

ARKANSAS STATE BOARD OF HEALTH

Rules ~~and Regulations~~ for Cosmetology in Arkansas



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ARKANSAS STATE BOARD OF HEALTH

COSMETOLOGY RULES ~~AND REGULATIONS~~

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RULE NO. 1

COSMETOLOGY SECTION

(1.1) Authority

The following Rules ~~and Regulations~~ for Cosmetology in Arkansas were duly promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the -Cosmetology Act -Ark. Code Ann. §17-26-101 et seq. and other applicable laws of the -State of Arkansas.

(1.2) Purpose

These Rules ~~and Regulations~~ are prepared for the purpose of establishing standards to regulate the vocation of cosmetology and its related occupations, specifically manicuring, aesthetics, and electrology, to provide for the licensing of persons to carry on and to teach such vocation, to regulate the conduct and sanitation of -cosmetology establishments, mobile salons, schools of cosmetology and postsecondary schools of cosmetology so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof.

(1.3) Investigations, Hearings, or Inspections

(A) The Department of Health shall conduct investigations and inspections as promulgated by the rules. Initial, routine and complaint inspections are conducted to ensure compliance with the licensing law and rules. Any inspector shall have the authority to enter into and inspect any cosmetology establishment or mobile salon at any time during business hours. Cosmetology establishments and mobile salons are inspected at least annually but not limited to, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department. The inspectors examine licenses; inspect buildings and equipment; report violations of the law or rules; investigate complaints; - and perform initial inspections of new -cosmetology establishments.

(B) After - the Department has taken final action in the event a licensee should wish to appeal final Department action to the Cosmetology Technical Advisory Committee, this appeal must be made in writing to the Department, and must be made within thirty (30) days of receipt of final Department action.

(1) Hearings conducted by the Cosmetology Technical Advisory Committee may be held bimonthly for review of cases for which disciplinary action may be required.

(2) Except as provided in subdivision B.2.a. of this rule, a hearing attended by two (2) or more members of the committee is a meeting.

(a) A final order shall not be imposed by fewer than three (3) members.

(b) A final order imposed by the committee may be appealed to the state Board of Health within thirty (30) days of its receipt.

(1.4) Location

The office of the Cosmetology Section is located at 4815 West Markham, Little Rock, Arkansas 72205. All matters related to cosmetology licensing should be directed to the Section of Cosmetology office by calling 501-682-2168 or by emailing the Section at Cosmo@arkansas.gov. Information may also be obtained by accessing the Department's Website at ~~www.healthyarkansas.com~~ - Healthy.arkansas.gov

(1.5) Fees

The Department following fees shall collect fees apply in accordance with the following fee schedule as authorized through under A.C.A. 17-26-209(a). All fees are non-refundable upon submission:

a. Enrollment into a school of cosmetology or postsecondary school of cosmetology	\$20.00
b. Examination for licensing	
1) First-time candidate	
i. Practical <u>(Payable to School) -- not to exceed</u> \$65.00	
ii. Written - \$60.00	
2) Retest candidate	
i. Practical <u>(Payable to School) --not to exceed</u> \$65.00	
ii. Written - \$60.00	
3) Reciprocity candidate that has taken a written_ and practical exam	
i. State Law -_ \$60.00	
4) Reciprocity candidate that has not taken a written_ and practical exam	
i. <u>Transfer fee - \$65.00 one-time fee</u>	
ii. Practical <u>(Payable to School) -- not to exceed</u> \$65.00	
iii. Written - \$60.00	
c. Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license	\$50.00 biennially
d. Reciprocity for a cosmetology, manicure, aesthetics, electrology or instructor license when - the licensee is duly registered in another state one-time fee	\$150.00 <u>50.00</u> KKK6
e. New establishment <u>or mobile salon</u> time fee	\$150.00 <u>100.00</u> one-
f. Renewal of an establishment <u>or mobile salon</u> annually	\$100.00 <u>50.00</u>
g. Relocation of establishment time fee	\$150.00 <u>50.00</u> one-
h. New school of cosmetology or postsecondary school of cosmetology time fee	\$1500.00 <u>1000.00</u> one-
i. Renewal of a school of cosmetology or postsecondary school of cosmetology	\$250.00 annually
j. Change of name and/or ownership of a school or postsecondary school time fee	\$500.00 <u>100.00</u> one-
k. Name and/or ownership change of an establishment <u>or mobile salon</u>	\$75.00 <u>25.00</u> each
l. Duplicate license license	\$25.00 <u>10.00</u> per
m. Certification of Department records license	\$50.00 <u>10.00</u> per
n. Reinstatement fee for a practitioner license will apply for licenses not renewed within thirty (30) days following the birthday of the licensee	50% of renewal
o. Reinstatement fee for an establishment <u>or mobile salon</u> license will apply for licenses not renewed within thirty (30) days following the expiration date.	50% of renewal
p. Reinstatement fee for a school of cosmetology or postsecondary school of cosmetology license will apply for licenses not renewed within thirty (30) days following the expiration date.	50% of renewal
q. Lifetime license for a currently licensed practitioner that is 65 years or older and has been actively engaged in the practice or teaching of cosmetology for thirty (30) years or more. requests for second subsequent copy must pay duplicate license fee of \$25 <u>10.00</u> per licenser.	\$50.00 for first license;
r. Hot check fee	\$25 service charge, plus, all applicable bank fees, for ach returned check

RULE NO. 2

DEFINITIONS

(2.1) Aesthician

Any person who engages in the practice of beautifying the body by cleaning, waxing, externally manipulating, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, and creams.

(2.2) Art of Cosmetology

The art of cosmetology includes any and all and any combination of the following practices:

(A) Arranging, dressing, curling, waving, machine-less permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person or wigs or hairpieces;

(B) Externally manipulating, cleaning, waxing, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(C) Beautifying the body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(D) Temporarily removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays;

(E) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person; and

(F) Massaging, cleansing, or beautifying the nails of any person.

(2.3) Board

The Arkansas State Board of Health.

(2.4) Certified hours-

Cosmetology, Manicure, Aesthetic, Electrology, or Instructor hours which have been earned and recorded with the Department in which tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.

(2.4)(2.5) Clean

Removal of visible debris through use of soap/detergent and water or a chemical cleaner.

(2.5)(2.6) Client

Any person who receives -cosmetology services for compensation in any form from a person who is engaged in the Art of Cosmetology.

(2.18)(2.7) Cosmetology Establishment

Any premises, building, part of a building, or mobile salon in which is practiced any branch or any combination of branches of cosmetology or the occupations of a cosmetologist, except the branch of manicuring as practiced in barbershops and nursing facilities as defined under A.C.A. § 20-10-1401[KK7].

(2.6)(2.8) – Cosmetology Services

Any work performed for compensation in any form by any person who is engaged in the Art of Cosmetology.

~~(2.25)~~**(2.9) Cosmetology Technical Advisory Committee**

The Cosmetology Technical Advisory Committee is a seven member committee appointed by the State Board of Health and will, among other duties, hold hearings on cases that may require disciplinary actions~~KK8~~.

~~(2.7)~~**(2.10) Cosmetic**

Any product made for beautifying the - body.

~~(2.8)~~**(2.11) Department**

The Arkansas Department of Health.

~~(2.9)~~**(2.12) Disinfect**

Destruction of bacterial, viral and fungal pathogens (not spores) through the use of proper process and chemical disinfectants intended for use in the salon setting.

~~(2.10)~~**(2.13) Disinfectant**

EPA registered disinfectant that is bactericidal, virucidal, and fungicidal.

(2.14) Domestic violence and sexual assault awareness training~~KK9~~

(a) A one (1) hour training course in domestic violence and sexual assault awareness

(b) The training course materials are provided by the Department of Health and incorporated into the curriculum for cosmetology and its branches.

(c) Certificates of training shall contain proof of domestic violence and sexual assault training.

~~(2.11)~~**(2.15) Electrologist**

Any person who permanently removes hair from or destroys hair on the human body for beautification by the use of an electric needle or by the use of any other kinds of devices or appliances designed to permanently remove hair from the human body.

~~(2.12)~~**(2.16) EPA**

The United States Environmental Protection Agency.

~~(2.19)~~**(2.17) Establishment or Mobile Salon Owner**

Any person, firm, or corporation conducting or operating a - cosmetology establishment or mobile salon as defined by A.C.A. 17-26-102.

~~(2.13)~~**(2.18) Manager-Operator**

A licensed cosmetologist who is authorized to engage in the practice of cosmetology, independent of personal supervision in a duly licensed establishment or mobile salon.

~~(2.14)~~**(2.19) Manicurist**

Any person who engages in the occupation of manicuring the nails of any person by cutting, trimming, polishing, coloring, tinting, cleansing, filing, buffing, pushing, extending, protecting, wrapping, covering, building, or beautifying the nails or performing any other similar work upon the nails of any person by any means, including the softening of the arms, hands, feet, or ankles of any person by use of hands, mechanical or electrical apparatus or appliances, cosmetic or chemical preparations, antiseptics, lotions, or creams or by massaging, cleansing, manipulating or stimulating the arms, hands, feet, or ankles of any person.

(2.20) Mobile Salon~~KK10~~

A self-contained, self-supporting, enclosed unit that:

(a) Is at least twenty-four-feet (24') in length;

(b) May be transported from one location to another;

(c) Has a base location at the home, salon or office of the owner of the mobile salon;

(d) Is licensed as a cosmetology establishment for the practice of a branch or a combination of branches of cosmetology or the occupation of a cosmetologist licensed by the Department; and

(e) Complies with rules established by the Department.

(2.15)(2.21) Porous

Items made or constructed of material that has pores or openings and cannot be properly cleaned so that all visible residue is removed or is damaged or contaminated by cleaning and disinfecting.

(2.16)(2.22) Practitioner

Any person who is licensed by the Department as a Cosmetologist, Electrologist, Manicurist, Instructor, or Aesthetician.

(2.17)(2.23) Postsecondary School of Cosmetology

A school of cosmetology that offers a postsecondary curriculum approved by the Department of Health and whose enrollment is made up of only students who have a high school diploma or its equivalent.

~~**(2.18) Cosmetology Establishment**~~

~~Any premises, building, or part of a building in which is practiced any branch or any combination of branches of cosmetology or the occupations of a cosmetologist, except the branch of manicuring as practiced in barbershops and nursing facilities as defined under A.C.A. § 20-10-1401 [KK11].~~

~~**(2.19) Establishment Owner**~~

~~Any person, firm, or corporation conducting or operating a cosmetology establishment as defined by A.C.A. 17-26-102 (2) [KK12].~~

(2.24) Revocation

Official cancellation of practitioner, establishment, mobile salon, school of cosmetology, or postsecondary school of cosmetology license [KK13].

(2.20)(2.25) School of Cosmetology

Any person, firm, corporation, premises, building, or part of a building whereon or wherein is taught any branch or any combination of the branches of cosmetology for a fee and that is licensed by the Department of Health

(2.21)(2.26) School of Cosmetology or Postsecondary School of Cosmetology Owner

Any person, firm, or corporation conducting or operating a school of cosmetology or a postsecondary school of cosmetology.

(2.22)(2.27) Section

The Section of Cosmetology within the Arkansas Department of Health.

(2.23)(2.28) Sterilize

Destruction of all microbial life through proper use of an autoclave

(2.24)(2.29) Student

Any person who is enrolled and engaged in learning or acquiring knowledge of the occupations of a cosmetologist, manicurist, aesthetician or electrologist, in a licensed school of cosmetology or a postsecondary school of cosmetology under a licensed instructor.

~~**(2.25) Cosmetology Technical Advisory Committee**~~

~~The Cosmetology Technical Advisory Committee is a seven member committee appointed by the State Board of Health and will, among other duties, hold hearings on cases that may require disciplinary actions [KK14].~~

(2.26)(2.30) Working area or Clinical area

Any area that is used to render cosmetology services to the public.

RULE NO. 3

REQUIREMENTS FOR COSMETOLOGY AND RELATED OCCUPATIONS

(3.1) Establishment or Mobile Salon

Any person, firm or corporation conducting or operating a – cosmetology establishment or mobile salon shall be required to obtain a current establishment license prior to operating said establishment. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.

(3.2) School of Cosmetology or Postsecondary School of Cosmetology

(A) Any person, firm or corporation conducting or operating a school of cosmetology or a post-secondary school of cosmetology shall be required to obtain a current establishment license prior to operating said establishment. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.

(B) An institution wishing to teach both secondary and post-secondary students shall obtain both a license [KK15] for a School of Cosmetology and a license for a Postsecondary School of Cosmetology. The institution shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the post-secondary school and receive Title IV funds.

(3.3) Practitioner

No person shall practice any phase of cosmetology and its related occupations with the intent of receiving compensation when the person does not hold a current and valid license issued by the Board, nor can any licensed cosmetologist practice any phase of cosmetology and its related occupations other than in a licensed cosmetology establishment or mobile salon except when services rendered involve a special event in which the cosmetology service is to be performed for an on-site participant of the event.

RULE NO. 4

EXAMINATIONS

(4.1) Eligibility Written [KK16]

~~The Department will admit – examination for a license a~~ Any person who has acquired training in cosmetology, manicuring, ~~or~~ aesthetics, or instructor as stipulated in A.C.A.17-26- 304, any person who has acquired training in Electrology as stipulated in A.C.A.17-26-306, or any person who has acquired training in Electrology Instructor as stipulated in A.C.A 17-26-307 is required to take the examination. Any person who owes a financial obligation to the Department will be deemed ineligible to examine until the debt is paid in full.

(A) If the training was provided in this state;:

(1) Completed training: then – the sThe School of cosmetology or postsecondary school of cosmetology is responsible for submitting a Certificate of Training Graduated form to the Department confirming the completion of hours.

(2) Partial training currently enrolled – The School of cosmetology or postsecondary school of cosmetology is responsible for submitting Early Testing-examination form.

~~- Hours must be certified by the school of cosmetology or postsecondary school of cosmetology in order to be eligible for the examination. - Certified hours mean that tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.~~

If the Department's records agree that the person has met all eligibility requirements, and does not owe a financial obligation to the Section, then the person will be deemed eligible to schedule for the written examination.

(B) If the training, completed or partial, was obtained in another state, then the applicant must meet eligibility requirements. The applicant is responsible for arranging to have sent to the Department his/her certification

from the other state or school in which the hours were obtained. If the Department determines eligibility requirements are met, the applicant will be required to take the Arkansas written and practical exams.

(C) Reciprocity

~~(A) Upon application to the Department in the form provided for the particular class of license applied for, accompanied by the required fee, a person licensed as a cosmetologist, electrologist, manicurist, aesthetician or instructor under the laws of another state shall be granted a license to practice the occupation or occupations in the state not of greater scope than the occupation or occupations for which the applicant was previously licensed in the other state, upon the following conditions:~~

~~———— (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty one (21) years of age;~~

~~———— (2) That the applicant holds a current valid license upon application for reciprocity, evidenced by certified copy of the license and an affidavit from the other state or by such other evidence as the Department may require;~~

~~———— (3) That the applicant has passed an examination comparable to the examination given in this state; and~~

~~———— (4) That the applicant passes an Arkansas law examination under this chapter.~~

~~(B) All foreign documents submitted for the purpose of complying with the requirements for examination shall be original copies and translated in the English language.~~

~~(C) A person who is registered or licensed under the laws of another state is not permitted to practice in this State until said person is licensed by the Arkansas State Board of Health.~~

(4.2) PracticalKK17:

Schools of Cosmetology or Postsecondary Schools of Cosmetology shall administer the Arkansas practical licensing examination that has been developed by the Department and which shall include use of the official (grading, scoring, and rating) document.

(4.2)(4.3) General Policies and Procedures

(A) The Section and/or any designated testing provider will establish ~~exam deadline dates~~, cancellation policies, interpreter policies, and ~~supply requirements and dress codes~~ for examinations. All such information shall be made readily available to schools of cosmetology, postsecondary schools of cosmetology, students and reciprocity applicants. Updated Candidate Information Bulletins (CIBs) for the written examination will be posted on the Department's website and, if appropriate, on the website of the designated testing provider responsible for administering ~~practical~~ examinations.

