

and

(5) Have paid the fee prescribed in § 17-89-304(f) to the Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

Section 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of denial, suspension, or revocation of a licensure or registration of an ophthalmic dispensers, is amended to read as follows:

(3) The applicant, licensee, or registrant being convicted of a felony listed under § 17-2-102 in any state or federal court, and not pardoned, if the acts for which the person is convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of a dispensing optician;

Section 85. Arkansas Code § 17-90-301(b), concerning examinations for licensure as an optometrist, is amended to read as follows:

(b) Every applicant for examination shall present satisfactory evidence that he or she is:
(1) Over At least twenty-one (21) years of age;
(2) A successful candidate having passed all parts of the
National Board of Examiners in Optometry examination since January 1, 1997; and
(3) A graduate of a college of optometry that has been accredited by the Accreditation Council on Optometric Education of the American Optometric Association.

SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by endorsement for optometrists, is amended to read as follows:
(3) A certificate of good standing from each authority which issued the license, setting forth the applicant's moral reputation and character, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;

SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds for denial, revocation, or suspension of an optometrist license, is amended to read as follows:
(3) Conviction of a felony listed under § 17-2-102 or the conviction of a misdemeanor, if the misdemeanor conduct would denote an impairment in the ability to practice optometry;

SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing requirements for an osteopathic physician, is amended to read as follows:
(a) The Arkansas State Medical Board shall accept for licensure by examination any person who:
(1) Is at least twenty-one (21) years of age;
(2) Is a citizen of the United States;
(3) Is of good moral character;
(4) Has not been guilty of acts constituting unprofessional conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.;
(5) Is a graduate of an osteopathic college of medicine whose course of study has been recognized by the Department of Education of the United States.
American Osteopathic Association; and
(6) (5) Has completed a one-year internship in a hospital
approved by the American Medical Association or the American Osteopathic
Association.

SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
applicants for licensure as a pharmacist, is amended to read as follows:
(a) Each applicant for examination as a pharmacist shall:
(1) Shall be Re not less than twenty-one (21) years of age; and
(2) Shall be of good moral character and temperate habits; and
(3) Shall have Have:
(A) Graduated and received the first professional
undergraduate degree from a pharmacy degree program which has been approved
by the Arkansas State Board of Pharmacy; or
(B) Graduated from a foreign college of pharmacy,
completed a transcript verification program, taken and passed a college of
pharmacy equivalency exam program, and completed a process of communication
ability testing as defined under board regulations so that it is assured that
the applicant meets standards necessary to protect public health and safety.

SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
revocation, suspension, or nonrenewal of licensure or registration, is amended
to read as follows:
(3) The person has been found guilty or pleaded guilty or nolo
contendere in a criminal proceeding, regardless of whether or not the
adjudication of guilt or sentence is withheld by a court of this state,
another state, or the United States Government for:
(A) Any felony listed under § 17-2-102;
(B) Any act involving moral turpitude, gross immorality,
or which is related to the qualifications, functions, and duties of a
licensee; or
(C) Any violation of the pharmacy or drug laws or rules of
this state, or of the pharmacy or drug statutes, rules, and regulations of
any other state or of the United States Government;

SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal
background check requirements for an intern or pharmacist license or a pharmacy technician registration, is amended to read as follows:

(e) Notwithstanding the provisions of § 17-1-103, no person shall be a person is not eligible to receive or hold an intern or pharmacist license or pharmacy technician registration issued by the board if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any of the following offenses, regardless of whether an adjudication of guilt or sentencing or imposition of sentence is withheld, by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

(1) Any felony listed under § 17-2-102;
(2) Any act involving moral turpitude, gross immorality, dishonesty, or which is related to the qualifications, functions, and duties of a person holding the license or registration; or
(3) Any violation of Arkansas pharmacy or drug law or regulations, including, but not limited to, this chapter, the Uniform Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and Cosmetic Act, § 20-56-201 et seq.

SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of applicants for licensure as a physical therapist, is amended to read as follows:

(b) Each physical therapist applicant shall:

(1) Be at least twenty-one (21) years of age;
(2) Be of good moral character;
(3) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the board;
(4) Have passed examinations selected and approved by the board; and
(5) Submit fees as determined by the board.

SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of applicants for licensure as a physical therapist assistant, is amended to read as follows:

(b) Each physical therapist assistant applicant shall:

(1) Be at least eighteen (18) years of age;
(2) Be of good moral character;

(3)(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

(4)(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

(5)(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

(4) Has been convicted of a crime involving moral turpitude;

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital’s duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:


No person shall be is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of either an infamous crime that would impact his or
her ability to practice medicine in the State of Arkansas or a felony listed under § 17-2-102, regardless of whether the conviction has been sealed, expunged, or pardoned.

SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification of applicants for licensure as a physician, is amended to read as follows:

(2) Is of good moral character and has not been guilty of acts constituting unprofessional conduct as defined in § 17-95-409;

SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual registration for licensure as a physician, is amended to read as follows:

(2) If application for reinstatement is made, the board shall consider the moral character and professional qualifications of the applicant upon notice and hearing before ordering reinstatement. Unless such a showing shall thereupon be made to the board as would entitle the applicant to the issuance of an original license, reinstatement shall be denied.

SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the grounds for denial, suspension, or revocation of a physician license, is amended to read as follows:

(A)(i) Conviction of any crime involving moral turpitude or conviction of a felony listed under § 17-2-102.

(ii) The judgment of any such conviction, unless pending upon appeal, shall be conclusive evidence of unprofessional conduct;

SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning qualifications of an applicant for licensure as a graduate registered physician, is repealed.

(7) Is of good moral character; and

SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:

17-95-910. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline a graduate registered physician who:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;
(2) Fraudulently or deceptively uses a license;
(3) Violates any provision of this subchapter or any rules adopted by the board pertaining to this chapter;
(4) Is convicted of a felony listed under § 17-2-102;
(5) Is a habitual user of intoxicants or drugs to the extent that he or she is unable to safely perform as a graduate registered physician; or
(6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a graduate registered physician; or
(7) Has committed an act of moral turpitude.

SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications of an applicant for licensure as a podiatrist, is amended to read as follows:
(a) No person shall be entitled to a person shall not take any examination for such registration unless that person shall furnish the Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:
(1) Is twenty-one (21) years of age or over; and
(2) Is of good moral character; and
(3) Has received a license or certificate of graduation from a legally incorporated, regularly established school of podiatric medicine recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association within the states, territories, districts, and provinces of the United States or within any foreign country.

SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the definition of "unprofessional and dishonest conduct" regarding podiatric medicine licensure, is repealed.
(C) Being guilty of an offense involving moral turpitude;

SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the membership of the Arkansas Psychology Board, is amended to read as follows:
(B) The Governor shall remove any member from the board if he or she:
(i) Ceases to be qualified;
(ii) Fails to attend three (3) successive board
meetings without just cause as determined by the board;
(iii) Is found to be in violation of this chapter;
(iv) Pleads guilty or nolo contendere to or is found guilty of a felony or an unlawful act involving moral turpitude listed under § 17-2-102 by a court of competent jurisdiction; or
(v) Pleads guilty or nolo contendere to or is found guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her board duties by a court of competent jurisdiction.

SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning qualifications of an applicant for licensure as a psychologist, is amended to read as follows:

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

(A) Is of good moral character;
(B)(A) Has received a doctoral degree in psychology from an accredited institution recognized by the board as maintaining satisfactory standards at the time the degree was granted or, in lieu of a degree, a doctoral degree in a closely allied field if it is the opinion of the board that the training required therefor is substantially similar;
(C)(B) Has had at least two (2) years of experience in psychology of a type considered by the board to be qualifying in nature with at least one (1) of those years being postdoctoral work;
(D)(C) Is competent in psychology, as shown by passing examinations, written or oral, or both, as the board deems necessary;
(E)(D) Is not considered by the board to be engaged in unethical practice;
(F)(E) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-97-312(f); and
(G)(F) Has not failed an examination given by the board within the preceding six (6) months.

SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning qualifications of an applicant for licensure as a psychological examiner, is amended to read as follows:
(b)(1) A candidate for a license shall furnish the board with satisfactory evidence that he or she:

(A) Is of good moral character;

(B) (A) Has a master’s degree in psychology or a closely related field from an accredited educational institution recognized by the board as maintaining satisfactory standards;

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

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

(E) (D) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-97-312(f); and

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

SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the qualifications for examination for a provisional license as a psychologist, is repealed.

(C) Has good moral character;

SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the qualifications for a provisional license for psychologists and psychological examiners, is amended to read as follows:

(F) Has not been convicted of a crime involving moral turpitude or a felony listed under § 17-2-102;

SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual registration for licensure as a psychologist, is amended to read as follows:

(2) If application for reinstatement is made, the board shall consider the moral character and professional qualifications of the applicant as in the case of an original application.

SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal background checks for psychologists and psychological examiners, are amended
(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant in the commission of any offense listed in subsection (f) of this section.

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102. Except as provided in subdivision (m) (1) of this section, no person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

(1) Capital murder as prohibited in § 5-10-101;
(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
(3) Manslaughter as prohibited in § 5-10-104;
(4) Negligent homicide as prohibited in § 5-10-105;
(5) Kidnapping as prohibited in § 5-11-102;
(6) False imprisonment in the first degree as prohibited in § 5-11-103;
(7) Permanent detention or restraint as prohibited in § 5-11-106;
(8) Robbery as prohibited in § 5-12-102;
(9) Aggravated robbery as prohibited in § 5-12-103;
(10) Battery in the first degree as prohibited in § 5-13-201;
(11) Aggravated assault as prohibited in § 5-13-204;
(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;
(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;
(15) Rape as prohibited in § 5-14-103;
(16) Sexual indecency with a child as prohibited in § 5-14-110;
(17) Sexual extortion, § 5-14-113;
(18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;
(19) Incest as prohibited in § 5-26-202;
(20) Offenses against the family as prohibited in §§ 5-26-303—5-26-306;
(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
(23) Permitting abuse of a minor as prohibited in § 5-27-221;
(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;
(25) Computer child pornography as prohibited in § 5-27-603;
(26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
(27) Felony adult abuse as prohibited in § 5-28-103;
(28) Theft of property as prohibited in § 5-36-103;
(29) Theft by receiving as prohibited in § 5-36-106;
(30) Arson as prohibited in § 5-38-301;
(31) Burglary as prohibited in § 5-39-201;
(32) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—5-64-442;
(33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;
(34) Stalking as prohibited in § 5-71-229; and
(35) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-
3-301, and 5-3-401, to commit any of the offenses listed in this subsection.

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

(2)—Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subdivision (f) of this section, the board shall immediately revoke the provisional license.

(h)(1) The provisions of subdivision (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:

(A) An affected applicant for licensure; or
(B) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;
(B) The circumstances surrounding the crime;
(C) The length of time since the crime;
(D) Subsequent work history;
(E) Employment references;
(F) Character references; and
(C) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.

(1)(h)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

(f)(1) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(k)(1) Rights of privilege and confidentiality established in this
section shall not extend to any document created for purposes other than this
background check.

(1)(k) The board shall adopt the necessary rules and regulations to
fully implement the provisions of this section.

(m)(l) For purposes of this section, an expunged record of a
conviction or plea of guilty of or nolo contendere to an offense listed in
subsection (f) of this section shall not be considered a conviction, guilty
plea, or nolo contendere plea to the offense unless the offense is also
listed in subdivision (m)(2) of this section.

