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SECTION I. PROMULGATION

SECTION II. PURPOSE
It is the purpose of the Dietetics Practice Act (“Act”) to protect the health, safety, and welfare of the public by providing for the licensing and regulations of persons engaged in the practice of dietetics. Nothing in the Act prevents the furnishing of general nutritional information on food, food materials, or dietary supplements, or the explanation to customers about foods or food products in connection with the sale, marketing and distribution of those products.

SECTION III. INFORMATION FOR PUBLIC GUIDANCE
The Board employs persons holding certain responsibilities for handling Freedom of Information Act (“FOIA”) requests, licensing questions, and complaints against licensees so that the public may obtain information about the Board or make submissions or requests. The names, mailing addresses, telephone numbers, and electronic addresses can be obtained from the Board’s office or website.

The Board has a list of official forms used by the Board and a list of all formal, written statements of policy and written interpretative memoranda, and orders, decisions and opinions resulting from adjudications, which may be obtained from the Board’s office or website.

SECTION IV. GENERAL ORGANIZATION
A. The Board shall consist of five (5) persons, all of whom are Arkansas residents, with the following qualifications: three (3) Board members who are Licensed Dietitians; two (2) Board members who are representatives of the public at large including:

1. One (1) member who is not actively engaged in or retired from the field of Dietetics, to represent the consumers; and
2. One (1) member who is sixty (60) years of age or older, who is not actively engaged in or retired from the field of Dietetics, to represent the elderly.
B. The members of the Board shall be appointed by the Governor, with the confirmation of the Senate and shall serve terms of five (5) years.

C. The Governor shall consult the Board of Directors of the Arkansas Academy of Nutrition and Dietetics before appointing the three (3) Board members who are licensed dietitians. Each of these Board members shall have been practicing dietitians for at least five (5) years preceding their appointment.

D. Members of the Board may be removed by the Governor for cause. In case of death, resignation, or removal, the vacancy of the unexpired terms shall be filled by the Governor in the same manner as other appointments. A person chosen to fill vacancy shall be appointed only for the unexpired term of the Board member replaced. No member shall serve more than two (2) consecutive terms.

E. A quorum of the Board shall consist of four (4) members.

F. Meetings:
   1. At least two (2) regular meetings of the Board shall be held each calendar year, and at the first regular meeting every two (2) years, the Board shall elect a chairperson and vice-chairperson.
   2. Special called meetings may be held at the discretion of the chairperson or at the written request of any three (3) members of the Board.
   3. Reasonable notice of all meetings shall be given in the manner prescribed by the laws of this State.

SECTION V. DEFINITIONS

The following terms and phrases apply to all rules promulgated by the Board, unless a specific paragraph in the Act defines or uses the word or term in a different manner.

A. “Academy” means the Academy of Nutrition and Dietetics.

B. “Commission on Dietetic Registration (“CDR””)” means the Commission on Dietetic Registration that is a national certifying agency for voluntary professional credentialing in dietetics and a member of the Institute for Credentialing Excellence.

C. “Degree” means a degree received from a United States college or university that was regionally accredited at the time the degree was conferred.
D. “Dietetics Practice” means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management, and behavioral and social sciences to achieve and maintain people’s health through the provision of nutrition care services.

E. “Dietitian” means one engaged in dietetics practice.

F. “Examination” means the examination administered by the CDR.

G. “Institute for Credentialing Excellence” means the national organization that establishes national standards for certifying bodies that attest to the competence of individuals who participate in the health care delivery system, grants recognition to certifying bodies that voluntarily apply and meet the established standards, and monitors the adherence to those standards by the certifying bodies that it has recognized.

H. “Licensed Dietitian (“LD”)” means a person licensed under this Act.

I. “Nutrition Care Services” means:

1. Assessing the nutritional needs of individuals and groups of humans and determining resources and constraints in the practice setting;

2. Establishing priorities, goals, and objectives that meet nutritional needs of humans and are consistent with available resources and constraints;

3. Providing nutrition counseling to humans in health and disease;

4. Developing, implementing, and managing nutrition care of, and food service systems for, humans; and

5. Evaluating, making changes in, and maintaining appropriate standards for quality in food and nutrition care services for humans.