(B) Supply List and Allotted Time:

(1) A supply list shall be developed and provided by the School for each candidate which contains the implements, supplies, and equipment necessary to perform each phase of the examination. Each candidate will be required to bring a kit and/or carrying case, which contains all the necessary items contained in the list.

(2) Schools will determine allotted time for the examination.

(4.3)(4.4) Grades

A passing grade of seventy-five (75) is required in the practical ~~part examination~~ and a grade of seventy (70) is required in the written ~~part examination~~ pertaining to the mandated curriculum, as well as the state law exam. In addition, a grade of seventy (70) is required on the state law exam when taken independently.

RULE NO. 5

RECIPROCITY AND MILITARY LICENSURE

(A) Upon application to the Department in the form provided for the particular class of license applied for, accompanied by the required fee application shall expire after one year), a person licensed as a cosmetologist, electrologist, manicurist, aesthetician or instructor under the laws of another state shall be granted a license to practice the occupation or occupations in the state not of greater scope than the occupation or occupations for which the applicant was previously licensed in the other state, upon the following conditions:

- (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age;**
- (2) That the applicant holds a current valid license upon application for reciprocity, evidenced by certified copy of the license and an affidavit from the other state or by such other evidence as the Department may require;**
- (3) That the applicant has passed an examination comparable to the examination given in this state; and**
- (4) That the applicant passes an Arkansas law examination under this chapter.**

(B) A person who has completed 1500 hours under the laws of another state shall be eligible for examination upon the followings conditions:

- (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age;**
- (2) Completed hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require;**
- (3) Passes a written and practical examination**

(C) A person that has completed partial hours under the laws of another state shall be eligible for examination under upon the followings conditions:

- (1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age;**
- (2) Partial hours evidenced by certified copy of training and an affidavit received directly from the other state or by such other evidence as the Department may require;**
- (3) Completes the required 1500 hours required under the rules of the Department**
- (4) Passes a written and practical examination**

(D) Temporary License:

- (1) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under (A) (1), (2), and (3).**
- (2) The temporary license shall be effective for 160 days or, unless the Department determines that, the applicant does not meet the requirements in Reciprocity sections (A) (1), through (4), in which case the temporary license shall be immediately revoked.**
- (3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license.**

(E) Military Automatic Licensure:

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

As used in the subsection, “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.

Upon application active duty military personal stationed in the State of Arkansas, a returning military veteran applying within one (1) year of his or her discharge from active duty or a spouse of an active duty military personal or veteran shall be granted automatic licensure to practice cosmetology and its branches under the following requirements:

- (1) Payment of the initial licensure fee
- (2) Evidence that the individual holds a substantially equivalent license in another state: and
- (3) Evidence that the applicant is a qualified applicant, by submitting a certified copy of the license and an affidavit from the other state stating the license is in good standing.

(F) License for person from a state that does not license profession under Act 1011 of 2019.

- (1) Required Qualifications. An applicant from a state that does not license cosmetologists, electrologists, manicurists, aestheticians or instructors shall meet the following requirements:
 - a. The applicant shall be sufficiently competent in the applicable occupation and
 - b. Meet the same application and licensure requirements as any other applicant under these rules.

RULE NO. 56

REQUIREMENTS FOR SCHOOLS OF COSMETOLOGY, POSTSECONDARY SCHOOLS OF COSMETOLOGY, ~~AND ESTABLISHMENTS~~ AND MOBILE SALONS^[KK18].

~~(5.1)~~ (6.1) Health and Safety Rules

(A) Enforcement

(1) An establishment owner, mobile salon owner, school owner or postsecondary school owner and the person in charge of any such establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, shall be liable for implementing and maintaining the Health and Safety Rules in the establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology. This shall be done individually and jointly with all persons employed by or working in or on the premises of such establishment, mobile salon, school or postsecondary school. All practitioners, school, postsecondary school, ~~and~~ establishment and mobile salon owners, and students shall be held individually liable for implementation and maintenance of the Health and Safety Rules as applicable.

(2) **(A)** To assure compliance with the laws and rules governing the operations of school of cosmetology, postsecondary school of cosmetology and establishment, the Department’s authorized representatives shall have access to the premises of any school of cosmetology, postsecondary school of cosmetology or establishment, at any time that the school, postsecondary school, or establishment is open for business or at any time that the instruction or practice of cosmetology is being conducted.

(B) To assure compliance with the laws and rules governing the operations of mobile salons, the Department’s authorized representatives shall have access to the premises of any mobile salon at any time the mobile salon is open for business. The Department’s representative may contact the mobile salon owner or representative to obtain a destination schedule for inspection purposes only.

(3) Refusal to permit or interference with, an inspection and/or audit constitutes a cause for disciplinary action.

(4) All persons performing acts of cosmetology and its related occupations except students in schools of cosmetology or postsecondary schools of cosmetology shall present satisfactory proof of identification upon request by an authorized representative of the Department. All persons working in an establishment, mobile salon, school of cosmetology, or postsecondary school of cosmetology shall present a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity. Failure to present valid proof of identification shall be grounds for disciplinary action.

(5) Conducting or operating a school of cosmetology, a postsecondary school of cosmetology ~~or~~ establishment or mobile salon without a current, valid license shall be grounds for disciplinary action.

(6) Allowing a person to engage in or attempt to engage in the occupation of a cosmetologist, manicurist, electrologist, aesthetician in or about an establishment or mobile salon or allowing a person to engage in or about a school of cosmetology or a postsecondary school of cosmetology, without a current valid Arkansas license shall be grounds for disciplinary action.

(7) Performing acts of cosmetology or attempting to perform acts of cosmetology for compensation in any form, without a current, valid Arkansas license shall be grounds for disciplinary action.

(B) Consumer Information.

(1) A copy of the most recent inspection sheet shall be ~~posted in a conspicuous~~ ly posted in a designated place in reception area, at individual work stations or in clinic area.

(2) All establishments, mobile salons and schools of cosmetology, postsecondary schools of cosmetology licenses, practitioners' licenses, student permits and instructor licenses shall be conspicuously posted in a designated place in reception areas, at the individual work stations, or in the clinic area.

(3) No license which has expired or become invalid for any reason whatsoever shall be displayed by any person in connection with the practice of cosmetology or any of its branches. ~~Any expired or invalid license so displayed shall be surrendered to the Department upon request.~~

~~(4) A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology and Massage Therapy Section shall be posted in a designated place in reception area, at individual work stations or in clinic area.~~

(C) Physical Facilities

(1) **Water Supply and Sewage** – A safe and adequate supply of continuous hot and cold running water shall be provided from an approved source. All water-carried sewage shall be disposed of by means of an approved sewage disposal system constructed and operated in conformance with the standards established for such systems by the Arkansas Department of Health.

~~(2) **Plumbing** – Plumbing shall be installed and maintained to promote the following:~~

~~(a) To carry adequate quantities of water to required locations throughout the school of cosmetology, postsecondary school of cosmetology or an establishment;~~

~~(b) To prevent contamination of the water supply;~~

~~(c) To properly convey sewage and liquid wastes from school of cosmetology, postsecondary school of cosmetology or an establishment to the sewerage or sewage disposal system;~~

~~and~~

~~(d) To not constitute a source of contamination of equipment, implements, supplies, or create an unsanitary condition or nuisance. All plumbing shall conform to the current State Plumbing Code.~~

(32) Toilet Facilities, Fixtures and Plumbing – Where toilet facilities are made available or otherwise required, said facilities, fixtures and other plumbing shall be installed in accordance with the Arkansas State Plumbing Code and meet standards set by the Arkansas Department of Health. No toilet facility shall be used for storage of implements or supplies for services performed on the public.

(43) Hand Washing Facilities – Each school of cosmetology, each postsecondary school of cosmetology, ~~and~~ each establishment and each mobile salon shall provide hand washing facilities installed in accordance with the Arkansas State Plumbing Code. The facilities shall have a soap dispenser (with soap) and disposable towels or an air dryer for hands. Common towels and bar soap are prohibited.

~~**(5) Drinking Water** – Each school of cosmetology, each postsecondary school of cosmetology, and each establishment shall supply drinking water from a supply meeting the requirements set forth by the Arkansas Department of Health. No school of cosmetology, postsecondary school of cosmetology, or establishment shall provide any cup, glass, or other receptacle for common use.~~

(64) Garbage and Refuse – Garbage and refuse shall be kept in durable, easily cleanable, containers that do not leak and do not absorb liquids. No school of cosmetology, each postsecondary school of cosmetology, ~~or~~ establishment or mobile salon shall permit an accumulation of garbage or refuse. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(75) Insect and Rodent Control – Each school of cosmetology, each postsecondary school of cosmetology, ~~and~~ each establishment and each mobile salon shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(86) Cleanliness and Repair – Each school of cosmetology, each postsecondary school of cosmetology, ~~and~~ each establishment and each mobile salon shall keep the floors, mats, ~~walls, woodwork, ceilings, equipment, doors, windows, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials~~ and fixtures clean and in good repair. ~~Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned.~~

~~**(9) Floor Construction** – Floors and floor coverings of each school of cosmetology, each postsecondary school of cosmetology, and each establishment in the working area or clinical area shall be constructed of smooth, non-absorbent, durable material and shall be maintained in good repair [KK19].~~

~~**(10) Carpet** – Carpet shall not be permitted in the working area or clinical area. Carpet, if used as a floor covering in other areas of a school of cosmetology, each postsecondary school of cosmetology, or [KK20] establishment, shall be maintained in good repair. —~~

(117) Lighting – Permanently fixed artificial light sources shall be installed to provide sufficient light on the working area or clinical area.

~~**(128) Ventilation** – Each school of cosmetology, each postsecondary school of cosmetology, ~~and~~ each establishment and each mobile salon shall ~~have sufficient ventilation installed and operated according to State and local requirements to~~ shall be keep them free of excessive heat, steam, condensation, vapors, smoke and harmful fumes.~~

(139) Minimum Equipment – Each school of cosmetology, postsecondary school of cosmetology ~~and~~ establishment and each mobile salon shall have and maintain the following minimum equipment:

- (a) A liquid disinfecting receptacle to hold instruments and supplies with an EPA registered disinfecting solution that is bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; ~~and~~ fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. Contact time listed on the manufacturers label must be adhered to at

all times to effectively destroy pathogens. The receptacle must be large enough that the instruments and supplies are completely submerged. The disinfectant solutions shall remain covered at all times and shall be changed daily or whenever visibly cloudy or dirty;

~~(b) All clean linens must be kept separate and covered;~~

(be) All soiled linens must be in a separate vented receptacle from clean ones;

~~(d) All cleaned instruments must be kept in a separate, enclosed area;~~

(1410) Animals in Schools of cosmetology, postsecondary schools of cosmetology, ~~and~~ Establishments and Mobile Salons— Animals are prohibited from being inside school of cosmetology, a postsecondary school of cosmetology, ~~or~~ establishments or mobile salons. Exceptions include:

(a) Service animals that are accompanying a client with a disability. In the event that an authorized Department representative observes an establishment owner's, mobile salon owner's, ~~or~~ school of cosmetology owner's, postsecondary school of cosmetology owner's, or client's animal within the premises of the establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology, then the establishment, mobile salon, school or cosmetology or postsecondary school of cosmetology owner shall describe the impairment for which the animal is trained to provide assistance in order to ensure that the animal is not simply a pet; and

(b) Fish in a decorative aquarium.

(1511) Infectious or Communicable Disease

(a) No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or any of its branches, or afflicted with an infestation of animal parasites shall be permitted to work or train in a school of cosmetology, postsecondary school of cosmetology, ~~or~~ in an establishment or in a mobile salon.

(b) No school of cosmetology, postsecondary school of cosmetology, ~~or~~ establishment or mobile salon shall require or permit a student or a practitioner, to massage any surface of the skin or scalp where such skin is inflamed, open, irritated or where a skin infection or eruption is present and/or knowingly, to work upon a person suffering from any infectious, communicable disease or on a client with an infestation of animal parasites which may be transmitted during the performance of the act of cosmetology or any of its branches. The term "infectious or communicable disease" shall not include human immunodeficiency virus (HIV) or any other disease that similarly does not pose a significant risk to the health or safety of others during the performance of an act of cosmetology or any of its branches.

(1612) Personal Cleanliness

(a) Person and Wearing Apparel – The person and the attire worn by an individual serving a client shall at all times be clean.

(b) Washing Hands – Every person performing cosmetology services in a school of cosmetology, postsecondary school of cosmetology, ~~or~~ an establishment or a mobile salon shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each client.

(1713) ~~Headrests~~, Shampoo Bowls, Treatment Tables, Pedicure Spas and Waxing Equipment and Supplies

(a) **Headrests** – The headrest of chairs shall be ~~covered with a clean towel or paper sheet for~~ each client, kept clean.

- (b) **Shampoo Bowls** – Shampoo trays and bowls must be cleansed with soap and water or other detergent before each service, kept in good repair and in a sanitary condition at all times.
- (c) **Treatment Tables** – Treatment tables must be cleaned and disinfected before and a clean linen or disposable paper placed between client and table before each service.
- (d) **Pedicure Spas** – Cleaning and Disinfecting of Circulating and Non Circulating Tubs and Spa’s for All Industry Modalities.

The recommended cleaning and disinfecting standard for all circulating and non-circulating tubs or spas are: (the use of eye goggles and nitrile protective gloves are recommended and exposure of the client’s feet or other skin areas of the body to disinfectants should be avoided).

After each client or service:

- (1) Drain the tub.
- (2) Clean the tub according to manufacturer’s instructions. Take special care to remove all film, especially at the water line. Rinse the tub well.
- (3) Fill the tub with water.
 - (a) Add appropriate disinfectant into the water according to the following:

(i) At Minimum, use an EPA registered, bactericidal, virucidal ~~and~~ fungicidal, ~~and pseudomonacidal (Formulated for Hospitals)~~ disinfectant that is mixed and used according to the manufacturer’s directions, **EXCEPT TUBS THAT HAVE COME IN CONTACT WITH BLOOD OR BODY FLUIDS.**

(ii) **If a Tub has COME IN CONTACT WITH BLOOD OR BODY FLUIDS** at minimum, an EPA registered disinfectant that is effective against HIV –1 and human Hepatitis B Virus ~~or Tuberculoicidal~~ that is mixed and used according to the manufacturer’s directions shall be used.

- (b) Allow the disinfectant to stand for non-circulating tubs or to circulate for circulating tubs for the time specified according to the manufacturer’s instructions.

(4) At the end of the day remove all removable parts (filters, screens drains, jets, etc.) clean and disinfect the removable parts as follows:

- (a) Scrub with a brush and soap or detergent until free from debris.
- (b) Rinse.
- (c) Completely immerse in an EPA registered, bactericidal, virucidal, ~~and~~ fungicidal, ~~and pseudomonacidal (Formulated for Hospitals)~~ disinfectant that is mixed and used according to the manufacturer’s directions.
- (d) Rinse.
- (e) Air dry.

(5) Replace the disinfected parts into the tubs. (Drains, jets, etc.) or, store them in a disinfected, dry, covered container that is isolated from contaminants.

Salons are choosing to purchase extra drains and removable parts so the parts can immediately be changed out with pre disinfected parts saving time between clients. If so, any part which has COME IN CONTACT WITH BLOOD OR BODY FLUIDS must at minimum be disinfected with an EPA registered disinfectant that is effective against HIV –1 and human Hepatitis B Virus ~~or Tuberculoicidal~~ that is mixed and used according to the manufacturer’s directions, stored as in number 5 above.

(e) Waxing Equipment and Supplies - Wax heater/pots shall be kept clean at all times and covered when not in use; each applicator may only be submerged in waxing product one time before being disposed. No used applicator shall be left on or in heater/pot at any time. Waxing strips, applicators and any supplies used before, during or after waxing service, shall be stored in clean covered labeled container. **Roll-on wax applicators are NOT PERMITTED.**

(1814) Towels -After a towel has once been used, it shall be deposited in a receptacle, and shall not again be used until properly cleaned ~~and disinfected~~. Towels and linens shall be washed on the hot cycle and dried until hot to the touch.

(1915) Bottles and Containers – All bottles and containers containing any chemical or liquids in use in a school of cosmetology, postsecondary school of cosmetology, ~~or~~ establishment or mobile salon shall be distinctly and correctly labeled to disclose their contents.