(2) Because of the serious nature of the offenses and the close
relationship to the type of work that is to be performed, the following shall
result in permanent disqualification:

(A) Capital murder as prohibited in § 5-10-101;
(B) Murder in the first degree as prohibited in § 5-10-102
and murder in the second degree as prohibited in § 5-10-103;
(C) Kidnapping as prohibited in § 5-11-102;
(D) Aggravated assault upon a law enforcement officer or
an employee of a correctional facility, § 5-13-211, if a Class Y felony;
(E) Rape as prohibited in § 5-14-103;
(F) Sexual extortion, § 5-14-113;
(G) Sexual assault in the first degree as prohibited in §
5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
(H) Incest as prohibited in § 5-26-202;
(I) Endangering the welfare of an incompetent person in
the first degree as prohibited in § 5-27-201;
(J) Endangering the welfare of a minor in the first degree
as prohibited in § 5-27-205 and endangering the welfare of a minor in the
second degree as prohibited in § 5-27-206;
(K) Adult abuse that constitutes a felony as prohibited in
§ 5-28-103, and
(L) Arson as prohibited in § 5-38-301.

SECTION II2. Arkansas Code § 17-98-302(a), concerning admission to
examination for licensure as a disease intervention specialist, is amended to
read as follows:

(a) The State Board of Disease Intervention Specialists shall admit to

54 04-03-2019 15:40:16 JMB236
examination any person who makes application to the Secretary of the State
Board of Disease Intervention Specialists on forms prescribed and furnished
by the board, pays an application fee set by the board to defray the expense
of examination, and submits satisfactory proof to the board that he or she:

(1) Is of good moral character;
(2)(1) Meets the minimum educational requirements;
(3)(2) Meets the minimum specialized training requirements, as
determined by the board;
(4)(3) Has had two (2) years of field experience in human
immunodeficiency virus/sexually transmitted disease intervention; and
(5)(4) Is actively engaged in the field of human
immunodeficiency virus/sexually transmitted disease intervention at the time
he or she makes application.

SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
The State Board of Disease Intervention Specialists shall issue a
certificate of registration without examination to any person who makes
application on forms prescribed and furnished by the board, pays a
registration fee set by the board, and submits satisfactory proof that he or
she:

(1) Is of good moral character;
(2)(1) Has had at least two (2) years' experience in the field
of human immunodeficiency virus/sexually transmitted disease intervention;
and
(3)(2) Is registered as a disease intervention specialist in a
state in which the qualifications for registration are not lower than the
qualifications for registration in this state at the time he or she applies
for registration.

SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
read as follows:
17-98-305. Application for reinstatement.
(a) A former registered disease intervention specialist whose
certificate has expired or has been suspended or revoked may make application
for reinstatement by paying a renewal fee and submitting satisfactory proof
to the State Board of Disease Intervention Specialists that he or she has
complied with the continuing education requirements.

(b) The board shall consider the moral character and professional
qualifications of the applicant as in the case of an original application.

17-98-306. Refusal to renew – Suspension or revocation.
The State Board of Disease Intervention Specialists may refuse to renew
or may suspend or revoke a certificate upon proof that the applicant+
(1) is not of good character; or
(2) is guilty of fraud, deceit, gross negligence,
incompetency, or misconduct relative to his or her duties as a disease
intervention specialist.

SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications
of an applicant for licensure as a respiratory care practitioner, is amended
to read as follows:

(b) Each applicant must shall:
(1) Be at least eighteen (18) years of age;
(2) Be of good moral character;
(3) Have been awarded a high school diploma or its
equivalent;
(4) Have satisfactorily completed training in a respiratory
care program which has been approved by the Arkansas State Respiratory Care
Examining Committee, to include adequate instruction in basic medical
science, clinical science, and respiratory care theory and procedures; and
(5) Have passed an examination approved by the Arkansas State
Medical Board and the committee, unless exempted by other provisions of this
chapter.

SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for
denial, suspension, or revocation of a respiratory care practitioner license,
is repealed.

(3) Has been convicted of any crime involving moral turpitude;

SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
of an applicant for licensure as a speech-language pathologist or
audiologist, is amended to read as follows:
(b) To be eligible for licensure by the board as a speech-language pathologist or audiologist, a person shall:
   (1) Be of good moral character;
   (2)(1) Possess at least a master's degree in the area of speech-language pathology or a master's degree in audiology obtained on or before December 30, 2006, or a doctoral degree obtained after January 1, 2007, from an educational institution recognized by the board;
   (3)(2) Submit evidence of the completion of the educational, clinical experience, and employment requirements, which shall be based on appropriate national standards and prescribed by the rules adopted under this chapter; and
   (4)(3) Pass an examination approved by the board before the board approves a license.

SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications of an applicant for provisional licensure as a speech-language pathologist or audiologist, is amended to read as follows:
(d) To be eligible for provisional licensure by the board as a speech-language pathologist or audiologist, a person shall:
   (1) Be of good moral character;
   (2)(1) Possess at least a master's degree in the area of speech-language pathology or audiology, as the case may be, from an educational institution recognized by the board;
   (3)(2) Be in the process of completing the postgraduate professional experience requirement; and
   (4)(3) Pass an examination approved by the board.

SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds for denial, suspension, or revocation of a license, or other disciplinary action for speech-language pathologists and audiologists, is amended to read as follows:
(3)(A) Being convicted of a felony listed under § 17-2-102 in any court of the United States if the acts for which the licensee or applicant is convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of
a speech-language-pathologist or audiologist.

(B) A plea or verdict of guilty made to a charge of a felony or of any offense involving moral turpitude is a conviction within the meaning of this section.

(C)(B) At the direction of the board, and after due notice and an administrative hearing in accordance with the provisions of applicable Arkansas laws, the license of the person so convicted shall be suspended or revoked or the board shall decline to issue a license when:

(i) The time for appeal has elapsed;

(ii) The judgment of conviction has been affirmed on appeal; or

(iii) An order granting probation has been made suspending the imposition of sentence, without regard to a subsequent order under the provisions of state law allowing the withdrawal of a guilty plea and the substitution of a not guilty plea, or the setting aside of a guilty verdict, or the dismissal of the acquisition, information, or indictment;

SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the grounds for denial, suspension, or revocation of a veterinarian license, is amended to read as follows:

(4)(A) Conviction of a felony or other crime involving moral turpitude listed under § 17-2-102.

SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning qualifications of an applicant for provisional licensure as an acupuncturist, is amended to read as follows:

(3) Before any applicant shall be eligible for an examination, the applicant shall furnish satisfactory proof to the board that he or she:

(A) Is of good moral character by filing with his or her application the affidavits of at least two (2) reputable acupuncturists who attest to his or her character;

(B)(A) Has successfully completed not fewer than sixty (60) semester credit hours of college education, to include a minimum of thirty (30) semester credit hours in the field of science; and

(C)(B) Has completed a program in acupuncture and related techniques and has received a certificate or diploma from an institute
approved by the board as described in this section. The training received in
the program shall be for a period of no fewer than four (4) academic years
and shall include a minimum of eight hundred (800) hours of supervised
clinical practice.

SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
qualifications of an applicant for provisional licensure as an acupuncturist,
is amended to read as follows:

(4) Not have been convicted of a felony listed under § 17-2-102;

and

SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
renewal, revocation, or suspension of a social worker license, is amended to
read as follows:

(b) The board shall refuse to issue or shall revoke the license of a
person who has been found guilty of a felony, any crime involving moral
turpitude, listed under § 17-2-102 or criminal offense involving violence,
dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
unless the person requests and the board grants a waiver under § 17-103-
307(f).

SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
qualifications of an applicant for licensure as a licensed social worker, is
repealed.

(D) Has good moral character;

SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
qualifications for a Licensed Social Worker license, is amended to read as
follows:

(G) Has not pleaded guilty or nolo contendere to or been
found guilty of a felony, any crime involving moral turpitude, listed under §
17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
breach of client trust, or abuse of the vulnerable;

SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
qualifications for a Licensed Master Social Worker license, is amended to
read as follows:

(G) Has not pleaded guilty or nolo contendere to or been found guilty of a felony, any crime involving moral turpitude, listed under § 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable;

SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the qualifications for a Licensed Certified Social Worker license, is amended to read as follows:

(H) Has not pleaded guilty or nolo contendere to or been found guilty of a felony, any crime involving moral turpitude, listed under § 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable;

SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal background check requirements for social workers, are amended to read as follows:

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant in the commission of any offense listed in subsection (e) of this section.

