RULE 4

RULES GOVERNING ALCOHOLISM AND DRUG ABUSE COUNSELORS

I. STATEMENT OF ORGANIZATION AND OPERATIONS

Under enactment by the 82nd General Assembly of the State of Arkansas, 1999, the State Board of Examiners of Alcoholism and Drug Abuse Counselors (SBEADAC) was created and charged to provide for the licensure and registration of Alcoholism and Drug Abuse Counselors; and for other purposes.

II. MISSION STATEMENT

The mission of the State Board of Examiners of Alcoholism and Drug Abuse Counselors is to protect the public by upholding the standards of practice for alcoholism and drug abuse counselors.

III. GENERAL ORGANIZATION OF THE STATE BOARD OF EXAMINERS OF ALCOHOL AND DRUG ABUSE COUNSELORS

(1) OFFICERS

The officers of the agency will be Chairperson, Vice Chairperson, and Secretary/Treasurer. Election of officers will be held annually. These officers shall perform the duties prescribed by applicable law, this rule, and the parliamentary authority adopted by the agency.

(2) PUBLIC MEETINGS

The business of the agency will be conducted in public meetings pursuant to Robert’s Rules of Order. All meetings will be conducted in conformity with the Arkansas Freedom of Information Act. Regular meetings will be held at the discretion of the Board. Special meetings will be held on the call of the Chair or upon the written request of five (5) members of the Board.

(3) QUORUM

Seven members of the Board shall constitute a quorum.

(4) COMMITTEES

The Board may create standing and ad hoc committees. The Board Chairman will select members of committees. A quorum for the transaction of committee business is a majority of the number of voting members of the committee.
(5) AGENDA

The Board Administrator will prepare the agenda for regular and special meetings. The agenda will be distributed to Board members.

The order of the agenda items is intended to be flexible and may be adjusted to meet the needs of the Board. Additionally, the agenda may be amended by appropriate motion.

IV. RULE MAKING

(1) AUTHORITY


(2) INITIATION OF RULE-MAKING

The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as "rule-making") may be initiated by the SBEADAC. Third persons outside the agency may petition for the issuance, amendment, or repeal of any rule.

(3) PETITION TO INITIATE RULE-MAKING

Third parties may initiate rule-making to adopt, amend, or repeal a rule by filing a petition with the agency to initiate rule-making. The petition must contain the name, address, and telephone number of the petitioner, the specific rule or action requested the reasons for the rule or action requested.

The petition to initiate rule-making shall be filed with the SBEADAC.

Within thirty (30) days after submission of the petition, the agency will either deny the petition, stating its reasons in writing, or will initiate rule-making. A special meeting will be called if necessary to meet this time frame.

V. EMERGENCY RULE-MAKING

A. REQUEST FOR EMERGENCY RULE-MAKING

The proponent of a rule may request that SBEADAC adopt an emergency rule. In addition to the text of the proposed rule or amendment to an existing rule and any other information required by SBEADAC, the proponent will provide a written statement setting out the facts or circumstances that would support a finding of imminent peril to the public health, safety, or welfare.
B. FINDING OF AN EMERGENCY

Upon receipt of the written statement requesting an emergency rule-making and documents or other evidence submitted in support of the assertion that an emergency exists, the agency will make an independent judgment as to whether the circumstances and facts constitute an imminent peril to the public health, safety, or welfare requiring adoption of the rule upon fewer than thirty (30) days’ notice. If the SBEADAC determines that the circumstances warrant emergency rule-making, it will make a written determination that sets out the reasons for the agency’s finding that an emergency exists. Upon making this finding, the agency may proceed to adopt the rule without prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.

C. EFFECTIVE DATE OF EMERGENCY RULE

The emergency rule will be effective immediately upon filing, or at a stated time less than thirty (30) days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The SBEADAC will file with the rule its written findings justifying the determination that emergency rule-making is appropriate and, if applicable, the basis for the effective date of the emergency rule being less than thirty (30) days after the filing of the rule pursuant to Ark. Code Ann. § 25-15-204(e). The SBEADAC will take appropriate measures to make emergency rules known to persons who may be affected by them.

VI. LICENSURE INFORMATION

A. GENERAL

All SBEADAC action regarding licensure shall be governed by Ark. Code Ann. § 17-27-401 et seq.