(2016) Neck Strips – A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a client’s neck. Exemption freshly laundered/clean cape used for each client.

(2117) Instruments and Supplies - All used porous supplies or instruments which cannot be disinfected shall be disposed of in a waste receptacle immediately after use.

(2218) Electrical Instruments and Equipment-

(a) Before use upon a client, all electrical instruments shall be cleaned and disinfected with an EPA registered disinfecting solution (spray or wipe) containing bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. All disinfectable instruments that have been used on a client or soiled in any manner shall be placed in a properly labeled receptacle that contains only dirty items awaiting disinfection. Disinfected instruments and equipment shall be placed on a hook or on a clean towel and covered by a clean towel.

(b) Electrical equipment shall be functioning in accordance with the manufacturer’s specifications. Equipment that is not operable or functioning in accordance with the manufacturer’s specifications shall be repaired or discarded.

(2319) Non-Electrical Instruments and Equipment-

(a) Before use upon a client, all non-electrical instruments shall be cleaned and then disinfected with an EPA registered disinfecting solution containing bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. All disinfectable instruments that have been used on a client or soiled in any manner shall be placed in a properly labeled receptacle that contains only dirty items awaiting disinfection. Disinfected items should be stored in a clean covered container.

(b) Non-Electrical equipment shall be functioning in accordance with the manufacturer’s specifications. Equipment that is not operable or functioning in accordance with the manufacturer’s specifications shall be repaired or discarded.

(2420) Sterilizing Instruments-All needles and lancets must be single use and disposable. For proper disposal of needles and lancets refer to Ark. Code Ann. § 20-7-109 and Ark. Code Ann. §§ 20-32-101 – 112. Instruments that cannot be sterilized with an autoclave must be sterilized with an EPA registered disinfecting solution containing bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. Dry sterilizer or UV lights are not acceptable sterilization techniques.

(2521) Liquids, Creams, Powders and Other Cosmetic Preparations

(a) **Storage** – All liquids, creams and other cosmetic preparations shall be kept in properly labeled clean and covered containers. Powders may be kept in a clean shaker.

(b) **Removal from Container** – When only a portion of a cosmetic preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(c) **Pencil Cosmetics and Sharpeners** – Pencil cosmetics shall be ~~disinfected and~~ sharpened before each use. Sharpener must be cleaned after each use.

RULE NO. 67

COSMETOLOGY ESTABLISHMENTS AND MOBILE SALONS
CERTIFICATE OF REGISTRATION AND LICENSURE

(6.1)(7.1) Enforcement

Any person, firm, or corporation conducting or operating a Cosmetology establishment or mobile salon shall be responsible for compliance with the licensing code and rules of the Board governing cosmetology establishments and mobile salons. Failure to comply with the licensing code and rules shall be grounds for disciplinary action.

(6.2)(7.2) Authorization

(A) Application: Any person, firm, or corporation desiring to open a cosmetology establishment or mobile salon shall submit an application to the Department for approval.

(B) Any person, firm or corporation who has applied for a license to operate a cosmetology establishment or mobile salon will receive a ~~letter of authorization- license~~ allowing the owner to operate the establishment or mobile salon, ~~provided that the owner has certified compliance with the licensing code and the rules of the Board.~~ The ~~letter- license~~ shall be conspicuously posted in the establishment or mobile salon.

(6.3)(7.3) Changes and Notification Requirements

(A) **Name Change** – When the name of an established establishment or mobile salon is changed from the name which appears on the original application, the owner of record shall file an application with the Department for approval and shall submit the required fee. Failure to comply with this section within thirty (30) days of changing the name of the establishment or mobile salon will be grounds for disciplinary action.

(B) **Ownership Change** – When the ownership of an establishment or mobile salon is changed from the ownership that appears on the original application, the owner on file with the Department and the new owner shall complete the change of ownership form and submit it to the Cosmetology Section within thirty (30) days of said sale or transfer. At the same time, the new owner, lessee or other legally responsible party shall submit the required fee. The new owner shall submit a copy of his or her driver's license, and a copy of the legal change of ownership document. Failure to comply with this section shall be grounds for disciplinary action.

(C) **Relocation** – When the location of an establishment is changed, it shall be classified as a new establishment and said owner shall comply with the licensing code and rules relating to the original issuance of an establishment license.

~~(D) Closure – Within thirty (30) days after an establishment is closed they shall notify the department in writing.~~

(6.4)(7.4) General Licensure Requirements

(A) **Permits/Licensure** – Selling products, in an establishment or mobile salon, that require the seller to hold a special permit or license by Federal or State authorities shall be classified as another type of business. Other

types of businesses shall be separated from an establishment or mobile salon in accordance with the requirements specified below in Subdivision B.

(B) Separation of Establishment or Mobile Salon from other businesses

(1) **Unsanitary conditions** – An establishment, mobile salon and any other type of business that may create an unsanitary condition (for example, restaurant, grocery store, pet store, etc.) shall be physically separated by solid walls. Further, the owner shall submit a document issued by the Arkansas Department of Health certifying that the ventilation system(s) of said businesses meets the minimum requirements of the Arkansas Department of Health.

(2) **Barber Establishment License** – Any establishment or mobile salon that permits a licensed barber to practice the vocation of barbering in the establishment or mobile salon, shall also hold a barber establishment license issued by the Arkansas State Board of Barber Examiners.

(C) Requirements for testing laboratory products

(1) When laboratory-prepared products are used in a licensed cosmetology establishment or mobile salon, for field testing, full disclosure shall be provided to the model or client so the model or client may make an informed decision as to whether the product should be applied.

(2) The establishment owner, mobile salon owner or his/her designee will be required to provide the client or model with a data sheet which states: the name and address of the manufacturer which produces the product, the name and address of the practitioner applying the product and the date and results of the test.

(3) The client or model will be required to sign the document which also certifies that the model or client is aware that the product is being applied for testing purposes. A copy of the document is to be kept by the establishment owner or mobile salon owner and a copy must be given to the client or model for the records.

RULE NO. 78

SCHOOL OF COSMETOLOGY AND POSTSECONDARY SCHOOL OF COSMETOLOGY REQUIREMENTS

~~(7.1)~~8.1 Application for New Private School of Cosmetology

(A) Any person, firm or corporation seeking to open a new school of cosmetology shall submit an application to the Cosmetology Section office and receive pre-approval from the Department. The application shall be accompanied by the following information:

(1) Completed application provided by the Department and available on the Department's website at ~~www.healthyarkansas.com~~ healthy.arkansas.gov

(2) Detailed floor plan of the proposed school showing adequate floor space.

(3) One certified financial statement.

(4) List of proposed equipment of the school.

(5) Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.

(6) Correspondence from the Planning and Zoning Board certifying that the area which the proposed school is to be located is properly zoned for this type of business.

(7) A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1500) hours of continuous training for all cosmetology students enrolled.

(8) The owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department and to transact all business negotiations on behalf of the proposed school, including answers to citations and/or hearings, and compliance with rulings issued by the Department and/or Cosmetology Technical Advisory Committee.

(9). Samples of all forms to be used in the school such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

(10) The required registration fee.

(11) Proof that the school adopts and discloses to the students the complaint process outlined in Rule 11.

(B) When the above information is received in full, the Department will conduct the initial inspection described in Rule ~~7.98.9~~. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule ~~7.108.10~~, submission of 25 student enrollment forms, required fees and documents, and licensing.

(7.2)(8.2) Application for New Private Postsecondary School of Cosmetology

(A) Any person, firm or corporation seeking to open a new postsecondary school of cosmetology shall submit an application to the Cosmetology Section office and receive pre-approval from the Department. The application shall be accompanied by the following information:

(1) Completed application provided by the Department and available on the Department's website at ~~www.healthyarkansas.com~~; healthy.arkansas.gov

(2) Detailed floor plan of the proposed school showing adequate floor space.

(3) One certified financial statement.

(4) List of proposed equipment of the school.

(5) Instructor/Supervisor Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.

(6) Correspondence from the Planning and Zoning Board certifying that the area which the proposed school is to be located is properly zoned for this type of business.

(7) A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1500) hours of continuous training for all cosmetology students enrolled.

(8) The owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department and to transact all business negotiations on behalf of the proposed school, including answers to citations and/or hearings, and compliance with rulings issued by the Department and/or Cosmetology Technical Advisory Committee.

(9) Samples of all forms to be used in the school such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

(10) The required registration fee.

(11) Proof that each student enrolled has a high school diploma or its equivalent.

(12) Proof that the school adopts and discloses to the students the complaint process outlined in Rule 11.

(B) When the above information is provided in full, the Department will conduct the initial inspection described in Rule ~~7-98.9~~. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule ~~7-108.10~~, submission of 25 student enrollment forms, required fees and documents, and licensing.

~~(7.3)~~**(8.3) Changes and Notification Requirements**

(A) **Name Change-** When the name of a school of cosmetology or postsecondary school of cosmetology is changed from the name that appears on the original application, the owner of record shall notify the Department in writing at least thirty (30) days prior to the change and shall submit the required fee. Failure to comply with this section will be grounds for disciplinary action.

(B) **Ownership Change-** When the ownership of a school of cosmetology or postsecondary school of cosmetology is changed from the ownership that appears on the original application, the owner of record shall notify the Department in writing at least thirty (30) days prior to the change. In addition, the new owner must provide the documentation outlined in Rule ~~7-128.12~~, at least thirty (30) days prior to the purchase. Failure to comply with this section will be grounds for disciplinary action.

~~(7.4)~~**(8.4) Application for a New Cosmetology Program in a Public or State-Operated School**

(A) Any public or state-operated school seeking to offer education in cosmetology or its related branches shall submit notice to the Cosmetology Section office and receive pre-approval from the Department, as well as to the Arkansas Department of Higher Education or other governing body. The notice shall include the following information:

(1) A completed application provided by the Department and available on the Department's website at www.healthyarkansas.com, healthy.arkansas.gov

(2) Documentation that the school's administration or board has given its approval for the cosmetology program to be offered at the school, as well as the school's commitment that there are sufficient financial resources to support the program.

(3) Name and contact information for the designee at the school who will be responsible to the Department for ensuring the school complies with applicable statutes and rules.

(4) A statement certifying the school will comply with all laws including applicable rules ~~and regulations~~ regarding qualified instructors and a school supervisor.

(5) A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in A.C.A. 17-26-304, 17-26-306, 17-26-307 and 17-26-410.

(6) A detailed floor plan reflecting adequate floor space.

(7) A list of equipment to be used for the program.

(8) Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

(9) Sample of all forms to be used in the school, such as attendance record, sign-in sheets, releases, progress records and progress cards.

(10) The required registration fee.

(11) Proof that the school adopts and discloses to the students the complaint process outlined in Rule 11.

(B) When the above information is provided in full, the Department will conduct the initial inspection described in Rule ~~7-98.9~~. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule ~~7-108.10~~, submission of 25 student enrollment forms, required fees and documents, and licensing.

~~(7.5)~~**(8.5) Application for a New Postsecondary Cosmetology Program in a Public or State-Operated School**

(A) Any public or state-operated postsecondary school seeking to offer education in cosmetology or its related branches shall submit notice to the Cosmetology Section office and receive pre-approval from the Department, as well as to the Arkansas Department of Higher Education or other governing body. The notice shall include the following information:

(1) A completed application provided by the Department and available on the Department's website at www.healthylarkansas.com - healthy.arkansas.gov

(2) Documentation that the postsecondary school's administration or board has given its approval for the cosmetology program to be offered at the school, as well as the school's commitment that there are sufficient financial resources to support the program.

(3) Name and contact information for the designee at the school who will be responsible to the Department for ensuring the school complies with applicable statutes and rules.

(4) A statement certifying the school will comply with all laws including applicable rules ~~and regulations~~ regarding qualified instructors and a school supervisor.

(5) A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in A.C.A. 17-26-304, 17-26-306, 17-26-307 and 17-26-410.

(6) A detailed floor plan reflecting adequate floor space.

(7) A list of equipment to be used for the program.

(8) Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

(9) Sample of all forms to be used in the school, such as attendance record, sign-in sheets, releases, progress records and progress cards.

(10) The required registration fee.

(11) Proof that each student enrolled has a high school diploma or its equivalent.

(12) Proof that the school adopts and discloses to the students the complaint process outlined in Rule 11.

(B) When the above information is provided in full, the Department will conduct the initial inspection described in Rule ~~78~~.9. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection described in Rule ~~78~~.10, submission of 25 student enrollment forms and required documents, and licensing.

~~(7.6)~~(8.6) Application for a Relocated School of Cosmetology or Postsecondary School of Cosmetology

(A) When the location of a school of cosmetology or postsecondary school of cosmetology licensed to offer cosmetology or related programs changes from the location which appears on the original application, the owner of record shall file an application with the Cosmetology Section office and receive pre-approval from the Section. An application must include the following items of documentation before any relocation can occur:

- (1) A detailed floor plan reflecting adequate floor space.
- (2) A list of equipment to be used for the program.
- (3) Instructor/Supervisor Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
- (4) Sample of all forms to be used in the school of cosmetology or postsecondary school of cosmetology, such as attendance record, sign-in sheets, releases, progress records and progress cards.
- (5) All relocated schools of cosmetology or postsecondary schools of cosmetology shall meet physical requirements as for new schools.
- (6) The required registration Fee.

(B) When the above information is provided in full, the Department will conduct the initial inspection described in Rule ~~78~~.9. When the school of cosmetology or postsecondary school of cosmetology application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school of cosmetology or postsecondary school of cosmetology preparations pending the final inspection described in Rule ~~78~~.10 and licensing.

~~(7.7)~~(8.7) Building Requirements

All cosmetology schools of cosmetology or postsecondary school of cosmetology shall be equipped to do and actually perform all services designated under § 17-26-101.

- (A) The school of cosmetology or postsecondary school of cosmetology shall be of fireproof construction. All schools shall have a front and back entrance. No partitions will be permitted except for the specified spaces listed below.
- (B) All schools of cosmetology or postsecondary schools of cosmetology must be separated from any other business with solid walls. Cosmetology establishments that are located in the same building shall be separated by a solid physical barrier and shall have separate entrances.
- (C) All schools of cosmetology or postsecondary schools of cosmetology shall have sufficient light fixtures and wiring which shall be approved by a licensed Electrician or City Inspector. Said Electrician or Inspector shall certify that wiring and fixtures are adequate for the building size and purpose for which it is to be used.
- (D) The school of cosmetology or postsecondary school of cosmetology building shall be completely air conditioned and centrally heated.
- (E) There shall be sufficient hot water supply and pressure and be approved as sufficient by a licensed plumber.
- (F) The school of cosmetology or postsecondary school of cosmetology shall be approved by the Department as to space, light, ventilation, hygienic environment and equipment.
- (G) Interior floor space shall be not less than twenty-five-hundred (2500) square feet of area, for a maximum of twenty-five (25) students.

(H) Student practical training area or clinic area shall contain not less than twelve-hundred (1200) square feet, open space, with no walls to obstruct the view of the Instructor. The clinic square footage requirements are for a maximum enrollment of twenty-five (25) students. Enrollment capacity in excess of twenty-five (25) students will be established by the square footage contained in the reception area and excess footage over the required twelve-hundred (1200) square footage in the clinic. Every fifty (50) square feet of space in the aforementioned area will increase the enrollment capacity by one. A classroom is required and shall be not less than two-hundred-seventy-five (275) square feet. The classroom must be equipped with items conducive to promote a teaching and learning environment that accommodates both the instructor and students. Vending machines shall not be in the classroom.

(I) The clinical area shall contain: stations and chairs, shampoo bowls and chairs, dryers with chairs, manicuring tables with chairs, facial chairs. Other equipment not used for the instruction of the practical work will not be permitted.

(J) Restrooms are required. Restrooms shall contain a commode and lavatory. Floors must be a washable surface. Pipes or any other projection that might create an unsanitary condition shall not be exposed.

(K) A reception area shall be required. The reception area shall contain a desk or counter and chairs for clients. This area shall not contain any equipment used by the students in the practical work.

(L) A supply room will be required to keep all cleaning equipment, such as mops, brooms, scrub pails, etc.