(e) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under § 17-2-102. Except as provided in subdivision (k)(1) of this section, a person is not eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of a felony, any crime involving moral turpitude, or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable, including without limitation:

(1) Capital murder as prohibited in § 5-10-101;
(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
(3) Manslaughter as prohibited in § 5-10-104;
(4) Negligent homicide as prohibited in § 5-10-105;
(5) Kidnapping as prohibited in § 5-11-102;
(6) False imprisonment in the first degree as prohibited in § 5-103;

(7) Permanent detention or restraint as prohibited in § 5-1106;

(8) Robbery as prohibited in § 5-12-102;

(9) Aggravated robbery as prohibited in § 5-12-103;

(10) Battery in the first degree as prohibited in § 5-13-201;

(11) Aggravated assault as prohibited in § 5-13-204;

(12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;

(13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;

(14) Terroristic threatening in the first degree as prohibited in § 5-13-301;

(15) Rape as prohibited in § 5-14-103;

(16) Sexual indecency with a child as prohibited in § 5-14-110;

(17) Sexual extortion, § 5-14-113;

(18) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;

(19) Incest as prohibited in § 5-26-202;

(20) Offenses against the family as prohibited in §§ 5-26-303 — 5-26-306;

(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;

(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;

(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);

(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303 — 5-27-305, 5-27-402, and 5-27-403;

(25) Computer child pornography as prohibited in § 5-27-603;

(26) Computer exploitation of a child in the first degree as
prohibited in §§ 5-27-605;

{27} Felony adult abuse as prohibited in §§ 5-28-103;

{28} Theft of property as prohibited in §§ 5-36-103;

{29} Theft by receiving as prohibited in §§ 5-36-106;

{30} Arson as prohibited in §§ 5-38-301;

{31} Burglary as prohibited in §§ 5-39-201;

{32} Felony violation of the Uniform Controlled Substances Act,

§§ 5-64-101 et seq., as prohibited in the former §§ 5-64-401 and §§ 5-64-419—

5-64-442;

{33} Promotion of prostitution in the first degree as prohibited

in §§ 5-70-104;

{34} Stalking as prohibited in §§ 5-71-229; and

{35} Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-

3-301, and 5-3-401, to commit any of the offenses listed in this subsection.

{f}(l) The provisions of subsection (e) of this section may be waived

by the board upon the request of:

{A} An affected applicant for licensure; or

{B} The person holding a license subject to revocation.

{2} Circumstances for which a waiver may be granted include, but

are not limited to, the following:

{A} The applicant’s age at the time the crime was

committed;

{B} The circumstances surrounding the crime;

{C} The length of time since the crime;

{D} Subsequent work history;

{E} Employment references;

{F} Character references; and

{G} Other evidence demonstrating that the applicant does

not pose a threat to the health or safety of children or endangered adults.

{g}(l) Information received by the board from the Identification

Bureau of the Department of Arkansas State Police under this section shall

not be available for examination except by the affected applicant for

licensure or his or her authorized representative or the person whose license

is subject to revocation or his or her authorized representative.

{2} No record, file, or document shall be removed from the
custody of the department.

(h) Information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(i) Rights of privilege and confidentiality established in this section do not extend to any document created for purposes other than the criminal background check.

(j) The board shall adopt the necessary rules to fully implement the provisions of this section.

(k)(1) As used in this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (e) of this section shall not be a felony, any crime involving moral turpitude, or a criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable unless the offense is also listed in subdivision (k)(2) of this section.

(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, a conviction, guilty plea, or nolo contendere plea to any of the following offenses shall result in permanent disqualification for licensure:

(A) Capital murder as prohibited in § 5-10-101;

(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;

(C) Kidnapping as prohibited in § 5-11-102;

(D) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;

(E) Rape as prohibited in § 5-14-103;

(F) Sexual extortion, § 5-14-113;

(G) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

(H) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;

(I) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;

(J) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual
conduct, or pandering or possessing a visual or print medium depicting
sexually explicit conduct involving a child, or use of a child or consent to
use of a child in a sexual performance by producing, directing, or promoting
a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-
27-402, and 5-27-403.