B. REQUIREMENT TO KEEP CURRENT ADDRESSES ON FILE

All persons holding a license or permit issued by the SBEADAC are required to provide the agency with information so that the agency can remain in contact and provide notice of complaints and/or hearings. The licensee or permit holder is required to provide written notice to the board of any change in business and/or residence address within ten (10) working days of the change. Service of notices of hearing sent by certified mail will be addressed to the latest address on file with the agency.

C. LEVELS OF LICENSURE

A three-tier two-tier licensure system is currently available. The most significant difference in level of licensure relates to the level of education:

1. Licensed Alcoholism and Drug Abuse Counselor (LADAC) – holds a master’s degree in the health or behavioral sciences field or other appropriate field from an accredited college or university;
(2) Licensed Associate Alcoholism and Drug Abuse Counselor (LAADAC) – holds a baccalaureate degree in the health or behavioral sciences field or other appropriate field from an accredited college or university;

(3) Certified Alcoholism and Drug Abuse Technician (CADAT) – holds a high school diploma or equivalent.

All applications are reviewed by the Credentialing Committee and presented to the Board for approval at the next regularly scheduled meeting following receipt of all required documents.

D. QUALIFICATIONS AND STANDARDS FOR REGISTERED CLINICAL SUPERVISORS

To qualify as a registered clinical supervisor, a counselor must:

(1) Be a licensed Alcoholism and Drug Abuse Counselor (LADAC) in good standing;

(a) Possess three (3) years’ experience providing clinical supervision in a treatment setting that provides addiction counseling;

(b) Complete six (6) hours of targeted training in each of the following six (6) domains of clinical supervision as specified by The International Certification & Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc. (ICRC/AODA):
   a. Domain 1. “Counselor Development”
   b. Domain 2. “Professional and Ethical Standards”
   e. Domain 5. “Administration”
   f. Domain 6. “Treatment Knowledge”, and

(c) Counselor must pass CS (Clinical Supervision) exam.

(d) Furnish documentation of the above qualifications to the Board.

(2) Upon successful completion of the above requirements the applicant will be granted the title of “Registered Clinical Supervisor”.

(3) Each Registered Clinical Supervisor must complete six (6) hours of clinical supervision training during each two (2) year licensing cycle in order to maintain their Registered Clinical Supervisor status.

E. APPLYING FOR LICENSURE
All applications for licensure must be post marked to AR Dept. of Health, SBEADAC, 4815 W. Markham Street, Box 42A, Little Rock, AR 72205. Hand delivered application packets will not be accepted.

The following are the requirements for licensure and the required documentation that must be submitted to the Credentialing Committee of the Arkansas State Board of Examiners of Alcoholism and Drug Abuse Counselors:

1) The Applicant must be twenty-one (21) years of age or older.

2) Applicant must submit either a copy of a valid driver’s license or a copy of a birth certificate.

3) The Applicant must hold a (1) masters’ degree or higher; (2) a baccalaureate degree.

The Applicant must submit an official transcript, which must be mailed directly from the college or university to: AR Dept. of Health, SBEADAC, 4815 W. Markham, Box 42A, Little Rock, AR 72205.

4) The applicant must verify three (3) years or six thousand (6000) hours of supervised experience in the treatment of Substance Use Disorders (SUD). To meet this experience requirement, applicant must be under the direct supervision of a Licensed Alcoholism and Drug Abuse Counselor (LADAC) who is a Registered Supervisor in good standing with BEADAC, a Clinical Supervisor (CS) in good standing with the Arkansas Substance Abuse Certification Board (ASACB), or another licensed Behavioral Healthcare professional with specific SUD treatment experience and credentials who has registered as a Clinical Supervisor with this board. Supervision preference is with a LADAC Registered Supervisor or a CS. An applicant for licensure may contact the BEADAC for a current list of approved supervisors.

Applicants are strongly encouraged to confirm eligibility of a potential supervising professional prior to beginning formal supervision by sending the professional’s credential and resume to the BEADAC for review and approval.

4) The applicant must verify three (3) years of clinically supervised work experience in the field of Substance Abuse and Mental Health.

(a) The applicant may be able to use internship, practicum or volunteer experience hours. To meet this experience requirement, applicant must be able to show work experience in a facility that is licensed and/or accredited as a substance use disorder (SUD) treatment program or work under the supervision of a clinical supervisor with credential specific to SUD treatment.