(M) A dispensary room is required to store supplies used by students. All extra supplies, not being used, must be stored.

(N) Storage space shall be provided for students to store individual personal items.

(O) Office space shall be provided for student and school of cosmetology or postsecondary school of cosmetology business records that contain equipment and furniture necessary to reasonably accommodate an administrative office.

(P) Break room or lounge room will be provided. Eating will not be permitted in the clinical area of the school of cosmetology or postsecondary school of cosmetology.

~~(7.8)~~(8.8) Equipment

(A) All equipment for new, existing and re-located schools of cosmetology or postsecondary schools of cosmetology shall be in good workable condition. The equipment shall be appropriately maintained in order to promote the health and safety of school of cosmetology or postsecondary school of cosmetology employees, students and clients.

(B) An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled students.

(C) An adequate supply of working equipment for all cosmetology courses shall be maintained in the school to reasonably accommodate the clientele received in the school of cosmetology or postsecondary school of cosmetology.

(D) Each school of cosmetology or postsecondary school of cosmetology shall maintain a time clock to register student hours for reporting to the Department.

~~(7.9)~~(8.9) Initial Inspection of a New or Re-located School of Cosmetology or Postsecondary School of Cosmetology

After all required documentation and fees have been submitted and approved; the Department will conduct an initial inspection on all new or re-located schools for the purpose of determining suitability based on submitted documentation with application:

- (A) Of proposed rooms, including adequacy of floor space; plumbing; ventilation; lighting, etc.
- (B) Of proposed layout.
- (C) Of proposed items of equipment and material.
- (D) Satisfactory evidence of proper provisions for duly licensed instructors.

The findings of the initial inspection and the application with supporting documentation shall be submitted to the Department for its approval.

~~(7.10)~~(8.10) Final Inspection of New or Re-located School of Cosmetology or Postsecondary School of Cosmetology

A final inspection shall be conducted by an inspector in order to determine that all information previously submitted to the Department on the "Instructor/Supervisor Form," the "Application" and the "Initial Inspection Report," such as the floor space, list of equipment on hand, and all other pertinent information, has been strictly adhered to by the owners or administrators of the proposed school.

No license will be issued to any new school until an inspection report of compliance is received, at least 25 student enrollment forms, supporting documents and enrollment fees have been submitted and at least 25 student permits have been issued.

~~(7.11)~~(8.11) Routine Inspection of School of Cosmetology or Postsecondary School of Cosmetology

Schools of Cosmetology and Postsecondary Schools of Cosmetology shall be inspected:

(a) ~~at~~At least twice a year, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department.

(b) To determine compliance with applicable licensing code and rules governing cosmetology schools and programs administered in a state or public-operated school. During an inspection, the inspector may review the records maintained by the school of Cosmetology or Postsecondary School of Cosmetology; review the course outline and lesson plans and generally evaluate the operation of the school of Cosmetology or Postsecondary School of Cosmetology. Failure to comply with the licensing requirements will be grounds for disciplinary action and license ~~denial~~ revocation.

~~(H) Penalty~~

(c) Any school of cosmetology or post-secondary school of cosmetology that fails to abide by the terms and conditions set out in the school of cosmetology or post-secondary school of cosmetology catalog or contract or fails to comply with the procedures for adopting rules ~~and regulations~~ or who is capricious in enforcing school of cosmetology or post-secondary school of cosmetology ~~regulations~~ rules may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to Rule No. 1.3 and 10. In the case of a Nationally Accredited School of cosmetology or post-secondary school of cosmetology the Department will notify the proper officials of the disposition of the complaint ~~KK21~~.

~~(7.12)~~(8.12) Purchase of an Existing School of Cosmetology or Post-Secondary School of Cosmetology

(A) Any person, firm or corporation seeking to purchase an existing school of cosmetology or Post-Secondary School of Cosmetology shall submit the following information at least thirty (30) days prior to the purchase:

- (1) An application shall be filed to reflect the change of ownership.
- (2) The new owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department and to transact all business negotiations on behalf of the school of cosmetology or postsecondary school of cosmetology, including answers to citations for hearings, and compliance with rulings issued by the Department.
- (3) Instructor Form shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.
- (4) One certified financial statement.
- (5) Copy of the legal change of ownership document.
- (6) Copy of the new owner's government issued photo identification.
- (7) Samples of all forms to be used in the school of cosmetology or postsecondary school of cosmetology; such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.
- (8) The required registration fee.

~~(7.13)~~(8.13) Registration Requirements

(A) All students of Cosmetology, Manicuring, Electrology, Aesthetics, and Teacher Training shall be registered with the Department before accredited hours can be obtained. Registration prerequisites are as follows:

- (1) Registration form (forms provided by the Department). The completed registration form must be received by the Department before accredited hours can be obtained.
- (2) One (1) copy of the student/school of cosmetology or postsecondary school of cosmetology contract (if applicable).
- (3) A copy of the student's driver's license or other form of identification verifying the student's age.
- (4) Proof of education:
 - (a) For Post-Secondary Schools of Cosmetology--proof of a high school diploma or its equivalent.
 - (b) For Schools of Cosmetology—Cosmetology, Aesthetics and Manicuring – completed a minimum of two (2) years of high school or its equivalent.
 - (c) Electrology and Instructor – completed four (4) years of high school or its equivalent.
 - (d) Results from a test that is approved by the U.S. Department of Education to measure a student's ability to benefit (an "Ability-To-Benefit (ATB) test") may be used to determine a student's equivalency to the above.

(5) Required registration fee.

(B) Failure to comply with the above mentioned prerequisites will affect the matriculation date.

(C) All registration forms must state the student's full legal name.

- (1) If the student is married include the married name after their maiden name.

(2) If a student is married or divorced during the course of training a copy of the marriage certificate or divorce decree shall be submitted to the Department before records will be changed.

(D) A student who has completed the registration process and whose information is on file with the department shall complete a student enrollment form without submitting additional documents other than the student permit fee and a method of identification containing a photograph of the student.

(E) In the event a student has training from another state, then the student must provide the following to the Arkansas Department of Health Cosmetology Section and the School of Cosmetology or Post-Secondary School of Cosmetology in which the student wishes to enroll:

(1) A certified copy of the training hours accumulated and certified with the state; or

(2) If the state does not certify hours, an official transcript from the School of Cosmetology or Post-Secondary School of Cosmetology where the student obtained the hours.

~~(7.14)~~(8.14) Cosmetology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) A total of fifteen-hundred (1500) hours shall be required in the cosmetology program and shall consist of the following curricula:

(1) Hygiene and Sanitation – 80 Hours – Instructions in sanitation, sterilization, hygiene, lighting and ventilation, etc... General sanitation duties performed by students shall not exceed more than fifteen (15) minutes per day. Students are required to maintain their stations as warranted and are responsible for their actions or mishaps.

(2) Related Science – 120 hours – Physiotherapy or cosmetricity (pertaining to electricity used in cosmetology), Physiology and Histology Anatomy, Neurology, Myology and Osteology, etc.

(3) Hairdressing – 1000 hours – A course in cleaning hair, shampooing, haircutting, clipping, singeing, dying, tinting, bleaching, scalp massage, brushing and combing, curling, permanent waving, and reconditioning hair, wiggery, thermal pressing, iron curling, chemical relaxing, etc.

(4) Manicuring – 100 hours – A course in the construction, filing and shaping of the nails, loosening and removing the dead cuticle and the art of hand, arm, foot and ankles massage, etc.

(5) Aesthetics – 100 hours – A course in the skin, various kinds of facial massage, cosmetics, application of treatment products, the art of makeup, eyebrow shaping, eyebrow and eyelash dying, hair removal, etc.

(6) Salesmanship and Shop Management – 50 hours – Instruction in how to keep records, knowledge of business law, cosmetology law, rules ~~and regulations~~, booking appointments, retailing, ~~etc.~~

(7) Professional Ethics ~~50-49~~ hours – Courtesy, neatness and professional attitude in meeting the public, etc.

(8) One (1) hour domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc ~~KK22~~.

(B) All schools for Schools of Cosmetology or Postsecondary Schools of Cosmetology shall provide a minimum of five (5) hours each week in theoretical instruction of each student enrolled. This requirement may be modified by pro-rating the hours when necessary depending upon the school of cosmetology or postsecondary schools of cosmetology schedule provided the student is receiving quality theoretical instruction to prepare him/her for examination.

(C) The time of the classroom instruction class shall be registered with the Department.

(D) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.

(E) To qualify for the cosmetology examination, students must acquire a minimum of ~~one hundred eighty~~ ~~(180)~~ one hundred-fifty (150) hours in theoretical instruction.

(F) A student for a license as a cosmetologist, after one hundred fifty (150) hours of instruction, may engage, in the school as a student, in work connected with any branch or any combination of the branches of cosmetology taught in the school upon a client who is paying for services or materials.

(G) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of ten (10) services on a client or a mannequin per week, for each student enrolled who has acquired one-hundred-fifty (150) hours of instruction. Students shall be assigned to clients on the basis of respective learning needs.

~~(7.15)~~(8.15) Manicure Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) A total of six-hundred (600) hours in Manicure training shall consist of the following subjects and hours:

(1) Health, Sanitation and Infection Control (75 hours);

(2) Health Related Science (75 hours);

(3) Manicuring and Pedicuring (200 hours);

(4) Advance Nail Technology (200 hours);

(5) Career Development (50-49) hours).

(6) One (1) hour domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a), etc[KK23].

(B) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of five (5) hours each week in theoretical instruction of each student enrolled. This requirement may be modified by prorating the hours when necessary depending upon the school schedule provided the student is receiving quality theoretical instruction to prepare him/her for examination.

(C) The time of the classroom instruction class shall be registered with the Department.

(D) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.

(E) A student for a license as a manicurist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with manicuring taught in the school upon a client who is paying for service or materials.

(F) To qualify for the manicure examination, students must acquire a minimum of 60 hours in theoretical instruction.

(G) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of 10 services per week, for each student enrolled who has acquired 60 hours. Students shall be assigned to clients on the basis of respective learning needs.

~~(7.16)~~(8.16) Aesthetic Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) A total of six-hundred (600) hours in the Aesthetician course shall consist of the following subjects and hours:

- (1) Chemistry (40 hours);
- (2) Physiology (35 hours);
- (3) Bacteriology & Sanitation (35 hours);
- (4) Introduction of Skin Care (45 hours);
- (5) Skin Care (150 hours);
- (6) Makeup and Corrective Makeup (50 hours);
- (7) Eyebrow and Lashes (40 hours);
- (8) Hair Removal (40 hours);
- (9) Safety Precautions (20 hours);
- (10) Professional & Personality Development (20 hours);
- (11) Management (20 hours);
- (12) Salesmanship (15 hours);
- (13) State Laws and Rules ~~and Regulations~~ (10 hours);
- (14) Testing Evaluation (15 hours);
- (15) Instructor's Discretion (~~65-64~~hours).

(16) One (1) hour domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a), etc.

(B) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of five (5) hours each week in theoretical instruction of each student enrolled. This requirement may be modified by prorating the hours when necessary depending upon the school schedule provided the student is receiving quality theoretical instruction to prepare him/her for examination.

(C) The time of the classroom instruction class shall be registered with the Department.

(D) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.

(E) A student for a license as an aesthetician, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with aesthetics taught in the school upon a client who paying for service or materials.

(F) To qualify for the cosmetology examination, students must acquire a minimum of 60 hours of theoretical instruction.

(G) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of ten (10) services per week, for each student enrolled who has acquired sixty (60) hours. Students shall be assigned to clients on the basis of respective learning needs.

(7.17)(8.17) Electrology for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(A) Requirements: Any cosmetology school of cosmetology or post-secondary school of cosmetology in the State of Arkansas qualified and approved to teach cosmetology by the Department may teach Electrolysis in epilation, provided they:

- (1) Show proof of a qualified electrolysis instructor who shall be licensed by the Board.
- (2) Meet the minimum requirements in equipment necessary to teach Electrolysis in epilation.

(B) Training Course: A course of three-hundred-fifty (350) hours as a student in conjunction with a regular course in cosmetology and its related occupations or for licensed beauty operator, or a course of six-hundred (600) hours as a student when not in conjunction with a regular course in cosmetology and its related occupations or a licensed beauty operator, shall be required as a prerequisite to qualify for examination in electrology. The training shall include practical training and technical instruction. The school of cosmetology or post-secondary school of cosmetology shall establish grades and hold examinations before issuing diplomas in Electrology Training.

(C) Electrology Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology:

Subject	Cosmetologist	Unlicensed
AR Law pertaining to Electrology	10 hours	20 hours
Sterilization, Sanitation, Bacteriology	25 hours	50 hours
Study of Hair	20 hours	40 hours
Study of Skin	25 hours	50 hours
Disorders of Skin and Hair	20 hours	40 hours
Electricity	25 hours	50 hours
Electrology	150 hours	200 hours
Neurology and Angiology	20 hours	40 hours
Development of Practice	15 hours	30 hours
Instructor's Discretion-	40-39 hours	80-79 hours
<u>Domestic violence and sexual assault training as set forth in A.C.A. § 17-26-205(a) , etc.-</u>	<u>1 hour</u>	<u>1 hour</u>

(D) All schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of five (5) hours each week in theoretical instruction of each student enrolled. This requirement may be modified by prorating the hours when necessary depending upon the school schedule provided the student is receiving quality theoretical instruction to prepare him/her for examination.

(E) The time of the classroom instruction class shall be registered with the Department.

(F) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.

(G) A student for a license as an electrologist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with electrology taught in the school upon a client who is paying for service or materials.

(H) To qualify for the cosmetology examination, students must acquire a minimum of sixty (60) hours in theoretical instruction.

(I) all schools of cosmetology or post-secondary schools of cosmetology shall provide a minimum of ten (10) services per week, for each student enrolled who has acquired sixty (60) hours. Students shall be assigned to clients on the basis of respective learning needs.

~~(7.18)~~ (8.18)-Facility Use for Non-Accredited Courses

Schools of cosmetology and postsecondary schools of cosmetology will be permitted to utilize the school facilities for non-accredited courses, after regular school hours, provided said school owner disseminates literature that the said course(s) is not approved by the Department. All literature (i.e., forms of media advertisements, pamphlets, etc.), must have prior approval by the Department before communication.

~~(7.19)~~ (8.19)Discretionary Off-Campus Student Hours for Schools of Cosmetology or Postsecondary Schools of Cosmetology

Students may receive credit towards their chosen course of study through discretionary off-campus hours. These hours may be obtained by attending educational events relevant to the student's course of study. Credit can only be given for actual time in attendance. Credit shall not be granted for travel time. Students must at all times be accompanied by a licensed instructor and the instructor/student ratio must at all times meet the standards outlined below in section. Instructors who accompany students during these activities must keep written record of students' attendance through a sign-in/sign-out sheet.

Schools of cosmetology and postsecondary schools of cosmetology shall maintain a record of all off-campus events that students participate in for review upon request by a representative by the Department. The record shall include the following information for each event:

- (A) Name and location of the educational event;
- (B) Date of the educational event;
- (C) List of each instructor in attendance;
- (D) Sign-in/sign-out sheet;
- (E) List of each student in attendance;
- (F) Number of hours earned by each student.

~~(7.20)~~ (8.20) Instructor/Enrolled Student Ratio

(A) Instructors shall not be permitted to perform cosmetology services for students; however, the Instructor will be permitted to assist the student when needed in the clinical area.

(B) Every person employed in a school of cosmetology or postsecondary school of cosmetology to instruct students therein shall be currently licensed by the Board. Instructor/enrolled student ratio shall be as follows:

STUDENT	INSTRUCTOR
1-25	1
26-50	2
51-75	3

(C) All schools of cosmetology and postsecondary schools of cosmetology shall have an additional Instructor subject to call at all times in the event the regular Instructor is ill or absent from the school.

(D) Instructors shall be permitted to tutor students after school hours providing services are not performed on the public during tutoring sessions and students are not given credit for hours spent in the tutoring capacity.

~~(7.21)~~ **(8.21) Responsibility of School of Cosmetology or Post-Secondary School of Cosmetology**

(A) Training Requirements

(1) Actual experience time is defined as classroom instruction or clinical work or experience under supervision of a licensed instructor. ~~Extended break time should be on a scheduled basis, such as lunch, coffee, etc., and shall not be counted as classroom instruction time or creditable time.~~ The only creditable time permitted when the clinic facility is closed will be classroom instruction.