J. “Provisional Licensed Dietitian (“PLD”)” means a person provisionally licensed under this Act.

K. “Registered Dietitian” means a person registered by the CDR.

SECTION VI. PROHIBITIONS

No individual shall practice or offer to practice dietetics within the meaning of this Act unless he/she is duly licensed or is a student under the provisions of this Act.
SECTION VII. QUALIFICATIONS FOR ISSUANCE OF LICENSE

A. Pre-licensure criminal background check

1. 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.

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

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

4. The Board’s response will state the reason(s) for the decision.

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

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

7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

B. The Board may issue a license as a Licensed Dietitian (“LD”) to an applicant who qualifies as follows:

1. The applicant files an application and has:

   a. Received a baccalaureate or post-baccalaureate degree from a regionally accredited United States college or university with a program in human nutrition, food and nutrition, dietetics, or food systems management. Applicants who have obtained their education outside of the United States and its territories must have their academic degree or degrees validated as equivalent to the baccalaureate or post-baccalaureate degree conferred by a regionally accredited college or university in the United States;

   b. Completed a planned, continuous pre-professional experience component in dietetic practice of not fewer than nine hundred (900) hours under the supervision of a registered dietitian or licensed dietitian; and

   c. Passed an examination as defined by the board; or
2. The applicant files an application and provides evidence of current registration as a registered dietitian by the CDR.

C. Applications shall be typewritten or printed in ink, signed by the applicant and accompanied by the appropriate fee and by such evidence, statements, or documents as specified or required by the Board. All applications, statements, and documents submitted shall become the property of the Board.

D. The Board adopts the passing score on the examination as the passing score required by the CDR.

E. Licensure for Military Service Members and Spouses

1. As used in this subsection:
   a. “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
   b. “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

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

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

F. Waiver request for disqualifying criminal offense
1. 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 (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
   a. An affected applicant for a license; or
   b. An individual holding a license subject to revocation.

2. The Board may grant a waiver upon consideration of the following, 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.

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

4. The Board will respond with a decision in writing and will state the reasons for the decision.

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

SECTION VIII. PROVISIONAL LICENSES
A Provisional License shall permit the holder to practice only under the direct supervision of a dietitian licensed in this State.

A. The Board may issue a Provisional License to any dietitian who meets the following requirements:
   1. The applicant has filed an application with the Board, and
2. Submitted evidence of successful completion of the education requirements in Section VII.

B. A Provisional License shall expire eighteen (18) months from the date of issuance.

C. A Provisional License may be renewed upon submission to the Board of satisfactory explanation for the applicant’s failure to become licensed within the original eighteen (18) month period. A Provisional License may only be renewed one time.

SECTION IX. RECIPROCITY

A. The Board shall provide reciprocity for licensed dietitians from other states, provided that the standards in that state are not less than those provided for in Section VII.

B. Applicants shall provide the Board with the following:
   1. A current copy of that state’s proposed (if any) and adopted rules/regulations governing its operations and application and licensing procedures;
   2. A copy of the legal authority (law, act, code, section, or otherwise) for the license including any proposed and final amendments;
   3. Information regarding all disciplinary actions relating to each applicant from that state’s licensing authority;
   4. The names, addresses, and phone numbers of the licensing authority’s chairperson and/or executive administrator;
   5. A copy of the license or certificate for which the reciprocal licensure is requested; and
   6. Any other information deemed necessary by the Board or by its legal counsel.

C. All application materials shall be completed and application and license fees shall be paid by the applicant. All application materials become the property of the Board.

D. The Board may contact the issuing authority to verify the applicant’s status with the agency at the time of application.

SECTION X. RENEWAL OF LICENSES

A. A licensee must renew their license annually and is responsible for renewing before the expiration date.
1. All licenses issued as of January 1, 2021 will have a renewal date of December 1 of each year.

2. All licenses issued after January 1, 2021 will have a renewal date of one (1) year from the date of issuance.

B. Licensees applying for renewal shall:
   1. Submit a completed renewal application;
   2. Renewal fee; and
   3. Documentation showing completion of at least twelve (12) clock hours per renewal period of continuing education. All continuing education hours must be in compliance with continuing professional education activities approved by CDR.