(b) Applicant must be in the practice of SUD treatment in all or part of the 12 months preceding application or, at minimum, an applicant not in SUD practice in the 12 months preceding application will be required to complete six (6) hours of professional ethics training.

The Board may require additional training hours.

(c) All documentation and work experience submitted with application will be reviewed by the Board for consistency with
SBEADAC requirements for licensure. If you cannot meet all these requirements, you will need to make application for licensure at the SBEADAC website: www.sbeadac.org

(5) The Applicant must successfully complete a minimum of two hundred seventy (270) clock hours of approved education. Approved education must be directly related to alcoholism and/or drug abuse counseling subjects, theory, practice, or research.

All education hours are subject to review and approval by the SBEADAC Credentialing Committee.

(6) The Applicant must submit a completed registration application form, which shall be provided by the SBEADAC. The registration application form can be accessed through the SBEADAC website at www.sbeadac.org.

(7) The applicant shall submit a notarized “Statement of Agreement” that certifies under penalty of perjury, that all education and experience requirements have been met. It is strongly recommended that both the applicant and approved supervisor maintain detailed record of supervision topics, timeline, and job duties for the required minimum period of three (3) years or 6000 hours of supervised experience.

The BEADAC reserves the right to call for such record as needed for confirmation or in matters of dispute. The “Statement of Agreement” can be accessed through the SBEADAC website at www.sbeadac.org.

(8) The Applicant must submit a signed written agreement to abide by the “Code of Ethics”. The Code of Ethics and a verification page can be accessed through the SBEADAC website at www.sbeadac.org.

(9) The Applicant must submit three (3) letters of reference.

(10) The applicant must submit a “Supervision Verification” form provided by the SBEADAC. Detailed supervision record (see 7 above) to be maintained by applicant and supervisor and made available to the Board when requested must include supervisor’s observation of applicant’s ethical demonstration of the 12 Core Functions in a SUD or Co-occurring Disorder treatment program. Minimum 300 hours must be in direct clinical supervision. The “Supervision Verification” form can be accessed through the SBEADAC website.

(11) The applicant must submit a “Supervised Work Experience” form provided by the SBEADAC. Detailed work experience that includes specific duties performed under each “Job Title” must be kept by applicant and supervisor (see 7 above) ready for submission when requested by the Board. The “Supervised Work Experience” form and a list of Registered Supervisors can be accessed through the SBEADAC website.

(12) The Applicant must remit the appropriate examination fee of $265.00.
The check or Money order shall be made payable to SBEADAC.

(13) The Applicant must pass a national qualifying written examination prescribed by The SBEADAC, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession.

F. PRE-LICENSEURE 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 from the Board.

(c) The Board will respond with a decision in writing to a completed petition within a reasonable time.

(d) The Board’s response will state the reason(s) 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.

WAIVER REQUEST

A. If an individual has been convicted of an offense listed in A.C.A. 17-2-102 (a), except those permanently disqualifying offenses found in subsection €, 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:

(1) An affected applicant for a license; or

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

B. The Board may grant a waiver upon consideration of the following, without limitation:

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

(2) The circumstances surrounding the offense;

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

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

(5) Employment references since the offense was committed;

(6) Character references since the offense was committed;

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

(8) 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.
F. Automatic Licensure for Military Under Act 820

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

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

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

G. RECIPROCITY UNDER ACTS 426/1011

Legislative Intent

(a)(1) 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.

Reciprocity under Act 1011 to be codified as A.C.A §17-1-108(c), (d)(1)(A)

Reciprocity

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

   1. The applicant shall hold a substantially similar license in another United States’ jurisdiction.

      a. A license from another state is substantially similar to an Arkansas LADAC OR LAADAC license, if the other state’s licensure qualifications require:

         i. For a licensed alcoholism and drug abuse counselor holds a master’s degree in the health or behavioral sciences field or other appropriate field from an accredited college or university;
ii. For a licensed associate alcoholism and drug abuse counselor holds a baccalaureate degree in the health or behavioral services field or other appropriate field from an accredited college or university.

b. The applicant shall hold his or her occupational licensure in good standing;

c. The applicant shall not have had a license revoked for:
   i. An act of bad faith; or
   ii. A violation of law, rule, or ethics;

d. The applicant shall not hold a suspended or probationary license in a United States' jurisdiction;

2. The applicant shall be sufficiently competent in the field of substance use disorder.

3. Applicant must provide identification consisting of:
   a. Valid driver’s license or
   b. Birth certificate

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

1. As evidence that the applicant’s license from another jurisdiction is substantially similar to Arkansas’s, the applicant shall submit the following information:
   a. Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state’s licensing board; and
   b. Evidence that the other state’s licensure requirements match those listed in A.1.a.i. The Board may verify this information online or by telephone to the other state’s licensing board.