(2) All schools of cosmetology or post-secondary schools of cosmetology shall provide each student enrolled the opportunity to acquire the entire course of training uninterrupted by unscheduled vacations or for any reason that may cause a delay in the completion of such course. The school shall certify the training in accordance with the required curriculum for examination and license. This provision does not prohibit a school from suspending a student for disciplinary reasons. Grounds for suspension shall be determined by the owner. Only students who have been placed on probation, as a result of a previous infraction of the school rules ~~and regulations~~ or policies, may be suspended from school. Duration of a suspension shall be set forth in the school catalog.

(3) ~~(a)~~ Certification of hours must be filed with the Department within ~~thirty (30)~~ forty-five (45) calendar days ~~immediately~~ following termination of student (last day of attendance). Hours of instruction having been acquired by the student may not be deducted or increased for any reason. Increase or decrease of creditable hours is prohibited. If a Certificate of training is not received within the forty-five (45) days, the student will be dropped by the Department and all hours will be certified.

~~(b)~~ No school of cosmetology or post-secondary school of cosmetology owner or instructor shall ever refuse to submit a Certificate of Training form for a student, as well as a Balance Due on Tuition form, if applicable, pursuant to Rule 78.21 A [KK25].

(4) Certification of hour's forms should be completed by the designated school official, along with the student training permit and paid-in-full contract. Only the hours that have been accrued during the current enrollment shall be certified. In the event a student has not paid for all of the accumulated hours a notation shall be made at the bottom of the certification form stating the number of uncertified hours. Uncertified hours will not be released until a new certification form is submitted. Certification of Hours Forms may be obtained from the Department upon request and are available for downloading on the Department's website at www.healthyarkansas.com; healthy.arkansas.gov

(5) Required textbooks: The Department must approve textbooks. Textbooks must adequately cover the prescribed curricula and prepare students for State testing. Textbook material must be completed before fifteen-hundred (1500) hours are completed. Other textbooks and reference material may be used to enhance the cosmetology course.

(B) Monthly Reports for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(1) All schools of cosmetology or post-secondary schools of cosmetology are required to report monthly hours to the Cosmetology Section database, by the last day of each month ~~for~~; all students currently enrolled in the school during the prior month. The monthly report shall reflect the number of hours acquired in the school during the prior month and the accumulated hours during the current enrollment.

(2) The Cosmetology Section will notify the school of cosmetology or post-secondary school of cosmetology when an error has been made on the monthly report. Upon receipt of this notification the school owner or instructor is required to check their records and appraise the Cosmetology Section office of the corrections made within the week.

(3) All schools of cosmetology or post-secondary schools of cosmetology have thirty (30) calendar days from the submission date of the monthly report to report any errors in the hours submitted on the monthly report. Copies of the time cards and/or supporting documentation related to the error shall support corrections.

(4) No changes to student hours will be made after the thirty (30) day timeframe without good cause.

~~(5) No school of cosmetology or post-secondary school of cosmetology owner or instructor shall ever refuse to submit a Certificate of Training form for a student, as well as a Balance Due on Tuition form, if applicable, pursuant to Rule 7.21 A [KK26].~~

(C) Daily Records and Inspection for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(1) Every school of cosmetology or post-secondary school of cosmetology shall keep a daily record of attendance on each student enrolled. A time clock shall be used for the purpose of recording hours.

(2) Every school of cosmetology or post-secondary school of cosmetology shall keep a daily record of the student's activity. The time the student has acquired in the various phases of cosmetology or its related branches shall be recorded on this record.

(3) The school of cosmetology or post-secondary school of cosmetology shall establish a grading system and hold examinations before issuing diplomas.

(4) All necessary basic subjects, in accordance with the Department's curriculum shall be taught in the proper sequence and depth to prepare each student both for the licensing examination and for successful entry level work in the profession.

(5) A course outline and daily lesson plans shall be used by the school of Cosmetology or Postsecondary School of Cosmetology. A course outline shall be provided to students so they will be apprised of the upcoming activities.

~~(6) Schools of cosmetology or post-secondary schools of cosmetology shall be inspected to determine compliance with applicable licensing code and rules governing cosmetology schools and programs administered in a state or public-operated school. A school of Cosmetology or Postsecondary School of Cosmetology license will be issued upon receipt of a compliance inspection by a representative of the Department. During an inspection, the inspector may review the records maintained by the school of Cosmetology or Postsecondary School of Cosmetology; review the course outline and lesson plans and generally evaluate the operation of the school of Cosmetology or Postsecondary School of Cosmetology. School owners may contact the Department to discuss the recommendations and/or to request a hearing before the Cosmetology Technical Advisory Committee. Failure to comply with the licensing requirements will be grounds for disciplinary action and license denial [KK27].~~

(D) Tuition and Fees for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(1) Every school of cosmetology or post-secondary school of cosmetology shall fix its tuition at such an amount as will enable it to furnish without further charge to the student all supplies used on the public or on mannequins. Each student shall have access to a complete kit of tools, textbook and copies of the instructional materials used prior to the beginning of the course in which those materials are needed.

(2) The student shall not be permitted to remove the kit from the school of cosmetology or post-secondary school of cosmetology until such time the student has completed his/her training or withdraws from school of cosmetology or post-secondary school of cosmetology provided the

student has purchased the kit from the school of cosmetology or post-secondary school of cosmetology.

(E) School Catalog for Schools of Cosmetology or Postsecondary Schools of Cosmetology

(1) Every school of cosmetology or post-secondary school of cosmetology shall set forth basic information about itself in a catalog which is kept up to date and made available to prospective students and the Department.

(2) The catalog must include the following items as a minimum: name and address of school of cosmetology or post-secondary school of cosmetology; date of publication; when the school of cosmetology or post-secondary school of cosmetology was established; admission requirements; educational objectives of each program; length of course and course description; grading system; graduation requirements; type of document received upon graduation; refund policy; name(s) of owners and scholarship and fee waiver policies.

(3) Either the catalog or a dated supplement to the catalog must include: total tuition for the course; books and supplies; registration fee or enrollment fee; charges for extra instruction; all other costs assessed to students; details, conditions, and methods of payment of monies owed to the school of cosmetology or post-secondary school of cosmetology; school of cosmetology or post-secondary school of cosmetology policies, rules ~~and regulations~~; disciplinary action for failure to abide by policies or rules ~~and regulations~~; and name of administrative staff and faculty of the school of cosmetology or post-secondary school of cosmetology.

(4) Practical Examination fee for licensure shall be set by the School and shall not exceed \$65.00.

(F) School of Cosmetology or Post-Secondary School of Cosmetology Rules ~~and Regulations~~ /Catalog

(1) Prior to adoption, amendment, or repeal of any rule ~~or regulation~~ or catalog, the school of cosmetology or post-secondary school of cosmetology shall give notice of its intended action to the students enrolled in school of cosmetology or post-secondary school of cosmetology. The notice shall include the following:

(a) The effective date;

(b) Whether the ~~regulation~~rule(s) is new, repeals, or changes an existing rule;

(c) What the ~~regulation~~rule(s) is.

(2) After the students are given notice in the proper form all students enrolled in said school of cosmetology or post-secondary school of cosmetology will be required to sign a document stating that they have been apprised of the intended action.

(3) After the ~~regulation~~rule(s) has been adopted by the school of cosmetology or post-secondary school of cosmetology a supplement which contains the revisions shall be attached to all catalogs that the school of cosmetology or post-secondary school of cosmetology has on hand.

(G) School of Cosmetology or Post-Secondary School of Cosmetology Contracts

School of cosmetology or post-secondary school of cosmetology owners who require contracts as a prerequisite for enrollment will be required to file one (1) copy of the contract with the Department and provide a copy to the student. The contract must clearly outline the obligation of both the school of cosmetology or post-secondary school of cosmetology and the student in accordance with the terms and conditions stipulated in the school catalog. All contracts must contain the following:

- (1) The name and address of the school of cosmetology or post-secondary school of cosmetology.
- (2) The name and address of the applicant.
- (3) Course of Training – Total hours of instruction.
- (4) School Term- Stipulate full or part-time. Must state the number of hours each day and days per week.
- (5) Schedule of Payments – State tuition and whether the tuition includes the cost of the kit and book. If the kit and book are not included in the tuition said items must be itemized. The down payment, balance of the contract and the monthly payments must be stated.
- (6) The school of cosmetology or post-secondary school of cosmetology refund policy must be stated.
- (7) Acknowledgement that the student received a copy of the school of cosmetology or post-secondary school of cosmetology rules ~~and regulations~~ and catalog.
- (8) Contracts of under aged student shall be signed by a parent or guardian. Parent or guardian signature is required for students under eighteen (18) years of age.
- (9) All school of cosmetology or postsecondary school of cosmetology contracts must be fully executed.

~~**(H) Penalty**~~

~~Any school of cosmetology or post-secondary school of cosmetology that fails to abide by the terms and conditions set out in the school of cosmetology or post-secondary school of cosmetology catalog or contract or fails to comply with the procedures for adopting rules and regulations or who is capricious in enforcing school of cosmetology or post-secondary school of cosmetology regulations may be subject to a disciplinary hearing before the Cosmetology Technical Advisory Committee pursuant to Rule No. 1.3 and 10. In the case of a Nationally Accredited School of cosmetology or post-secondary school of cosmetology the Department will notify the proper officials of the disposition of the complaint [KK28].~~

RULE NO. 89

INSTRUCTOR TRAINING FOR SCHOOLS OF COSMETOLOGY OR POSTSECONDARY SCHOOLS OF COSMETOLOGY AND RENEWAL REQUIREMENTS

~~**(8.1)-(9.1)**~~ **Requirements for Schools of Cosmetology or Postsecondary Schools of Cosmetology**

~~(A) The Department will admit to examination for a license any person who has acquired six hundred (600) hours of instructor training in this state and submits the following requirements: (a) a completed Arkansas application form, (b) certification of hours from the school of cosmetology or postsecondary school of cosmetology attended, and (c) paid in full contract.~~

~~(B)~~ **(A)** The instructor training curriculum is designed as a course to extend over a period of not less than four (4) months and not less than six-hundred (600) hours of training.

~~(C)~~ **(B)** An instructor-trainee shall:

- (1) Be licensed as a cosmetologist, manicurist, aesthetician or electrologist in the State of Arkansas,
- (2) Be registered as an instructor-trainee with the Department,
- (3) Be under the supervision of a licensed instructor at all times,

(4) Not be authorized to verify student daily slips,

(5) Be given a written examination after completion of each subject by the licensed Instructor.

~~(8.2)~~ (9.2) Instructor Curriculum for Schools of Cosmetology or Postsecondary Schools of Cosmetology

SUBJECTS	MINIMUM HOURS
(A) Required preparatory training Teaching of theory and practical operation. Selecting subject matter for class lecture. Preparing class lectures. Conducting a review of all subjects taught. Preparing and grading examinations. Demonstrating practical operations. Teaching practical operations.	50
(B) Class attendance Classes are to be conducted by a licensed instructor to prepare instructor-trainee to properly lecture and demonstrate on all subjects of cosmetology.	100
(C) Conducting Theory Classes in Cosmetology, Aesthetics, Manicuring or Electrology Theory classes will be conducted under the supervision of a licensed instructor.	50
(D) Conducting Practical Classes in Cosmetology, Aesthetics, Manicuring or Electrology	300
(E) Method of Keeping Student Records	10
(F) Instructor's Discretion- Training in subjects in which the individual instructor-trainee may be deficient, or to the practice of Cosmetology	9089
<u>(G) Domestic violence and sexual assault training as set forth in A.C.A § 17-26-205(a), etc.</u>	<u>1</u> 600

A licensed instructor will be present in and supervise all classes conducted by an instructor-trainee.

~~(8.3)~~ (9.3) Instructor/Instructor-Trainee Ratio for Schools of Cosmetology or Postsecondary Schools of Cosmetology

School of cosmetology or postsecondary school of cosmetology owners may enroll a maximum of three (3) instructor-trainees for each authorized instructor teaching in the school of cosmetology or postsecondary school of cosmetology on a full-time basis. Instructor/instructor-trainee ratio is as follows:

(A) **1 Instructor/1 Trainee** – who has acquired between 100 and 200 hours;

(B) **1 Instructor/2 Trainees** – provided 1 trainee has acquired between 100 and 200 hours and 1 trainee has between 200 and 400 hours;

(C) **1 Instructor/3 Trainees** – provided 1 trainee has acquired between 100 and 200 hours, 1 trainee has acquired between 200 and 400 hours and 1 trainee has between 400 and 600 hours.

The instructor-trainee(s) shall be under the supervision of a full-time licensed instructor at all times. Instructor-trainee(s) may attend on a part-time basis provided the curriculum is observed.

(9.4) Renewal Requirements^[KK29]

(A) For biannual renewal Instructors shall not be required to renew the specialty license in which they were originally licensed however shall only be allowed to instruct in the specialty area of original licensure. Should an instructor wish to retain their specialty license they may renew it also.

(B) Continuing Education Requirements

(1) Any person holding an Arkansas Instructor License shall complete eight (8) hours of continuing education in an Instructor Training Seminar or Continuing Education Course. Compliance with the requirement of continuing education is a prerequisite for license renewal.

(2) Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:

a. Payment of all past due renewal fees;

b. Payment of the late renewal fee; and

-c. Compliance with continuing education requirements for each license renewal period.

(3) Out-of-State Program: Hours earned at an out-of-state continuing education program will be accepted provided said program is certified by the Cosmetology Board in that State or by a nationally recognized provider and is designated as an "Instructor Training Seminar". To receive credit for hours earned out of state, the Instructor must submit a signed certificate of completion from the out-of-state provider.

(4) Those persons newly licensed shall not be required to complete continuing education as a prerequisite for license renewal the first renewal period following the date of licensure.

(5) Program Sponsor:

(a) Any program, seminar, or workshop must be sponsored by a bona fide association/organization that is committed to the advancement of the Cosmetology Profession. "Bona fide" as used herein means state and/or national association/organization chartered with bylaws.

(b) Community College or University.

(6) Program requirements: All advanced-teaching education must be generic in nature.

(A) 1) Eight (8) hours, or a minimum of four (4) of the required eight (8) hours, shall be related to advanced teaching methods or techniques. Examples include: curriculum development, lesson plan preparation, human resource management, etc.

2) Credit accrues at one (1) contact hour for each hour of actual contact.

(B) Courses offered at the Community College or University Level, which contribute directly to the professional competency of the licensee. Examples include semester hours in Psychology, Sociology, Methods of Teaching, Business Law, etc.

(C) Program Educators: Approved programs must be conducted by individuals who have special education, training and experience or by other persons who by reason of special education, training and experience said individuals would be considered experts concerning the subject matter of the program.

(D) Violations: Any licensee found falsifying continuing education attendance will be subject to disciplinary action by the Committee.

RULE NO. 910

LICENSE REVOCATION

A person whose license has been revoked may, after the expiration of one (1) year from the date of such revocation or the final disposition of any appeal, apply for new license in the manner provided for in the original application, and the Board may, in its discretion, exempt the applicant from examination and grant a new license upon payment of proper fee.

RULE NO. ~~1011~~

COMPLAINT POLICY

(A) Complaints against a person, establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology.

(1) Any person may file a complaint against any of the following: a person, establishment, mobile salon, school of cosmetology or postsecondary school of cosmetology licensed by the Board on any of the grounds for disciplinary action provided in § 17-26-105 of the Cosmetology Act.

(2) Official complaints must be made in writing within ninety (90) days from the date of infraction. In the event of a complaint from a student concerning the hours accrued or issues relevant to the completion of the course the student may submit a complaint against the school of cosmetology or postsecondary school of cosmetology within ninety (90) days after the Certificate of Training form is submitted to the Department by the school.

(3) Complaints against a Board licensee will be provided a hearing by the Cosmetology Technical Advisory Committee. The Cosmetology Technical Advisory Committee will hold hearings bimonthly. Appeals of Committee findings may be heard by the State Board of Health.

(4) Any disciplinary action taken under § 17-26-105 (10) of the Cosmetology Act may be waived as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.