C. Continuing Education Extension Request
   1. The one (1) year completion period for continuing education requirements may be extended on an individual basis if the Board determines a licensee’s circumstances prevented him/her from timely completing the requirement.
   2. The request must be in writing with adequate documentation of the circumstances that prevented the licensee from completing the requirement.
   3. The request must be submitted at least twenty (20) days prior to the expiration date of the license.
   4. If the Board grants an extension, the time for completion will not exceed ninety (90) days past the expiration date of the license.
   5. All hours obtained during the extension period will only be applied towards the twelve (12) hours required for the renewal period in which the extension was requested and not towards the next renewal period’s twelve (12) hours requirement.

D. The Board shall mail a notice for renewal of a license to each person sixty (60) days prior to the renewal date.
   1. The renewal notice shall be mailed to the most recent address of the person as it appears on the record of the Board.
   2. The renewal notice shall include:
      a. The expiration date of the license;
b. The amount of the renewal fee due; and
c. The license renewal form.

E. The licensee shall complete the renewal form and return it to the Board, accompanied by the required renewal fee, within no more than sixty (60) days after the renewal notice was mailed by the Board.

F. Late Renewal Requirements

1. If a licensee fails to renew his/her license within the sixty (60) day period, the license shall lapse the last day of the month of the renewal date.

2. If the renewal license has expired for no more than ninety (90) days, the licensee may renew the license by paying the Board the required renewal fee and a penalty in an amount equal to one-half (1/2) of the renewal fee.

3. If the renewal license has expired for more than ninety (90) days but less than one (1) year, the licensee may renew the license by paying the Board the required renewal fee and a penalty in an amount equal to the renewal fee.

4. If a license has been expired one (1) year or more, the license shall not be renewed, but a new license may be obtained by applying to the Board as a new licensee.

5. If a license has expired, before renewal a licensee must submit to the Board an attestation that the licensee has not practiced in dietetics since the day that the license lapsed and that the licensee will not practice dietetics until the license is approved for renewal by the Board.

G. Expiration of License

1. A person whose license has expired may not use the title or represent or imply that he/she has the title of “licensed dietitian” or “provisional licensed dietitian” or use the letters “LD” or “PLD” and may not use any facsimile of those titles in any manner.

2. A person whose license has expired must return to the Board his/her license certificate and license identification card within thirty (30) days of notification by the Board.

SECTION XI. FEES
The Board shall establish, charge, and collect fees as follows:

A. Application and license fee for Licensed Dietitian (LD), including those seeking licensure through reciprocity, shall be $110.
B. Annual LD license renewal fee shall be $50.
C. Application and licensing fee for Provisional Licensed Dietitian (PLD) shall be $150.
D. One time eighteen (18) month renewal fee for PLD shall be $75.
E. Duplicate or replacement of a lost or destroyed license (LD/PLD) shall be $25.

SECTION XII. STANDARDS OF PROFESSIONAL RESPONSIBILITY
The Board adopts the most current CDR Code of Ethics for all persons holding an LD or PLD license. A copy of the code is available from the Board’s office or the CDR website.

SECTION XIII. LICENSE ISSUANCE AND RENEWAL DENIAL
A. The Board may refuse to issue or renew a license, or may revoke or suspend a license for any of the following, but is not limited to:
   1. Violation of a provision of the Dietetics Practice Act or the rules adopted by the Board;
   2. Engaging in unprofessional conduct or gross incompetence as defined by the rules of the Board or violating standards of professional responsibility adopted and published by the Board; or
B. The Board may deny approval of an application from an applicant who is either licensed by another state or Registered Dietitian, if the Board has determined that the applicant may be:
   1. In violation of that state’s Act or rules of the licensing authority, if applicable;
   2. In violation of a provision of the Dietetics Practice Act or the rules adopted by the Board;
   3. Engaging in unprofessional conduct or gross incompetence as defined by the rules of the Board or violating standards of professional responsibility adopted and published by the Board; or
C. If a preliminary determination is made that the application should be denied, the Board will inform the applicant of the opportunity for a hearing on the application.

D. 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 25-15-213, and unless otherwise provided by law, the applicant has the burden of establishing entitlement to the license.
SECTION XIV. DISCIPLINARY PROCEDURES

A. Complaint

1. The Board is authorized to receive complaints against licensees or applicants from any person. Signed complaints must be submitted in writing to the Board’s office. A complaint form may be obtained from the Board’s office.