2. To demonstrate that the applicant meets the requirement in A.1.b. through d., 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;
   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 has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state’s licensing board.

3. As evidence that the applicant is sufficiently competent in the field of substance use disorder treatment, an applicant shall:
   a. Provide proof of having taken and passed a nationally qualifying written examination;
   b. Submit three letters of recommendation from professional sources; and
c. Provide an unopened college transcript to the Board at time of application.

Temporary and Provisional License
A. The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1.a. and b.
B. The temporary and provisional license shall be effective until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in sections A.1. and A.2., in which case the temporary and provisional license shall be immediately revoked.
C. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a state that does not license profession. Act 1011 to be codified as A.C.A §17-1-108(d)(2)
A. Required Qualifications. An applicant from a state that does not license alcohol and drug abuse counselors shall meet the following requirements:
   1. The applicant shall be sufficiently competent in the field of substance use disorder treatment; and
   2. Provide an unopened college transcript to the Board at time of application.
B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
   1. As evidence that the applicant is sufficiently competent in the field of substance use disorder treatment, an applicant shall:
      a. Provide proof of having taken and passed a nationally qualifying written examination.
      b. Submit three letters of recommendation from professional sources.
      c. Provide an unopened college transcript to the Board at time of application.

Reciprocity and state-specific education. Act 1011 to be codified as A.C.A. §17-1-108(d)(3)
A. The Board shall require an applicant to have a Master’s degree in the health or behavioral science field or other appropriate field from an accredited college or university for an LADAC or Bachelor’s degree in the health or behavioral science field or other appropriate field from an accredited college or university for an LAADAC if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity to out-of-state applicants in A.C.A. §17-1-108.
B. Reciprocity in another state will be considered similar to reciprocity under A.C.A. §17-1-108 if the reciprocity provisions in the other state:
   1. Provide the least restrictive path to licensure for Arkansas applicants;
   2. Does not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants
to participate in continuing education or training that is required for all professionals in that state to maintain licensure.

3. Does not require Arkansas applicants to take a state-specified education unless required under the same conditions described in A.C.A. §17-1-108.

All documentation and work experience submitted with application will be reviewed by the Board for consistency with SBEADAC requirements for licensure. If you cannot meet all of these requirements, you will need to make application for licensure at the SBEADAC website: www.sbeadac.org.

I. APPLYING FOR RE-LICENSEURE

Counselors applying for re-licensure must submit the following in one packet, addressed to SBEADAC, P.O. Box 873, Bryant, Arkansas, 72029:

(i). The Counselor shall submit the biennial renewal fee and the Licensure Renewal Form.

The biennial renewal fees shall be as follows:

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<th>License</th>
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<th>Amount</th>
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<td>Dec. 31</td>
<td>$250</td>
<td>LADAC</td>
<td>Dec. 31</td>
<td>$200</td>
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To avoid possible delays in processing your license, it is preferable that all renewal material and fees be submitted by November 1 of the year prior to the renewal year.

(ii) The Counselor shall submit the Continuing Education Documentation Form, which shall be provided by SBEADAC. A copy of the Continuing Education Documentation Form can be accessed at www.sbeadac.org. See section VII. below for continuing education requirements for re-licensure.

(1) The Counselor shall submit the Contact Information Form, which shall be provided by the SBEADAC. A copy of the Contact Information Form can be accessed at www.sbeadac.org.

(2) Failure to pay the biennial renewal fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent.

(3) If all licensure renewal materials and fees are not submitted by December 31 of the year prior to the year for which the license is being renewed, the Counselor’s license expires, effective December 31 of that year. Unless your license is renewed by December 31, the Counselor’s license will automatically be suspended until all delinquent materials are submitted and approved by the Board. If your license is not submitted and approved by the Board. If your license is not
reinstated within four (4) months, you must apply as a new applicant.

(iii) A Counselor who practices while his or her license is suspended is in violation of Act 443 of 2009.