(K)—Adult abuse that constitutes a felony as prohibited in
§ 5-28-103, and

(L)—Arson as prohibited in § 5-38-301.

SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations
of the Perfusionist Licensure Act, is amended to read as follows:

(F) A plea of guilty, nolo contendere, or a finding of
guilt of a felony listed under § 17-2-102 or any offense substantially
related to the qualifications, functions, or duties of a perfusionist, in
which event the record shall be conclusive evidence; or

SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning
qualifications of an applicant for licensure as a physician assistant, is
repealed.

(6)—Is of good moral character;

SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
17-105-113. Violation.

Following the exercise of due process, the Arkansas State Medical Board
may discipline any physician assistant who:

(1) Fraudulently or deceptively obtains or attempts to obtain a
license;

(2) Fraudulently or deceptively uses a license;

(3) Violates any provision of this chapter or any regulations
adopted by the board pertaining to this chapter;

(4) Is convicted of a felony listed under § 17-2-102;

(5) Is a habitual user of intoxicants or drugs to such an extent
that he or she is unable to safely perform as a physician assistant;

(6) Has been adjudicated as mentally incompetent or has a mental
condition that renders him or her unable to safely perform as a physician
assistant; or

64  04-03-2019 15:40:16 JMB236
(7) Has committed an act of moral turpitude; or
(8) (7) Represents himself or herself as a physician.

SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the licensing requirements for healthcare professionals who use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes, is amended to read as follows:

(2) Submit satisfactory evidence verified by oath or affirmation that the applicant:
   (A) Is qualified to administer radioactive materials or operate medical equipment emitting or detecting ionizing radiation upon human beings;
   (B) Is of good moral character;
   (C) (B) Is at least eighteen (18) years of age at the time of application; and
   (D) (C) Has been awarded a high school diploma or has passed the General Educational Development Test or the equivalent.

SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline for healthcare professionals who use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes, is amended to read as follows:

(2) Has been convicted of a felony listed under §17-2-102 in a court of competent jurisdiction either within or outside of this state unless the conviction has been reversed and the holder of the license has been discharged or acquitted or if the holder has been pardoned with full restoration of civil rights, in which case the license shall be restored;

SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary action for orthotists, prosthetists, and pedorthists, is amended to read as follows:

(1) Has pleaded guilty or nolo contendere to or has been found guilty of a felony listed under §17-2-102;
State of Arkansas

92nd General Assembly
Regular Session, 2019

By: Representative Dotson
By: Senator Hester

For An Act To Be Entitled

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

Subtitle

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

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

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


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

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

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

(1) Demonstrates that he or she:

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

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

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

(i) An act of bad faith; or

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

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

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

(2) Pays any reinstatement fee required by law.

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

(1) Proficiency testing;

(2) Letters of recommendation; or

(3) Both proficiency testing and letters of recommendation.

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

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

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

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

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

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

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

17-1-108. Expedited temporary and provisional licensure — Legislative intent.

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

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

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

(1) "Individual" means a natural person, firm, association,
partnership, corporation, or other entity that may hold an occupational
licensure;

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

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

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

(1) Demonstrates that he or she:

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

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

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

(i) An act of bad faith; or

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

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

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

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

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

(B) The rule adopted under subdivision (c)(d)(l)(A) of this section shall provide the procedure by which an occupational
licensing entity shall grant a temporary and provisional occupational
licensure for ninety (90) days or longer to an individual under subsection
(b)(c) of this section if presented with evidence of a current and active
occupational licensure that is substantially similar to practice in the field
of his or her occupation or profession in another state, territory, or
district of the United States.

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

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

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

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

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

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

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

(2) The occupational licensing entities that administer the reciprocity provisions under subdivision (g)(i)(h)(l) of this section.

(h)(i) An occupational licensing entity may enter into written agreements with similar occupational licensing entities of another state, territory, or district of the United States as necessary to assure that licensees in this state have comparable nonresident licensure opportunities as those opportunities available to nonresidents by occupational licensing entities in this state.

/s/Dotson

APPROVED: 4/15/19