2. The Board may on its own motion, in the absence of a written complaint, conduct an investigation of a suspected violation if reasonable cause exists to believe a violation has occurred.

B. Investigation

1. The Board shall investigate a complaint if the complaint states prima facie violations of the Dietetics Practice Act or Board rules. The Board Chairman will appoint one or more board members to investigate the complaint.

2. A copy of the complaint will be sent certified mail to the party complained against. The party complained against shall submit a written response to the complaint within a reasonable time as provided by the Board’s instructions.

3. The Board investigator(s) will review the response to the complaint. Further investigation will be conducted if deemed appropriate.

4. Upon completion of the investigation and upon the recommendation of the Board investigator(s), the Board will determine whether to conduct a hearing, dismiss the complaint, or take other appropriate action. All interested parties will be notified of the Board’s instruction.

5. When appropriate, informal hearing procedures may be used to attempt to resolve complaints in lieu of an administrative hearing.

C. Suspension, Revocation, or Other Sanctions

1. Prior to the entry of a final order to suspend, revoke, or to impose other sanctions upon a licensee, the agency will serve the licensee a notice of hearing in the manner set out in Ark. Code Ann. § 25-15-208 and Section XIV.

2. The Board has the burden of proving the alleged facts and violations of law stated in the notice.
SECTION XV. ADMINISTRATIVE HEARING

A. Scope of this Section - This section applies in all administrative adjudications conducted by the Board. This rule describes the process by which the Board formulates orders (for example, an order revoking a license to practice, or imposing civil penalties).

B. Presiding Officer - The Board shall preside at the hearing or may designate one or more members of the Board or one or more examiners, referees, or hearing officers to preside at a hearing.

C. Appearances
   1. Any party appearing in any agency proceeding has the right, at his or her own expense, to be represented by counsel. Alternatively, the respondent may appear on his or her own behalf.
   2. Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.
   3. Service on counsel of record is the equivalent of service on the party represented.
   4. 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.

D. 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.

E. Notice to Interested Parties - If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

F. Service of Papers - Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall be served on each party or the party’s representative at the last address of record.
G. Initiation & Notice of Hearing

1. An administrative adjudication is initiated when the agency issues 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 agency.

3. Notice will be mailed at least twenty (20) days before the scheduled hearing.

4. The notice will include:
   a. Statement of the time, place, and nature of the hearing;
   b. A statement of the legal authority and jurisdiction under which the hearing is to be held; and
   c. A short and plain statement of the matters of fact and law asserted.

H. Motions – All requests for relief will be by motion. Motions must be in writing or made on the record during a hearing. A motion must fully state the action requested and the grounds relied upon. The original written motion will be filed with the agency. When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However, a presiding officer, other than the Board will not enter a dispositive order unless expressly authorized in writing to do so.

I. Answer – A respondent may file an answer to the notice of hearing.

J. Information Provided upon Request

1. Upon written request, the Board will provide the information designated in Ark. Code Ann. § 25-15-208(a)(3).

2. Such requests should be received by the Board at least 10 days before the scheduled hearing.

K. Continuances

1. The Board may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of
emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Board 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, parties, or witnesses;
   h. The time limits of the request; and
   i. Other relevant factors.

2. The Board may require documentation of any grounds for continuance.

L. Hearing Procedures

1. The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Board shall not enter a dispositive order or proposed decision unless expressly authorized in writing to do so.

2. All objections must be made in a timely manner and stated on the record.

3. Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.

4. Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the agency, may submit briefs and engage in oral argument.

5. The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

M. Order of Proceedings

The presiding officer will conduct the hearing in the following manner:
1. The presiding officer will give an opening statement, briefly describing the nature of the proceedings.

2. The parties will be given the opportunity to present opening statements.

3. The parties will be allowed to present their cases in the sequence determined by the presiding officer.

4. Each witness must be sworn or affirmed by the presiding officer and be subject to examination and cross-examination as well as questioning by the Board. The presiding officer may limit questioning in a manner consistent with the law.