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

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

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

(d) The Department's response will state the reason(s) for the decision.

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

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

(g) The Department will retain a copy of the petition and response and it will be reviewed during the formal application process.

RULE NO. ~~112~~

EQUIPMENT AND CHEMICAL USE IN COSMETOLOGY AND ITS RELATED BRANCHES

(A) Equipment

(1) With the exception of piercing as set forth in sub part three (3) below, Cosmetologists and aestheticians may not use any device, tool, machine, or combination of the same, which results in the removal, or destruction, ~~incision, or piercing~~ of a client's skin beyond the epidermis.

(2) Devices used by cosmetologists and aestheticians must:

(a) Follow all FDA, OSHA, and state safety requirements and manufactures instructions;

~~(b) Must not penetrate or pierce the skin beyond the epidermis or mucous membrane of the body, the ocular cavity, or the urethra, or enter the ear beyond the external auditory canal, the nose beyond the nares, the mouth beyond the pharynx, the anal canal beyond the rectum, or the vagina beyond the opening of the cervix; and~~

(eb) Must not be classified by the FDA as a Class 3, 3a, or 3b device, or a laser class 3 or 4.

(3) Piercing activity of cosmetologists and aestheticians shall be limited to piercing the lobe of the ear using an ear piercing gun.

(B) Chemical

(1) A licensed cosmetologist and aesthetician may use the following chemical exfoliation substances:

(a) No more than 50% alpha hydroxyl acid (AHAs which includes, but is not limited to, glycolic, tartaric, malic or lactic acids. Such AHAs shall not be lower than a pH of 2);

(b) No more than 20% beta hydroxyl acid (BHAs which include salicylic acid);

(c) No more than 20% Trichloroacetic Acid (TCA)

(d) Jessner's solutions;

(e) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator; and

(f) Non-medical grade Retinoid.

(2) No person performing any type of cosmetology services is permitted to use the following:

(a) Medical grade or prescription Retinoid;

(b) Carboic acid (phenol);

(c) Products listed above that exceed the stated maximum levels or combinations thereof;

(d) All adulterated chemical exfoliating/peeling substances.

(C) **Equipment** and chemical exfoliation substance services shall only be administered in an establishment, mobile salon or school of cosmetology or postsecondary school of cosmetology licensed by the Board and shall only be performed by a licensed practitioner that follows the appropriate health and safety guidelines and the manufacturer's instructions.

(D) Client Consultation:

(1) Cosmetologists and aestheticians shall take a client history and perform a skin analysis prior to providing any treatment or service to ensure there are no contraindications.

(2) All cosmetology establishments or mobile salons that collect private medical information as part of the client history shall have procedures in place to protect the confidentiality of the client's private medical information.

(E) Cosmetologist and manicurist shall not use Liquid Methyl Methacrylate (MMA) Monomer.

(F) Performing services prohibited under this section shall be grounds for disciplinary action by the Cosmetology Technical Advisory Committee.

CERTIFICATION

This will certify that the Rules ~~and Regulations~~ for Cosmetology in Arkansas were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas on the ___ day of _____, 2019.

Nathaniel Smith, MD, MPH
Secretary of Board of Health

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1720

5 By: Representative C. Fite
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE COSMETOLOGY STUDENTS TO HAVE
9 TRAINING IN DOMESTIC VIOLENCE AND SEXUAL ASSAULT
10 AWARENESS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO REQUIRE COSMETOLOGY STUDENTS TO HAVE
14 TRAINING IN DOMESTIC VIOLENCE AND SEXUAL
15 ASSAULT AWARENESS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 17-26-205(a), concerning powers and duties
22 of the Cosmetology Technical Advisory Committee of the Department of Health,
23 is amended to add an additional subdivision to read as follows:

24 (6) Develop rules to establish and implement the domestic
25 violence and sexual assault awareness training required under § 17-26-419.
26

27 SECTION 2. Arkansas Code Title 17, Chapter 26, Subchapter 4, is
28 amended to add an additional section to read as follows:

29 17-26-419. Domestic violence and sexual assault awareness training.

30 (a) A cosmetological school or establishment under this subchapter
31 shall establish a domestic violence and sexual assault awareness training
32 course.

33 (b)(1) A student enrolled in a cosmetological school or establishment
34 shall complete a one-hour course in domestic violence and sexual assault
35 awareness training as a part of his or her required training hours under §
36 17-26-304 in order to be eligible for an examination.



1 (2) A student under this chapter who is trained in domestic
2 violence and sexual assault awareness shall not be civilly or criminally
3 liable for acting in good faith or failing to act on information obtained
4 during the course of employment concerning potential domestic violence or
5 sexual assault.

6 (c)(1) The training course under this section shall be approved by the
7 Department of Health and provided by an instructor, school, institution, or
8 other organization approved by the department.

9 (2) The department shall establish by rule a means for the
10 verification of completion of the training course by the student.

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13 **APPROVED: 03/15/2017**
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 351

5 By: Senator B. Sample
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS REGARDING COSMETOLOGY
9 INSTRUCTOR TRAINING; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAWS REGARDING COSMETOLOGY
12 INSTRUCTOR TRAINING.
13

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 17-26-304, concerning the prerequisites to
20 examination for a cosmetologist, manicurist, or aesthetician, is amended to
21 read as follows:

22 17-26-304. Prerequisites to examination for a cosmetologist,
23 manicurist, ~~or~~ aesthetician, or instructor.

24 The Department of Health shall admit to examination for a license as a
25 cosmetologist, manicurist, ~~or~~ aesthetician, or instructor a person who has
26 made application to the department in proper form, has paid the fee required,
27 and who:

28 (1) Is not less than sixteen (16) years of age;

29 (2) Has completed two (2) years of high school in the public
30 schools of this state or its equivalent; and

31 (3) Has completed one (1) of the following:

32 (A) For a cosmetologist, training of at least one thousand
33 two hundred (1,200) hours;

34 (B) For a manicurist, training of at least four hundred
35 eighty (480) hours;

36 (C) For an aesthetician, training of at least four hundred



1 eighty (480) hours; ~~or~~

2 (D) For an instructor, training of at least four hundred
3 eighty (480) hours; or

4 (E) The prescribed course of study in cosmetology under
5 the laws of another state whose licensing requirements are equal to or
6 stricter than those in Arkansas.

7
8 SECTION 2. Arkansas Code § 17-26-410 is amended to read as follows:
9 17-26-410. Instructor qualifications.

10 (a) ~~Each~~ A person employed in a school to instruct students in the
11 school shall be a licensed cosmetologist, aesthetician, manicurist, or
12 electrologist who:

13 (1) Is twenty-one (21) years of age or older and has had six
14 hundred (600) hours of teacher training in a school of cosmetology over a
15 period of not less than four (4) months; ~~and~~

16 (2) Has passed an instructor's examination given by the
17 Department of Health and has received an instructor's license; and

18 (3) Has received not less than eight (8) hours of additional
19 training in an instructor's training seminar or continuing education course
20 certified by the department.

21 (b) A licensed instructor shall not teach outside the profession in
22 which the license to practice allows.

23 (c) A cosmetology school shall offer an education in cosmetology
24 regardless of whether the curriculum includes a specialty course.

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27 **APPROVED: 04/07/2017**
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/9/17
A Bill

SENATE BILL 606

5 By: Senator B. Sample
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE LAW CONCERNING THE PROFESSION OF
9 COSMETOLOGY; TO AMEND THE LAW CONCERNING SCHOOLS OF
10 COSMETOLOGY; TO AMEND THE LAW CONCERNING THE
11 REQUIREMENTS FOR COSMETOLOGY LICENSING; AND FOR OTHER
12 PURPOSES.
13
14

15 **Subtitle**

16 TO AMEND THE LAW CONCERNING THE
17 PROFESSION OF COSMETOLOGY; TO AMEND THE
18 LAW CONCERNING SCHOOLS OF COSMETOLOGY;
19 AND TO AMEND THE LAW CONCERNING THE
20 REQUIREMENTS FOR COSMETOLOGY LICENSING.
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 17-26-206 is amended to read as follows:*

26 *17-26-206. Meetings – Examinations.*

27 ~~*(a) The Department of Health or a private testing entity shall*~~
28 ~~*administer licensing examinations for eligible applicants.*~~

29 ~~*(b) A member of the Cosmetology Technical Advisory Committee shall not*~~
30 ~~*be permitted to participate in or have the powers and duties that are related*~~
31 ~~*to the preparation of examinations or be permitted to give or grade the*~~
32 ~~*examinations of applicants for licensing.*~~

33 *A school of cosmetology shall administer the practical licensing*
34 *examination approved by the Department of Health for eligible candidates.*
35

36 *SECTION 2. Arkansas Code § 17-26-302 is amended to read as follows:*



17-26-302. Application for examination and license.

(a) ~~Each application for admission to examination and each application for a license as a cosmetologist or any branch of cosmetology shall be in writing on blanks prepared and furnished by the Department of Health~~ the written examination shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for registration and licensing.

~~(b) Each application shall be accompanied by the required fee and shall contain proof of the qualifications of the applicant for examination for registration and license.~~

~~(c)~~(b) The application shall be verified by the oath of the applicant.

SECTION 3. Arkansas Code § 17-26-410(a), concerning instructor qualifications, is amended to read as follows:

(a)(1)(A) Each person employed in a school to instruct students in the school shall be a licensed ~~cosmetologist, aesthetician, manicurist, or electrologist who~~ as an instructor in the field in which he or she specializes.

(B) A licensed instructor in good standing is not required to renew his or her specialty license.

(2) A licensed instructor shall:

~~(1)(A) Is~~ Be twenty-one (21) years of age or older and has had six hundred (600) hours of teacher training in a school of cosmetology ~~over a period of not less than four (4) months;~~ and

~~(2)(B) Has passed~~ Pass an instructor's written examination given by the Department of Health, a practical examination administered by the school, and ~~has~~ have received an instructor's license.

SECTION 4. Arkansas Code § 17-26-414(a), concerning special programs, is amended to read as follows:

(a) Instruction shall not exceed ~~eight (8)~~ ten (10) hours per day and six (6) days per week during the program.

/s/B. Sample

APPROVED: 04/07/2017

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/16/17
A Bill

HOUSE BILL 1714

5 By: Representative Petty
6

7 **For An Act To Be Entitled**

8 AN ACT TO PERMIT THE OPERATION OF MOBILE SALONS; TO
9 CREATE A LICENSING PROCEDURE CONCERNING MOBILE
10 SALONS; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 ACT TO PERMIT THE OPERATION OF MOBILE
14 SALONS; AND TO CREATE A LICENSING
15 PROCEDURE CONCERNING MOBILE SALONS.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 17-26-102(a)(2), concerning definitions, is
22 amended to read as follows:

23 (2) "Cosmetological establishment" means ~~any premises~~ a premise,
24 building, or part of a building, or mobile salon in which is practiced ~~any a~~
25 branch or any a combination of branches of cosmetology or the occupation of a
26 cosmetologist except:

27 (A) The branch of manicuring as practiced in barbershops
28 licensed by the Cosmetology Technical Advisory Committee and complying with
29 the provisions of this chapter; and

30 (B) Nursing facilities as defined under § 20-10-1401;
31

32 SECTION 2. Arkansas Code § 17-26-102(a), concerning definitions, is
33 amended to add a new subdivision to read as follows:

34 (10) "Mobile salon" means a self-contained, self-supporting,
35 enclosed unit that:

36 (A) Is at least twenty-four-feet (24') in length;



- 1 (B) May be transported from one location to another;
2 (C) Has a base location at the home, salon, or office of
3 the owner of the mobile salon;
4 (D) Is licensed as a cosmetological establishment for the
5 practice of a branch or a combination of branches of cosmetology or the
6 occupation of a cosmetologist licensed by the department; and
7 (E) Complies with rules established by the department;
8

9 SECTION 3. Arkansas Code § 17-26-316(a)(1), concerning display of
10 license, is amended to read as follows:

11 (1) Display ~~the~~ his or her license in a conspicuous place in his
12 or her principal office, place of business, ~~or~~ place of employment, or mobile
13 salon; or
14

15 SECTION 4. Arkansas Code § 17-26-317 is amended to read as follows:
16 17-26-317. Notice of address change.

17 (a)(1) Every registered cosmetologist manager-operator, cosmetologist,
18 electrologist, manicurist, or aesthetician, unless operating a mobile salon
19 as defined under § 17-26-102, within thirty (30) days after changing the
20 address of his or her place of business as designated on the books of the
21 Department of Health, shall notify the department of his or her new place of
22 business. ~~Upon receipt of the notification, the department shall make the~~
23 ~~necessary changes in the register.~~

24 (2) Upon receipt of the notification, the department shall make
25 the necessary changes on its books

26 (b) A person licensed by the department to operate a mobile salon
27 shall notify the department of the address where the mobile salon usually
28 remains.
29

30 SECTION 5. Arkansas Code Title 17, Chapter 26, Subchapter 4, is
31 amended to add an additional section to read as follows:

32 17-26-419. Mobile salons.

33 (a)(1) Beginning September 1, 2017, the Department of Health may issue
34 a license for the operation of a mobile salon to an applicant who submits an
35 application on a form approved by the Cosmetology Technical Advisory
36 Committee, pays required fees as determined by the department with the advice

1 of the committee, and is in compliance with the this chapter.

2 (2) Requirements that apply to a cosmetological establishment
3 under this chapter shall apply to mobile salons, except to the extent that
4 the requirements conflict with rules adopted by the department under
5 subdivision (b)(1) of this section.

6 (b)(1) By September 1, 2017, the department shall adopt rules to
7 implement this section.

8 (2) The rules as described in subdivision (b)(1) of this section
9 shall include the establishment of minimum specifications for the facilities,
10 technical equipment, environment, supplies, personnel, operation, ownership,
11 and procedures for mobile salons.

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13 */s/Petty*
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16 **APPROVED: 04/07/2017**
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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
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As Engrossed: H2/13/19

A Bill

HOUSE BILL 1301

5 By: Representative Cozart
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
9 TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
10 OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
11 TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
12 INDIVIDUALS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE RED TAPE REDUCTION
16 EXPEDITED TEMPORARY AND PROVISIONAL
17 LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
18 LICENSING ENTITIES TO GRANT EXPEDITED
19 TEMPORARY AND PROVISIONAL LICENSING FOR
20 CERTAIN INDIVIDUALS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Title.

27 This act shall be known and may be cited as the "Red Tape Reduction
28 Expedited Temporary and Provisional Licensure Act."
29

30 SECTION 2. DO NOT CODIFY. Legislative findings and intent.

31 (a) The General Assembly finds that:

32 (1) Arkansas is taking a leading role in the nationwide pursuit
33 of reforms to the system of occupational licensing;

34 (2) Arkansas became one (1) of eleven (11) states chosen to
35 participate in the Occupational Licensing Policy Learning Consortium, an
36 initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
4 to the Red Tape Reduction Working Group to review and address occupational
5 licensing regulations that create unnecessary barriers to labor market entry;
6 and

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

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

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

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

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

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
22 licensing entities; and

23 (ii) Existing occupational licensure and
24 occupational licensing entities.

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

28
29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

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

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
2 having authority to license, certify, register, permit, or otherwise
3 authorize an individual to engage in a particular occupation or profession;
4 and

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

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

11 (1) Demonstrates that he or she:

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

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

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

19 (i) An act of bad faith; or

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

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

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

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

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

29 (B) The rule adopted under subdivision (c)(1)(A) of this
30 section shall provide the procedure by which an occupational licensing entity
31 shall grant a temporary and provisional occupational licensure for ninety
32 (90) days or longer to an individual under subsection (b) of this section if
33 presented with evidence of a current and active occupational licensure that
34 is substantially similar to practice in the field of his or her occupation or
35 profession in another state, territory, or district of the United States.

36 (2) If a state, territory, or district of the United States does

1 not require occupational licensure for a profession that requires
2 occupational licensure in this state, an occupational licensing entity shall
3 adopt a rule that is least restrictive to permit an individual who is
4 sufficiently competent in his or her field to obtain occupational licensure
5 for that occupation or profession in this state.