G. CONTINUING EDUCATION

The State Board of Examiners of Alcoholism and Drug Abuse Counselors require that during the two year licensure cycle, a Counselor obtain forty (40) hours of continuing education. No license shall be renewed unless the renewal application is accompanied by evidence satisfactory to the Board of completion during the previous twenty-four (24) months of relevant professional or continuing education experience. Of the forty (40) hours required, a minimum of twenty (20) hours must be specific to addiction counseling or co-occurring disorders. No more than fifty percent (50%) of the total requisite hours may be obtained through online courses.

The following is a list of approved sponsors for continuing education which will be accepted by the SBEADAC:

a. Arkansas Substance Abuse Certification Board (ASACB)

b. Arkansas Association of Alcoholism and Drug Abuse Counselors (AAADAC)

c. The University of Arkansas at Little Rock MidSOUTH Summer School (MSSS) and MidSOUTH Addiction Training Network (MSATN)

d. Arkansas Mental Health Conference

e. Veterans Administration

f. National Association of Alcoholism and Drug Abuse Counselors (NAADAC)

g. National Board for Certified Counselors (NBCC)

h. National Association of Social Workers (NASW)

i. American Psychological Association (APA)

All other continuing education courses not sponsored by the above would require prior approval by the SBEADAC. The burden of proof for validating the quality/quantity of education hours would be shared by the Counselor and the education services provider.

H. ADJUDICATIVE HEARINGS

(1) SCOPE OF THIS CHAPTER

This chapter applies in all administrative adjudications conducted by the SBEADAC. This procedure is developed to provide a process by which the agency formulates orders (for example, an order revoking a license to practice).

(2) AUTHORITY OF THE BOARD
The SBEADAC may deny, revoke, or suspend any license, registration, or certificate upon proof that the person has willfully or repeatedly violated any of the provisions of Ark. Code Ann. § 17-27-401 et seq. or any rule or regulation promulgated by the SBEADAC or upon proof that a person has practiced outside the scope of practice for which he or she is licensed or certified under this subchapter.

(3) APPEARANCES

1. Any party appearing in any agency proceeding has the right, at his or her own expense, to be represented by counsel.

2. The respondent may appear in his or her own behalf.

3. Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.

4. Service on counsel of record is the equivalent of service on the party represented.

5. On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.

(4) CONSOLIDATION

If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

(5) SERVICE OF PAPERS

Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding shall be served on each party or the party’s representative at the last address of record.

(6) INITIATION AND NOTICE OF HEARING

1. An administrative adjudication is initiated by the issuance by the SBEADAC of a notice of hearing.

2. The notice of hearing will be sent to the respondent by U.S. Mail, return receipt requested, delivery restricted to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent’s latest address on file with the SBEADAC.

3. Notice will be mailed at least thirty (30) days before the scheduled hearing.

4. The notice will include:
i. A statement of the time, place, and nature of the hearing;

ii. A statement of the legal authority and jurisdiction under which the hearing is being held; and

iii. A short and plain statement of the matters of fact and law asserted.

(7) PROCEEDINGS

The person charged may appear in person or by counsel, testify, produce evidence and witnesses on his or her behalf, cross examine witnesses, and is entitled on application to the SBEADAC to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

(8) SUBPOENAS

a. At the request of any party, the agency shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.

b. A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45 of the Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause shown, the SBEADAC may authorize the subpoena to be served less than two days before the hearing.

c. Any motion to quash or limit the subpoena shall be filed with the agency and shall state the grounds relief upon.

d. The Board may invoke the aid of the circuit court for the county in which the hearing is held to enforce compliance with its subpoena.

(9) CONTINUANCES

The SBEADAC Chair may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. In determining whether to grant a continuance, the SBEADAC Chair may consider:

a. Prior continuances;

b. The interests of all parties;

c. The likelihood of informal settlements;
d. The existence of an emergency;

e. Any objection;

f. Any applicable time requirement;

g. The existence of a conflict of the schedules of counsel, the parties, or witnesses;

h. The time limits of the request; and

i. Other relevant factors.

j. The SBEADAC Chair may require documentation of any grounds for continuance.

(10) DEFAULT

If a party fails to appear or participate in an administrative adjudication after proper service of notice, the SBEADAC may proceed with the hearing and render a decision in the absence of the party.

(11) FINAL ORDER

The SBEADAC will serve on the respondent a written order that reflects the action taken by the agency. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.

I. ACTIONS TAKEN UPON LICENSE

(1) DENIAL OF LICENSE

1. If a preliminary determination is made that an application should be denied, the SBEADAC will inform the applicant of the opportunity for a hearing on the application.