5. When all parties and witnesses have been heard, parties will be given the opportunity to present final arguments.

N. Evidence

1. The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.

2. Stipulation of facts is encouraged. The agency may make a decision based on stipulated facts.

3. Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, may receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings.

4. A party seeking admission of an exhibit must provide ten (10) copies of each exhibit at the hearing. The presiding officer must provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence must be appropriately marked and be made part of the record.

5. Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on

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the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision.

6. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

7. Irrelevant, immaterial, and unduly repetitive evidence will be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs.

8. The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.

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

P. Recording the Proceedings – The Board will record the testimony heard at a hearing. Upon the filing of a petition for judicial review, the Board will provide a verbatim transcript of testimony taken before the agency.

Q. Factors to be Considered in Imposing Sanctions – In addition to any other considerations permitted by the Dietetics Practice Act, if applicable, the Board in imposing any sanction may consider the following:

1. The nature and degree of the misconduct for which the licensee is being sanctioned.
2. The seriousness and circumstances surrounding this misconduct.
3. The loss or damage to clients or others.
4. The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found.
5. The profit to the licensee.
6. The avoidance of repetition.
7. Whether the conduct was deliberate, intentional, or negligent.
8. The deterrent effect on others.
9. The conduct of the individual during the course of the disciplinary proceeding.
10. The professional’s prior disciplinary record, including warnings.
11. Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates that he or she is successfully pursuing in good faith a program of recovery.

R. Final Order
1. The Board will serve on the respondent a written order that reflects the action taken by the Board. 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 the issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.

2. The order will be served personally or by mail on the respondent. If counsel represents respondent, service of the order on respondent’s counsel shall be deemed service on the respondent.

SECTION XVI. DECLARATORY ORDERS
A. Purpose and Use of Declaratory Orders
1. A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the Board has authority.

2. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner’s particular circumstances.

3. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the Board.
4. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner’s interests.

B. The Petition – The process to obtain a declaratory order is begun by filing with the Board’s office a petition that provides the following information:

1. The name, address, telephone number, and facsimile number of the petitioner;
2. The name, address, telephone number, and facsimile number of the attorney of the petitioner;
3. The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory order is sought;
4. A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner’s particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order;
5. The signature of the petitioner or petitioner’s attorney;
6. The date; and
7. Request for a hearing, if desired.

C. Board Disposition

1. The Board may hold a hearing to consider a petition for declaratory order. If a hearing is held, it shall be conducted in accordance with Ark. Code Ann. § 25-15-208 and § 25-15-213, and the Board’s rules for adjudicatory hearings.

2. The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

Section XVII. THE PRACTICE OF TELEMEDICINE

A. Definitions

1. “Distant site” means the location of the healthcare professional delivering services through telemedicine at the time the services are provided. Ark. Code Ann. §17-80-402(1).

2. “Originating site” means a site at which a patient is located at the time healthcare services are provided to him or her by means of telemedicine. Ark. Code Ann. §17-80-402(2).
3. “Remote patient monitoring” means the use of synchronous or asynchronous electronic information and communication technology to collect personal health information and medical data from a patient at an originating site that is transmitted to a healthcare professional at a distant site for use in the treatment and management of medical conditions that require frequent monitoring. Ark. Code Ann. §17-80-402(5).

4. “Store-and-forward technology” means the asynchronous transmission of a patient’s medical information from a healthcare professional at an originating site to a healthcare professional at a distant site. Ark. Code Ann. § 17-80-402(6).


B. Establishing a Licensed Dietitian/Client Relationship – A licensed dietitian/client relationship must be established in accordance with Ark. Code Ann. §§ 17-80-402 & 403 and Section VII before the delivery of services via telemedicine. A client’s completing a nutrition history online and forwarding it to a licensed dietitian is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology. A licensed dietitian exhibits gross negligence if he or she provides and/or recommends any form of treatment via telemedicine without first establishing a proper licensed dietitian/client relationship.

C. Minimum Requirements for Licensed Dietitian/Client Relationship – For purposes of this regulation, a proper licensed dietitian/client relationship, at a minimum requires that:

1. The licensed dietitian performs an “in person” nutrition history of the client adequate to establish a diagnosis and develop a treatment plan, OR

2. The licensed dietitian performs a face to face nutrition history using real time audio and visual telemedicine technology that provides information at least equal to such information as would have been obtained by an in-person nutrition history, OR
3. The licensed dietitian knows the client and the client’s general nutrition issues through a previously established professional relationship; AND
4. Appropriate follow-up be provided or arranged, when necessary.