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

11 (d)(1) Except as provided under subdivision (d)(2) of this section, an
12 occupational licensing entity shall not require an individual who meets the
13 requirements of subsection (b) of this section to participate in the
14 apprenticeship, education, or training required as a prerequisite to
15 occupational licensure of a new professional in the field.

16 (2) The occupational licensing entity may require the individual
17 to participate in continuing education or training if the continuing
18 education or training is required for all professionals in the field to
19 maintain the occupational licensure.

20 (e) If a criminal background check is required of an applicant for an
21 initial occupational licensure or of a person currently holding an
22 occupational licensure, then the occupational licensing entity may require a
23 person seeking his or her occupational licensure under this section to meet
24 the same criminal background check requirements as the applicant for an
25 initial occupational licensure or as the person currently holding an
26 occupational licensure.

27 (f) The occupational licensing entity may require the individual
28 applying for occupational licensure under this section to meet any bonding,
29 financial statement, or insurance requirements that are applicable to all
30 applicants.

31 (g) This section shall not apply to:

32 (1) Reciprocity or license by endorsement provisions under §§
33 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
34 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
35 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

36 (2) The occupational licensing entities that administer the

1 reciprocity provisions under subdivision (g)(1) of this section.

2 (h) An occupational licensing entity may enter into written agreements
3 with similar occupational licensing entities of another state, territory, or
4 district of the United States as necessary to assure for licensees in this
5 state have comparable nonresident licensure opportunities as those
6 opportunities available to nonresidents by occupational licensing entities in
7 this state.

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9 /s/Cozart

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12 **APPROVED: 3/12/19**
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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/28/19

A Bill

SENATE BILL 564

5 By: Senators Irvin, T. Garner, J. Hendren, D. Wallace
6 By: Representative Bentley
7

For An Act To Be Entitled

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

Subtitle

18 TO AMEND THE LAW CONCERNING THE
19 OCCUPATIONAL LICENSURE OF ACTIVE DUTY
20 SERVICE MEMBERS, RETURNING MILITARY
21 VETERANS, AND THEIR SPOUSES; TO PROVIDE
22 AUTOMATIC LICENSURE; TO REQUIRE REVIEW
23 AND APPROVAL OF RULES SUBMITTED.
24
25

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

28 SECTION 1. DO NOT CODIFY. Legislative Intent.

29 The General Assembly finds that:

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

35 (2) Acts 2017, No. 248, amended the law to require that all
36 state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty
 2 service members, returning military veterans, and their spouses;

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

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

8
 9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of~~ Automatic
 11 licensure for active duty service members, returning military veterans, and
 12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section:

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

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

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

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

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~
 30 ~~or permits required to enable the holder to lawfully engage in a profession,~~
 31 ~~trade, or employment in this state~~ An occupational licensing entity shall
 32 allow grant the following individuals to secure employment with a temporary
 33 license, certificate, or permit while completing the application process for
 34 full licensure or certification or permitting automatic licensure to engage
 35 in an occupation or profession if the to an individual who is the holder in
 36 good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the
2 United States and is:

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

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

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

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

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

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

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

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

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

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

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

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

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

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

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

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

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

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

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

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

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

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

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

1 licensure; and

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

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

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

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

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

18 (f) An occupational licensing entity shall:

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

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

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

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

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

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

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8 */s/Irvin*

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11 **APPROVED: 4/9/19**
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1 State of Arkansas *As Engrossed: S3/18/19 H4/3/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 451

4

5 By: Senator J. Cooper

6 *By: Representative Dalby*

7

8

For An Act To Be Entitled

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

14

15

16

Subtitle

17 TO AMEND THE LAWS REGARDING CRIMINAL
18 BACKGROUND CHECKS FOR PROFESSIONS AND
19 OCCUPATIONS TO OBTAIN CONSISTENCY
20 REGARDING CRIMINAL BACKGROUND CHECKS AND
21 DISQUALIFYING OFFENSES FOR LICENSURE.

22

23

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

25

26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that:

28 (1) Arkansas is taking a leading role in the nationwide pursuit
29 of reforms to the system of occupational licensing;

30 (2) Arkansas became one (1) of eleven (11) states chosen to
31 participate in the Occupational Licensing Policy Learning Consortium, an
32 initiative funded by a grant from the United States Department of Labor and
33 supported in partnership with the National Conference of State Legislatures,
34 the Council of State Governments, and the National Governors Association;

35 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
36 to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;
2 and

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

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

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

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

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

16 (E) Establish a systematic process for review of:

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

19 (ii) Existing occupational licenses and occupational
20 licensing entities.

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

24
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29
30 17-2-101. Definitions.

31 As used in this subchapter:

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

34 (2) "Licensing entity" means an office, board, commission,
35 department, council, bureau, or other agency of state government having
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

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

6
7 17-2-102. Licensing restrictions based on criminal records.

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

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

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

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

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

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

22 (6) False imprisonment in the first degree as prohibited in § 5-
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-
25 106;

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

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

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

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

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

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

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

- 1 (15) Rape as prohibited in § 5-14-103;
2 (16) Sexual indecency with a child as prohibited in § 5-14-110;
3 (17) Sexual extortion as prohibited in § 5-14-113;
4 (18) Sexual assault in the first degree, second degree, third
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
6 (19) Incest as prohibited in § 5-26-202;
7 (20) Offenses against the family as prohibited in §§ 5-26-303 –
8 5-26-306;
9 (21) Endangering the welfare of an incompetent person in the
10 first degree, as prohibited in § 5-27-201;
11 (22) Endangering the welfare of a minor in the first degree as
12 prohibited in § 5-27-205;
13 (23) Permitting the abuse of a minor as prohibited in § 5-27-
14 221;
15 (24) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, pandering or possessing visual or print medium depicting sexually
18 explicit conduct involving a child, or use of a child or consent to use of a
19 child in a sexual performance by producing, directing, or promoting a sexual
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
21 and 5-27-403;
22 (25) Computer child pornography as prohibited in § 5-27-603;
23 (26) Computer exploitation of a child in the first degree as
24 prohibited in § 5-27-605;
25 (27) Felony adult abuse as prohibited in § 5-28-103;
26 (28) Theft of property as prohibited in § 5-36-103;
27 (29) Theft by receiving as prohibited in § 5-36-106;
28 (30) Arson as prohibited in § 5-38-301;
29 (31) Burglary as prohibited in § 5-39-201;
30 (32) Felony violation of the Uniform Controlled Substances Act,
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
32 419 – 5-64-442;
33 (33) Promotion of prostitution in the first degree as prohibited
34 in § 5-70-104;
35 (34) Stalking as prohibited in § 5-71-229;
36 (35) Criminal attempt, criminal complicity, criminal

1 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,
2 5-3-301, and 5-3-401, to commit any of the offenses listed in this
3 subsection; and

4 (36) All other crimes referenced in this title.

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

9 (A) An affected applicant for a license; or

10 (B) The individual holding a license subject to
11 revocation.

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

14 (A) The age at which the offense was committed;

15 (B) The circumstances surrounding the offense;

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

17 (D) Subsequent work history since the offense was
18 committed;

19 (E) Employment references since the offense was committed;

20 (F) Character references since the offense was committed;

21 (G) Relevance of the offense to the occupational license;

22 and

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

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

30 (A) Was not convicted for committing a violent or sexual
31 offense; and

32 (B) Has not been convicted of any other offense during the five-
33 year disqualification period.

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

36 (1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

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

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

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

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

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

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

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

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

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

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

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

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

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

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

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under
35 the Private Security Agency, Private Investigator, and School Security
36 Licensing and Credentialing Act, § 17-40-101 et seq.

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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 abstractor, 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

1 reapplication for a certificate of registration by the Arkansas Abstracters'
2 Board, is amended to read as follows:

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

9

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

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

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

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

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

22

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

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

1 holder of the certificate of the filing of the complaint and furnish the
2 holder with a copy of the complaint.

3
4 SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

5 17-12-301. Requirements generally – Definition.

6 (a) A certificate as a certified public accountant shall be granted by
7 the Arkansas State Board of Public Accountancy to any person ~~of good moral~~
8 ~~character:~~

9 (1) Who has met the education and experience requirements set
10 forth in this chapter and by the board; and

11 (2) Who has passed an examination in accounting and auditing and
12 such related subjects as the board shall determine to be appropriate.

13 ~~(b)(1)(A) “Good moral character” as used in this section means lack of~~
14 ~~a history of:~~

15 ~~(i) Dishonest or felonious acts; or~~

16 ~~(ii) Conduct involving fraud or moral turpitude.~~

17 ~~(B) The board may refuse to grant a certificate on the~~
18 ~~ground of failure to satisfy this requirement only if there is a substantial~~
19 ~~connection between the lack of good moral character of the applicant and the~~
20 ~~professional responsibilities of a licensee and if the finding by the board~~
21 ~~of lack of good moral character is supported by clear and convincing~~
22 ~~evidence.~~

23 ~~(2) When an applicant is found to be unqualified for a~~
24 ~~certificate because of a lack of good moral character, the board shall~~
25 ~~furnish the applicant a:~~

26 ~~(A) Statement containing the findings of the board;~~

27 ~~(B) Complete record of the evidence upon which the~~
28 ~~determination was based; and~~

29 ~~(C) Notice of the applicant’s right of appeal.~~

30 ~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate
31 as a certified public accountant which is currently in full force and effect
32 shall be styled and known as a “certified public accountant” and may also use
33 the abbreviation “CPA”.

34 (2) The board shall maintain a list of certified public
35 accountants.

36 (c) Any certified public accountant may also be known as a public

1 accountant.

2

3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
4 background check for initial licensure of accountants, is amended to read as
5 follows:

6 (d) Upon completion of the criminal background checks, the
7 Identification Bureau of the Department of Arkansas State Police shall
8 forward to the board all releasable information obtained concerning the
9 ~~emission by the applicant of any offense listed in subsection (e) of this~~
10 ~~section.~~

11

12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
16 ~~federal court may not receive or hold a license as a certified public~~
17 ~~accountant or public accountant.~~

18

19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
20 grounds for revocation or suspension of licensure of accountants, are amended
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United
26 States;

27

28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for
29 revocation or suspension of licensure of an accountant, is amended to add an
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas
32 State Board of Public Accountancy may refuse to issue a license to or
33 reinstate a license of a person who has been convicted of a felony involving
34 theft or fraud, regardless of the amount of time that has elapsed since the
35 conviction.

36

1 SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers
2 and duties regarding criminal background checks of the Arkansas Appraiser
3 Licensing and Certification Board, is amended to read as follows:

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

9 ~~(a) Moral turpitude;~~

10 ~~(b)(1)(a)(1)~~ An act substantially related to
11 the qualifications, functions, or duties of an appraiser.

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

17 ~~(e)(b)~~ Taking, appropriating, or retaining the
18 funds or property of another;

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

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

23 ~~(f)(e)~~ Trafficking in narcotics or controlled
24 substances;

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

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

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

30 ~~(j)(i)~~ A sexually related crime or act under §
31 5-14-101 et seq.;

32
33 SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and
34 disciplinary procedures of the Arkansas Appraiser Licensing and Certification
35 Board for licensees, is repealed.

36 ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

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

4
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements
6 for registration under the Appraisal Management Company Registration Act, is
7 amended to read as follows:

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

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

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

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

18
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the
20 disciplinary authority, enforcement, and hearings under the Appraisal
21 Management Company Registration Act, is amended to read as follows:

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

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

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

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

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

30
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of
32 "good moral character" related to architects, is repealed.

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

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~
2 ~~308,~~

3
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations
5 to be a registered and licensed architect, is amended to read as follows:

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

9
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for
11 revocation of a license for an architect, is amended to read as follows:

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

14
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the
16 registration requirements for an athlete agent under the Uniform Athlete
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to
19 paragraph (7) has been convicted of a crime that, if committed in this State,
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-
21 102, and identify the crime;

22
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or
24 revocation of a license of an auctioneer, is amended to read as follows:

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

28
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character
30 references for a professional bail bondsman license, is amended to read as
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that
33 he or she is competent, trustworthy, financially responsible, and of good
34 personal and business reputation and has not been convicted of a felony ~~or~~
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

36

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension
2 and penalties for a professional bail bondsman licensee, is amended to read
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §
7 17-2-102;

8
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

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

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
16 State Board of Barber Examiners to determine his or her fitness to practice
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate
20 licensing authorities.

21
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for
23 disciplinary action of barbers, is amended to read as follows:

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

26
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for
28 revocation, suspension, or refusal of license issued by the State Board of
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications
35 of any applicant for an original license or any renewal license, shall, among
36 other things, consider the following:

- 1 (1) Experience;
2 (2) Ability;
3 ~~(3) Character;~~
4 ~~(4)(3)~~ The manner of performance of previous contracts;
5 ~~(5)(4)~~ Financial condition;
6 ~~(6)(5)~~ Equipment;
7 ~~(7)(6)~~ Any other fact tending to show ability and willingness to
8 conserve the public health and safety; and
9 ~~(8)(7)~~ Default in complying with the provisions of this chapter
10 or ~~any other~~ another law of the state.

11
12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications
13 for a contractors license, is amended to add an additional subsection to read
14 as follows:

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

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

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
21 16-102;

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

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

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

31
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications
33 for a contractors license through the Residential Contractors Committee, is
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

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

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

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

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

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

15
 16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for
 17 disciplinary action for cosmetology and other related occupations, is amended
 18 to read as follows:

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

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

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

29
 30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of
 31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

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

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

1 the time of appointment;

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

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

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

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

9

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

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

14

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

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

20

21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
22 17-27-313. Criminal background checks.

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

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

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

34 (d) Upon completion of the criminal background check, the
35 Identification Bureau of the Department of Arkansas State Police shall
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
4 ~~found guilty of any of the following offenses by any court in the State of~~
5 ~~Arkansas or of any similar offense by a court in another state or of any~~
6 ~~similar offense by a federal court:~~

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

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

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

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

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

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
16 ~~106;~~

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

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

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

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

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

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

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

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

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

29 ~~(17) Sexual extortion, § 5-14-113;~~

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

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

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
34 ~~5-26-306;~~

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

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

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

4 ~~(24) Engaging children in sexually explicit conduct for use in~~
5 ~~visual or print media, transportation of minors for prohibited sexual~~
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
10 ~~5-27-403;~~

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

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

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

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

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

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

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

19 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
21 ~~5-64-442;~~

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

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

25 ~~(35) Criminal attempt, criminal complicity, criminal~~
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

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

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

36 ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

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

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

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

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

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

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

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

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

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

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

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

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

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

33
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
35 and prohibited conduct of embalmers and funeral directors, is amended to read
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

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

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

7
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for
9 registration with the Arkansas State Board of Registration for Foresters, is
10 repealed.

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

13
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a
15 certificate for a registered forester, is amended to read as follows:

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

21 (2) The board shall investigate such charges.

22
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,
28 suspension, or revocation of a registration certificate of a geologist, is
29 amended to read as follows:

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

31
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102
35 that bears directly on the fitness of the applicant to be registered;

36

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of
2 revocation for a license of an interior designer, is amended to read as
3 follows:

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

6
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

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

11 ~~(2) Be of good moral character; and~~

12 ~~(3)~~(2) Pass an examination covering the matters confronting
13 landscape architects that is prepared by:

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

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

18
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of
20 revocation for a landscape architect, is amended to read as follows:

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

23
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any
27 licensee found guilty shall be subject to disciplinary action as provided in
28 § 17-42-312:

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

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

34 (3) Being convicted of or pleading guilty or nolo contendere to
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

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

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

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

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

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

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

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

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

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

33
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, *fraud*,
4 dishonesty, untruthfulness, or untrustworthiness.

5
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
7 or denial of a license for an instructor of real estate education license, is
8 amended to read as follows:

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

13
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
15 that disqualify for a real estate educator license or licensee, is amended to
16 read as follows:

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

21
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
23 for examination for a sanitarian certificate of registration, is amended to
24 read as follows:

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

31
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:
33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of
35 registration without examination to any person who makes application on forms
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the
6 qualifications for registration are not lower than the qualifications for
7 registration in this state at the time he or she applies for registration.
8

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

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

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.
17

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

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

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~
26 information ~~as~~ the board may require, together with five (5) references,
27 three (3) of which shall be professional soil classifiers having personal
28 knowledge of his or her soil classifying experience or, in the case of an
29 application for certification as a soil classifier-in-training, three (3)
30 character references.
31

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

33 17-47-311. Disciplinary actions – Grounds.