2. The grounds or basis for the proposed denial of a license will be set forth in writing by the Board. Any hearing on the denial of a license will be conducted in accordance with Ark. Code Ann. § 25-15-208 and Ark. Code Ann. § 25-15-213.

(2) SUSPENSION, REVOCATION, ANNULMENT OR WITHDRAWAL

a. Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the Board will serve the licensee a notice of hearing in the manner set forth
b. The Board has the burden of proving the alleged facts and violations of law stated in the notice.

(3) EMERGENCY ACTION

a. If the agency finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a license. The notice requirement in (b)(1) will not prevent a hearing at the earliest time practicable.

b. An emergency order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the Board. The written order must include notification of the Notice of Hearing, which contains the date on which the Board proceedings are scheduled for completion.

c. The written emergency order will be immediately delivered to persons who are required to comply with the order. One or more of the following procedures will be used:

i. Personal delivery;

ii. Certified mail, return receipt requested, to the last address on file with the agency;

iii. First class mail to the last address on file with the Board;

iv. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that Board orders be sent by fax and has provided a fax number for that purpose;

v. Unless the written emergency order is served by personal delivery on the same day that the order issues, the Board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

vi. Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph IX.3. of this rule, the SBEADAC must initiate a formal suspension or revocation proceeding.

(4) VOLUNTARY SURRENDER OF LICENSE

The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the Board’s determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

(5) DUTY OF SANCTIONED PROFESSIONAL
In every case in which a license is revoked, suspended, or surrendered, within thirty (30) days, the licensee shall:

1. Return his or her license and any license pocket cards to the Board office;

2. Notify all of his or her clients in writing that his or her license has been revoked, suspended, or surrendered;

3. Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;

4. Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

5. Refund any part of the fees paid in advance that have not been earned;

6. Keep and maintain a record of the steps taken to accomplish the foregoing;

7. File with the Board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the Board will notify those entitled of the revocation, suspension, or surrender; and

8. The professional shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the agency that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

J. REINSTATEMENT AFTER SUSPENSION

(1) An order suspending a license may provide that a person desiring reinstatement may file with the Chair of the SBEADAC a verified petition requesting reinstatement.

(2) The petition for reinstatement must set out the following:

a. That the individual has fully and promptly complied with the requirements of section IX.5. of these rules pertaining to the duty of a sanctioned professional;

b. That the individual has refrained from practicing in this
profession during the period of suspension;

c. That the individual's license fee is current or has been tendered to the SBEADAC;

d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.

e. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

f. Failure to comply with the provisions of sections IX.5 of this Rule precludes consideration for reinstatement.

g. No individual will be reinstated unless the SBEADAC approves reinstatement by majority vote.

K. RE-LICENSURE FOR REVOKED OR SURRENDERED LICENSE

(1) No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the SBEADAC.

(2) The applicant bears the burden of proof that he is rehabilitated following the revocation or surrender of his license, that he can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare and that he is otherwise qualified for the license pursuant to Ark. Code Ann. § 17-27-401 et seq.

a. The agency may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

b. The person seeking re-licensure must pass a national qualifying written examination prescribed by the SBEADAC, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession.
Stricken language would be deleted from and underlined language would be added to present law.

Act 426 of the Regular Session

State of Arkansas  As Engrossed: H2/13/19

A Bill

HOUSE BILL 1301

Regular Session, 2019

By: Representative Cozart

For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN INDIVIDUALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RED TAPE REDUCTION EXPEDITED TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN INDIVIDUALS.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction Expedited Temporary and Provisional Licensure Act."

SECTION 2. 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 licensure and occupational
licensing entities; and

   (ii) Existing occupational licensure and
occupational licensing entities.

(b) It is the intent of the General Assembly to authorize occupational
licensing entities to identify types of individuals or entities that may be
issued temporary or provisional licenses.

SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
to add an additional section to read as follows:

17-1-108. Expedited temporary and provisional licensure.

(a) 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, 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) 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)(1)(A) An occupational licensing entity shall comply with the requirements under subsection (b) of this section by adopting the least restrictive rule that allows for reciprocity or licensure by endorsement.