D. When a Licensed Dietitian/Client Relationship is Deemed to Exist – For the purposes of this regulation, a proper licensed dietitian/client relationship is deemed to exist in the following situations:

1. When treatment is provided in consultation with, or upon referral by, another provider or treatment team who has an ongoing relationship with the client, and who has agreed to supervise the client’s treatment, including follow up care.
2. On-call or cross-coverage situations arranged by the client’s treating provider or treatment team.

E. Exceptions – Recognizing a licensed dietitian’s duty to adhere to the applicable standard of care and to comply with mandatory reporting laws, the following situations are excluded from the requirement of this regulation by Ark. Code Ann. § 17-80-403(a)(2):

1. Emergency situations where the life or health of the client is in danger or imminent danger.
2. Simply providing information of a generic nature, not meant to be specific to an individual client.

F. Professional Relationship Exceptions – Under Ark. Code Ann. § 17-80-403(c), “Professional relationship” does not include a relationship between a licensed dietitian and a client established only by the following:

1. An internet questionnaire;
2. An email message;
3. Patient-generated medical history;
4. Audio-only communication, including without limitation interactive audio;
5. Text messaging;
6. A facsimile machine; or
7. Any combination thereof.

G. Requirements for Services Provided VIA Telemedicine – The following requirements apply to all services provided by licensed dietitians using telemedicine.
1. The practice of dietetics via telemedicine shall be held to the same standards of care as traditional in-person encounters.

2. The licensed dietitian must obtain a detailed explanation of the client’s medical diagnosis from the client or the client’s treating provider or treatment team in order to individualize the nutrition interventions.

3. If a decision is made to provide treatment (medical nutrition therapy), the licensed dietitian must agree to accept responsibility for the(nutrition) care of the client.

4. If follow-up care is indicated, the licensed dietitian must agree to provide or arrange for such follow-up care.

5. The licensed dietitian must keep a documented treatment record, including, but not limited to nutrition history, interventions, and outcomes.

6. At the client’s request, the licensed dietitian must make available to the client an electronic or hardcopy version of the client’s treatment record documenting the encounter. Additionally, unless the client declines to consent, the licensed dietitian must forward a copy of the record of the encounter to the client’s regular treating provider or treatment team if that provider or treatment team is not the same licensed dietitian delivering the service via telemedicine.

7. Services must be delivered in a transparent manner, including providing access to information identifying the licensed dietitian’s licensure and other relevant certifications, as well as client financial responsibilities, in advance of the encounter.

8. If the client, at the recommendation of the licensed dietitian, needs to be seen in person, the licensed dietitian must arrange to see the client in person or direct the client to their regular treating provider or treatment team or other appropriate provider if the client does not have a treating provider or treatment team. Such recommendation shall be documented in the client’s treatment record.

9. Licensed dietitians who deliver services through telemedicine must establish protocols for referrals for emergency services.

H. Scope of Practice – Licensed dietitians may practice dietetics via telemedicine within the definitions found in Section V.
I. Confidentiality – Licensed dietitians who use technology to facilitate supervision, consultation, or other confidential meetings shall use appropriate precautions to protect the confidentiality of those communications. Precautions to protect confidentiality depend on the type of technology being used, and may include using passwords, firewalls, encryption, and antivirus software; using electronic service providers that rely on standards of security for data that are transmitted and stored; and ensuring a private setting when using their electronic devices.
Stricken language would be deleted from and underlined language would be added to present law.

Act 820 of the Regular Session

State of Arkansas

As Engrossed: S3/28/19

A Bill

SENATE BILL 564

Regular Session, 2019

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

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

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

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

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

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

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

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

(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) An occupational licensing entity shall:

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

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

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

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

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

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

/s/Irvin

APPROVED: 4/9/19
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) An act substantially related to the qualifications, functions, or duties of an appraiser;
   (c) Taking, appropriating, or retaining the funds or property of another;
   (d) Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;
   (e) Evasion of a lawful debt or obligation, including without limitation a tax obligation;
   (f) Trafficking in narcotics or controlled substances;
   (g) Violation of a relation of trust or confidence;
   (h) Theft of personal property or funds;
   (i) An act of violence or threatened violence against persons or property; or
   (j) 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 must be at least twenty-one (21) years of age and of good moral character.

SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for revocation of a license for an architect, is amended to read as follows:
   (5) The holder of the license or certificate of registration has been guilty of a felony listed under § 17-2-102;

SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the registration requirements for an athlete agent under the Uniform Athlete Agents Act, is amended to read as follows:
   (8) whether the applicant or any person named pursuant to paragraph (7) has been convicted of a crime that, if committed in this State, would be a crime involving moral turpitude or a felony listed under § 17-2-102, and identify the crime;

SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or revocation of a license of an auctioneer, is amended to read as follows:
   (6) Being convicted of a criminal offense involving moral turpitude or a felony listed under § 17-2-102 in a court of competent jurisdiction of this or any other jurisdiction;

SECTION 21. Arkansas Code § 17-19-203(3), concerning character references for a professional bail bondsman license, is amended to read as follows:
   (3) Such other 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)(3) Has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his or her fitness to practice barbering;

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

(4)(5) Has received training approved by the appropriate licensing authorities.

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

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

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

(3) Conviction of any crime involving moral turpitude;

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

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

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

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

(1) Conviction of a crime with an element of dishonesty or fraud under the laws of this state, another state, or the United States;
(2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-16-102;
(3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et seq.; and
(4)(A) A crime or act that is substantially related to the qualifications, functions, or duties of a contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) One (1) member shall be a licensed cosmetologist actively engaged in practicing the art of cosmetology for at least five (5) years at
the time of appointment;

(2) One (1) member shall be a licensed nail technician;

(3) One (1) member shall be an owner of a licensed school of cosmetology or shall be a director of cosmetology at a state-supported school;

(4) One (1) member shall be a licensed aesthetician; and

(5) Three (3) members shall represent the cosmetology industry at large or a related field.

SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications for a licensed professional counselor, is amended to read as follows:

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

SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications for a licensed marriage and family therapist before January 1, 1998, is amended to read as follows:

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

SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:

17-27-313. Criminal background checks.

(a) The Arkansas Board of Examiners in Counseling may require each applicant for license renewal and each first-time applicant for a license issued by the board to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the
(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)(g)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to under this section shall not be available for examination except by:

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

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

(i) 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 under this section shall not extend to any document created for purposes other than this background check.

(k) 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)(2), 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 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. 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 (2) 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
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1 Medicine, or an equivalent degree approved by the board;
2 (C) Have passed an examination approved by the board and
3 authorized under § 17-82-303;
4 (D) Be a resident of the State of Arkansas and the United
5 States and be in compliance with federal laws of immigration; and
6 (E) Serve a period of at least one (1) year under a
7 provisional license issued by the board to foreign graduates and successfully
8 complete the monitoring requirements as ordered by the board at the time the
9 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

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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
pardoned listed under § 17-2-102.

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

(3) 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)-(l), concerning criminal background checks for nurses, are amended to read as follows:

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

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

(1) Capital murder as prohibited in § 5-10-101;
(2) Murder in the first degree as prohibited in § 5-10-102 and
murder in the second degree as prohibited in § 5-10-103;
(3) Manslaughter as prohibited in § 5-10-104;
(4) Negligent homicide as prohibited in § 5-10-105;
(5) Kidnapping as prohibited in § 5-11-102;
(6) False imprisonment in the first degree as prohibited in § 5-
11-103;
(7) Permanent detention or restraint as prohibited in § 5-11-
106;
(8) Robbery as prohibited in § 5-12-102;
(9) Aggravated robbery as prohibited in § 5-12-103;
(10) Battery in the first degree as prohibited in § 5-13-201;
(11) Aggravated assault as prohibited in § 5-13-204;
(12) Introduction of a controlled substance into the body of
another person as prohibited in § 5-13-210;
(13) Aggravated assault upon a law enforcement officer or an
employee of a correctional facility, § 5-13-211, if a Class Y felony;
(14) Terroristic threatening in the first degree as prohibited
in § 5-13-301;
(15) Rape as prohibited in § 5-14-103;
(16) Sexual indecency with a child as prohibited in § 5-14-110;
(17) Sexual extortion, § 5-14-113;
(18) Sexual assault in the first degree, second degree, third
degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;
(19) Incest as prohibited in § 5-26-202;
(20) Felony offenses against the family as prohibited in §§ 5-26-303 — 5-26-306;
(21) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;
(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);
(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303 — 5-27-305, 5-27-402, and 5-27-403;
(25) Computer child pornography as prohibited in § 5-27-603;
(26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
(27) Felony adult abuse as prohibited in § 5-28-103;
(28) Felony theft of property as prohibited in § 5-36-103;
(29) Felony theft by receiving as prohibited in § 5-36-106;
(30) Arson as prohibited in § 5-38-301;
(31) Burglary as prohibited in § 5-39-201;
(32) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419 — 5-64-442;
(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.

(2) The permit shall be valid for no more than six (6)
months.

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

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

(A) An affected applicant for licensure; or

(B) The person holding a license subject to revocation.

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

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of the public.

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

(A) The affected applicant for licensure or his or her authorized representative; or

(B) The person whose license is subject to revocation or his or her authorized representative.

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

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

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

(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 (l)(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 not less than twenty-one (21) years of age; and

(2) Shall be of good moral character and temperate habits; and

(3) Shall 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 nonrewal 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 person shall be eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of either an infamous crime that would impact his or
her ability to practice medicine in the State of Arkansas or a felony listed under § 17-2-102, regardless of whether the conviction has been sealed, expunged, or pardoned.

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

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

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

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

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

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

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

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

(7) Is of good moral character; and

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

17-95-910. Violation.

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

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

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

SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the 
definition of "unprofessional and dishonest conduct" regarding podiatric 
medicine licensure, is repealed.

(C) Being guilty of an offense involving moral turpitude;

SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the 
membership of the Arkansas Psychology Board, is amended to read as follows: 
(B) The Governor shall remove any member from the board if 
he or she: 
(i) Ceases to be qualified; 
(ii) Fails to attend three (3) successive board
meetings without just cause as determined by the board;

(iii) Is found to be in violation of this chapter;

(iv) Pleases 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) Pleases 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) 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) 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) Is competent in psychology, as shown by passing
examinations, written or oral, or both, as the board deems necessary;

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

(F) 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) 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 § 5-36-106;
(30) Arson as prohibited in § 5-38-301;
(31) Burglary as prohibited in § 5-39-201;
(32) Felony violation of the Uniform Controlled Substances Act,
§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419 –
5-64-442;
(33) Promotion of prostitution in the first degree as prohibited
in § 5-70-104;
(34) Stalking as prohibited in § 5-71-229; and
(35) Criminal attempt, criminal complicity, criminal
solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-
3-301, and 5-3-401, to commit any of the offenses listed in this subsection.

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

(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of the 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.

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

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

(4)(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.

(4)(j) Rights of privilege and confidentiality established in this 53 04-03-2019 15:40:16 JMB236
section shall not extend to any document created for purposes other than this
background check.

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

(m)(2) 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 to
examination for licensure as a disease intervention specialist, is amended to
read as follows:

(a) The State Board of Disease Intervention Specialists shall admit to
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. Meets the minimum educational requirements;
3. Meets the minimum specialized training requirements, as determined by the board;
4. Has had two (2) years of field experience in human immunodeficiency virus/sexually transmitted disease intervention; and
5. 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:

17-98-303. Issuance of certificate without examination. 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. Has had at least two (2) years' experience in the field of human immunodeficiency virus/sexually transmitted disease intervention; and
3. 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
audiologist, is amended to read as follows:

(b) To be eligible for licensure by the board as a speech-language pathologist or audiologist, a person shall:

(1) Be of good moral character;

(2) 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 §§ 5-64-419—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

(C) 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
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)(7) Represents himself or herself as a physician.

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

(2) Submit satisfactory evidence verified by oath or affirmation that the applicant:

(A) Is qualified to administer radioactive materials or operate medical equipment emitting or detecting ionizing radiation upon human beings;
(B) Is of good moral character;
(C) 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