(B) The rule adopted under subdivision (c)(1)(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) 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)(1) Except as provided under subdivision (d)(2) of this section, an
occupational licensing entity shall not require an individual who meets the
requirements of subsection (b) 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) If a criminal background check is required of an applicant for an
initial occupational licensure or of a person currently holding an
occupational licensure, then the occupational licensing entity may require a
person 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 currently holding an
occupational licensure.

(f) 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) This section shall not apply to:

(1) Reciprocity or license by endorsement provisions under §§
17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

(2) The occupational licensing entities that administer the
reciprocity provisions under subdivision (g)(1) of this section.

(h) 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 for licensees in this state have comparable nonresident licensure opportunities as those opportunities available to nonresidents by occupational licensing entities in this state.

/s/Cozart

APPROVED: 3/12/19
State of Arkansas  

As Engrossed:  S3/28/19

A Bill

Regular Session, 2019

SENATE BILL 564

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 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:

(4)(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)(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 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/Irv

APPROVED: 4/9/19
State of Arkansas

As Engrossed:  S3/18/19 H4/3/19

Regular Session, 2019

A Bill

SENATE BILL 451

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 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.

(c)(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)(1) An act substantially related to the qualifications, functions, or duties of an appraiser.

(1) 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;

(c)(b) Taking, appropriating, or retaining the funds or property of another;

(d)(c) Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;

(e)(d) Evasion of a lawful debt or obligation, including without limitation a tax obligation;

(f)(e) Trafficking in narcotics or controlled substances;

(g)(f) Violation of a relation of trust or confidence;

(h)(g) Theft of personal property or funds;

(i)(h) An act of violence or threatened violence against persons or property; or

(j)(i) A sexually related crime or act under § 5-14-101 et seq.;


(3)(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 shall 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 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;

(2) Has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his or her fitness to practice barbering;

(3) Is at least sixteen and one-half (16 ½) years of age; and

(4) 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 contractors 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) 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) 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 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) 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.

(h)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to 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.

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

(i)(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 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. Has had at least two (2) years’ experience in the field of environmental sanitation; and
3. 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 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 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 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
(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) 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) 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,
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 impact 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
pardon 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 of 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

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

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

(3) 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)-(1), 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—5-64-442;

(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)(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) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to 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) 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) 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.

(1)(1) 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.

(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;
(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 character, 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
reciprocal privileges to opticians who hold certificates of licensure or registry issued by this state.

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) Of good moral character; and
(4) 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
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 Be 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) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;
(4) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and
(5) 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 A 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 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) 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) Is competent as a psychological examiner as shown by passing examinations, written or oral, or both, as the board deems necessary;

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

(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

(F) 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
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 (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 § 5-36-104;
(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 §§ 5-64-401 — 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 subsection (f) of this section, the board shall immediately revoke the provisional license.

(h)(1) The provisions of subsection (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
(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.

(i)(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.

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

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

(m)(1) 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 112. Arkansas Code § 17-98-302(a), concerning admission for licensure as a disease intervention specialist, is amended to read as follows:

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

(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
(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) 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) 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) 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) 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) Be in the process of completing the postgraduate professional experience requirement; and
   (4) 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) 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) 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) 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 § 5-11-103;
(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(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 §§ 5-64-101 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)(1) 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)(1)(f)(1) 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)(g) 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.

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

(i) 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
(7) Has committed an act of moral turpitude; or

(8) 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) Is at least eighteen (18) years of age at the time of application; and

(D) 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;
/s/J. Cooper

APPROVED: 4/15/19
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) An 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:
   1. Was previously licensed, registered, permitted, or certified to practice in the field of his or her profession at any time in this state;
   2. Held his or her license, registration, permit, or certification in good standing at the time of licensing, registration, permitting, or certification;
   3. Did not have his or her license, registration, permit, or certification revoked for:
      1. An act of bad faith; or
      2. A violation of law, rule, or ethics;
   4. Is not holding a suspended or probationary license, registration, permit, or certification in any state; and
   5. Is sufficiently competent in his or her field; and
2. Pays any reinstatement fee required by law.

(c) 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.

(d) 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.

(e) 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.

(±)(e) 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.

(±)(f)(1) 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:


(a)(1) 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)(1)(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)(1)(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
(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)(1) Except as provided under subdivision (d)(1)(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 currently holding an occupational licensure, then the occupational licensing entity may require a person 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 currently holding an occupational licensure.

(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.

(h) This section shall not apply to:

(2) The occupational licensing entities that administer the reciprocity provisions under subdivision (g)(1)(h)(1) 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