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

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;
- 3 (2) Gross negligence, incompetence, or misconduct in the
- 4 practice of soil classifying;
- 5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
- 6 ~~turpitude~~; or
- 7 (4) A violation of the code of ethics adopted and promulgated by
- 8 the board.

9

10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the

11 qualifications for certification as a surveyor, is amended to read as

12 follows:

13 (a) A person who shows to the satisfaction of the State Board of

14 Licensure for Professional Engineers and Professional Surveyors that he or

15 she is a person ~~of good character and reputation and~~ over twenty-one (21)

16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if

17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the

19 practice of land surveying issued to him or her on the basis of a written

20 examination by proper authority of a state, territory, possession of the

21 United States, the District of Columbia, or any foreign country, based on

22 requirements and qualifications as shown on his or her application that in

23 the opinion of the board are equal to or higher than the requirements of this

24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with

26 sufficient surveying courses or a surveying technology curriculum of two (2)

27 years or more approved by the board, followed by at least two (2) years of

28 land surveying that must be surveying experience of a character satisfactory

29 to the board, who has passed a written examination designed to show that he

30 or she is qualified to practice land surveying in this state, may be licensed

31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved

33 engineering or surveying curriculum may be considered as equivalent to one

34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)

36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a
2 written examination designed to show that he or she is qualified to practice
3 land surveying may be granted a certificate of licensure to practice land
4 surveying in this state if he or she is otherwise qualified.

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

9

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

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

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

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

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

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

1 two (2) years.

2

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

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

7

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

11 ~~(2) Is of good moral character;~~

12

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

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

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

20

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

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

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

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

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

35

36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

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

7

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

10 ~~(6) Be of good moral character;~~

11

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

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

20

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

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental
30 Association-accredited college of dentistry with the degree of Doctor of
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

- 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.

10

11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing

12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ (1) Have graduated from a dental hygiene program which is

16 accredited by the American Dental Association Commission on Dental

17 Accreditation and approved by the board for the training of dental

18 hygienists; and

19 ~~(3)(2)~~ (2) Submit upon request ~~such~~ proof as required by the board

20 may require touching upon ~~character and~~ fitness.

21

22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the

23 credentials for dentists and dental hygienists licensed in other states, is

24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,

26 setting forth the applicant's ~~moral reputation and character~~, history with

27 the board, professional ability, and such other information or data as the

28 board may deem necessary or expedient.

29

30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation

31 or suspension of a license for a dentist, dental hygienist, or dental

32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual

34 drunkenness for a period of three (3) months; insanity; adjudication of

35 insanity or mental incompetency if deemed detrimental to patients; conviction

36 of ~~an infamous crime or~~ a felony listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional
2 incompetency; failure to maintain proper standards of sanitation or failure
3 otherwise to maintain adequate safeguards for the health and safety of
4 patients; or employment in the practice of the profession of any drug,
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
6 used by the dental profession;

7
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice
11 dentistry or another healthcare profession issued by the Arkansas State Board
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or
13 has been found guilty of ~~either an infamous crime that would impact his or~~
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
16 ~~pardoned~~ listed under § 17-2-102.

17
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
21 license or may revoke or suspend a license issued under this chapter for any
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;
24 (2) Engaging in unprofessional conduct or gross incompetence as
25 defined by the rules of the board or violating the standards of professional
26 responsibility adopted and published by the board; or
27 (3) ~~Conviction in this or any other state of any crime that is a~~
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or
29 (4) ~~Conviction of a felony in a federal court.~~

30
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship for hearing instrument
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:
35 (A) Is twenty (20) years of age or older; and
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; and

3 ~~(C) Is of good moral character.~~

4
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~
9 ~~record of a conviction, certified by the judge or the clerk of the court~~
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
12

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

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

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

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

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

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

32 ~~(B) The conviction is for a felony of any classification~~
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~
35 ~~probation or the completion of the applicant's sentence or probation of the~~
36 ~~offense is at least five (5) years from the date of the application; and~~

1 ~~(ii) The applicant has no criminal convictions~~
2 ~~during the five-year period.~~

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

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

9 ~~(1) The nature and severity of the crime;~~

10 ~~(2) The consequences of the crime;~~

11 ~~(3) The number and frequency of crimes;~~

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

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

15 ~~(B) The harm suffered by the victim; and~~

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

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

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

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

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

28
29 SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications
30 for licensure as a massage therapist, is amended to read as follows:

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

33
34 SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary
35 actions and penalties for massage therapists, is amended to read as follows:

36 (a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the
2 following grounds:

- 3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A
5 felony listed under § 17-2-102;
6 (2) Malpractice or gross incompetency;
7 (3) The use in advertisements of untruthful or improbable
8 statements or flamboyant, exaggerated, or extravagant claims concerning the
9 licensee's professional excellence or abilities;
10 (4) Habitual drunkenness or habitual use of any illegal drugs;
11 (5) Serving alcoholic beverages at the clinic or school in a
12 room where massage therapy is being performed or in a massage therapy school;
13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
14 conduct;
15 (7) Failure to comply with the Department of Health's Massage
16 Therapy Code of Ethics or any valid regulation or order of the committee;
17 (8) Invasion of the field of practice of any profession for
18 which a license is required, the diagnosis of ailments, diseases, or injuries
19 of human beings, the performance of osseous adjustments, prescription of
20 medications, or other breaches of the scope of practice of massage therapy;
21 (9) Failure of any licensee to comply with this chapter; or
22 (10) Failure to have licensed personnel to perform massage
23 therapy techniques in his or her clinic or school.

24

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

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

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~(1) Has completed an approved high school course of study or
34 the equivalent thereof as determined by the appropriate educational agency;
35 and

36 ~~(3)~~(2) Has completed the required approved professional nursing

1 education program.

2

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

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

9 ~~(1) Is of good moral character;~~

10 ~~(2)(1)~~ Has completed an approved high school course of study or
11 the equivalent thereof as determined by the appropriate educational agency;
12 and

13 ~~(3)(2)~~ Has completed a prescribed curriculum in a state-approved
14 program for the preparation of practical nurses and holds a diploma or
15 certificate therefrom. However, the board may waive this requirement if the
16 board determines the applicant to be otherwise qualified.

17

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

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

24 ~~(1) Is of good moral character;~~

25 ~~(2)(1)~~ Has completed an approved high school course of study or
26 the equivalent thereof as determined by the appropriate educational agency;
27 and

28 ~~(3)(2)~~ Has completed a prescribed curriculum in a state-approved
29 program for the preparation of psychiatric technician nurses and holds a
30 diploma or certificate therefrom. However, the board may waive this
31 requirement if the board determines the applicant to be otherwise qualified.

32

33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~
3 ~~section.~~

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

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

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

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

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

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

17 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
18 ~~11-103;~~

19 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
20 ~~106;~~

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

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

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

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

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

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

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

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

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

33 (17) ~~Sexual extortion, § 5-14-113;~~

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

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

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
2 ~~26-303—5-26-306;~~

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

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

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

9 ~~(24) Engaging children in sexually explicit conduct for use in~~
10 ~~visual or print media, transportation of minors for prohibited sexual~~
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
15 ~~5-27-403;~~

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

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

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

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

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

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

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
26 ~~5-64-442;~~

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

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

30 ~~(35) Criminal attempt, criminal complicity, criminal~~
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 ~~(f)(1)(A)~~ The board may issue a nonrenewable temporary permit for
34 licensure to a first-time applicant pending the results of the criminal
35 background check.

36 ~~(B)(2)~~ The permit shall be valid for no more than six (6)

1 months.

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

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

10 ~~(A) An affected applicant for licensure; or~~

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

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

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

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

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

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

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

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

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

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

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

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

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

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

- 11 ~~(A)~~ Capital murder as prohibited in § 5-10-101;
12 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
13 and murder in the second degree as prohibited in § 5-10-103;
14 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
15 ~~(D)~~ Aggravated assault upon a law enforcement officer or
16 an employee of a correctional facility, § 5-13-211, if a Class Y felony;
17 ~~(E)~~ Rape as prohibited in § 5-14-103;
18 ~~(F)~~ Sexual extortion, § 5-14-113;
19 ~~(G)~~ Sexual assault in the first degree as prohibited in §
20 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
21 ~~(H)~~ Incest as prohibited in § 5-26-202;
22 ~~(I)~~ Endangering the welfare of an incompetent person in
23 the first degree as prohibited in § 5-27-201;
24 ~~(J)~~ Endangering the welfare of a minor in the first degree
25 as prohibited in § 5-27-205;
26 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
27 § 5-28-103; and
28 ~~(L)~~ Arson as prohibited in § 5-38-301.

29
30 SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
31 actions for nurses, is amended to read as follows:

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

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

36 (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3

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

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

8

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

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

18

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

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

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

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

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

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

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
3 diseases of the eye.

4
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

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

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

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

19 (3) Is a graduate of an approved school of opticianry which has
20 been accredited by a national accreditation organization and is recognized by
21 the board.

22
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~(2) Has provided ophthalmic dispensing services to the public
32 as a dispensing optician in the state of licensure or registration for a
33 period of at least five (5) years for licensure or three (3) years for
34 registration immediately before his or her application for reciprocity to
35 this state; and

36 ~~(4)~~(3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or
2 registry issued by this state.

3
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic
5 dispensers from nonlicensing states seeking licensure as a dispensing
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

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

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~(2) Have been engaged in ophthalmic dispensing as described
11 in § 17-89-102(4) for a period of:

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

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

18 ~~(4)~~(3) Successfully complete the written and practical
19 examination for licensure or registry prepared and conducted by the board;
20 and

21 ~~(5)~~(4) Have paid the fee prescribed in § 17-89-304(f) to the
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of
25 denial, suspension, or revocation of a licensure or registration of an
26 ophthalmic dispensers, is amended to read as follows:

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

32
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory
36 evidence that he or she is:

- 1 (1) ~~Over~~ At least twenty-one (21) years of age;
- 2 (2) A successful candidate having passed all parts of the
- 3 National Board of Examiners in Optometry examination since January 1, 1997;
- 4 and
- 5 ~~(3) Of good moral character; and~~
- 6 ~~(4)~~(3) A graduate of a college of optometry that has been
- 7 accredited by the Accreditation Council on Optometric Education of the
- 8 American Optometric Association.

9

10 SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by

11 endorsement for optometrists, is amended to read as follows:

- 12 (3) A certificate of good standing from each authority which
- 13 issued the license, setting forth the applicant's ~~moral reputation and~~
- 14 ~~character~~, history with the authority, professional ability, continuing
- 15 education compliance, and other information or data as the State Board of
- 16 Optometry may deem necessary or expedient;

17

18 SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds

19 for denial, revocation, or suspension of an optometrist license, is amended

20 to read as follows:

- 21 (3) Conviction of a felony listed under § 17-2-102 or the
- 22 conviction of a misdemeanor, if the misdemeanor conduct would denote an
- 23 impairment in the ability to practice optometry;

24

25 SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing

26 requirements for an osteopathic physician, is amended to read as follows:

27 (a) The Arkansas State Medical Board shall accept for licensure by

28 examination any person who:

- 29 (1) Is at least twenty-one (21) years of age;
- 30 (2) Is a citizen of the United States;
- 31 ~~(3) Is of good moral character;~~
- 32 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
- 33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
- 34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;
- 35 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
- 36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and
2 ~~(6)~~(5) Has completed a one-year internship in a hospital
3 approved by the American Medical Association or the American Osteopathic
4 Association.

5

6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

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

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional
13 undergraduate degree from a pharmacy degree program which has been approved
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,
16 completed a transcript verification program, taken and passed a college of
17 pharmacy equivalency exam program, and completed a process of communication
18 ability testing as defined under board regulations so that it is assured that
19 the applicant meets standards necessary to protect public health and safety.

20

21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
22 revocation, suspension, or nonrenewal of licensure or registration, is amended
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo
25 contendere in a criminal proceeding, regardless of whether or not the
26 adjudication of guilt or sentence is withheld by a court of this state,
27 another state, or the United States Government for:

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

29 (B) Any act involving ~~moral turpitude~~, gross immorality,
30 or which is related to the qualifications, functions, and duties of a
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of
33 this state, or of the pharmacy or drug statutes, rules, and regulations of
34 any other state or of the United States Government;

35

36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a
2 pharmacy technician registration, is amended to read as follows:

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

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

12 (2) Any act involving ~~moral turpitude~~, gross immorality,
13 dishonesty, or which is related to the qualifications, functions, and duties
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or
16 regulations, including, but not limited to, this chapter, the Uniform
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
18 Cosmetic Act, § 20-56-201 et seq.

19

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

23 (b) Each physical therapist applicant shall:

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

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31

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

35 (b) Each physical therapist assistant applicant shall:

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

- 1 ~~(2) Be of good moral character;~~
 2 ~~(3)~~(2) Have graduated from a school of physical therapy
 3 accredited by a national accreditation agency approved by the Arkansas State
 4 Board of Physical Therapy;
 5 ~~(4)~~(3) Have passed examinations selected and approved by the
 6 Arkansas State Board of Physical Therapy; and
 7 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of
 8 Physical Therapy.

9
 10 SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the
 11 revocation, suspension, or denial of licensure for physical therapists, is
 12 repealed.

13 ~~(4) Has been convicted of a crime involving moral turpitude;~~
 14

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

18 (1) Been convicted of a felony ~~or misdemeanor involving moral~~
 19 ~~turpitude, the record of conviction being conclusive evidence of conviction~~
 20 ~~if the board determines after investigation that the person has not been~~
 21 ~~sufficiently rehabilitated to warrant the public trust listed under § 17-2-~~
 22 102;
 23

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

26 (2) The hospital shall also report any other formal disciplinary
 27 action concerning any such physician taken by the hospital upon
 28 recommendation of the medical staff relating to professional ethics, medical
 29 incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.
 30

31 SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
 32 17-95-307. License eligibility.

33 ~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to
 34 practice medicine or another healthcare profession issued by the Arkansas
 35 State Medical Board if the person has pleaded guilty or nolo contendere to or
 36 has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~
3 ~~expunged, or pardoned.~~

4
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

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

9
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

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

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

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

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

25
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning
27 qualifications of an applicant for licensure as a graduate registered
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

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

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

- 1 (2) Fraudulently or deceptively uses a license;
- 2 (3) Violates any provision of this subchapter or any rules
- 3 adopted by the board pertaining to this chapter;
- 4 (4) Is convicted of a felony listed under § 17-2-102;
- 5 (5) Is a habitual user of intoxicants or drugs to the extent
- 6 that he or she is unable to safely perform as a graduate registered
- 7 physician; or
- 8 (6) Has been adjudicated as mentally incompetent or has a mental
- 9 condition that renders him or her unable to safely perform as a graduate
- 10 registered physician; ~~or~~
- 11 ~~(7) Has committed an act of moral turpitude.~~
- 12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications

14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any

16 examination for such registration unless that person shall furnish the

17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and
- 19 ~~(2) Is of good moral character; and~~
- 20 ~~(3)~~(2) Has received a license or certificate of graduation from
- 21 a legally incorporated, regularly established school of podiatric medicine
- 22 recognized by the Council on Podiatric Medical Education of the American
- 23 Podiatric Medical Association within the states, territories, districts, and
- 24 provinces of the United States or within any foreign country.
- 25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the

27 definition of "unprofessional and dishonest conduct" regarding podiatric

28 medicine licensure, is repealed.

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

30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the

32 membership of the Arkansas Psychology Board, is amended to read as follows:

- 33 (B) The Governor shall remove any member from the board if
- 34 he or she:
- 35 (i) Ceases to be qualified;
- 36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

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

3 (iv) Pleads guilty or nolo contendere to or is found
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
8 board duties by a court of competent jurisdiction.

9
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning
11 qualifications of an applicant for licensure as a psychologist, is amended to
12 read as follows:

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

15 ~~(A) Is of good moral character;~~

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

21 ~~(C)(B)~~ Has had at least two (2) years of experience in
22 psychology of a type considered by the board to be qualifying in nature with
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)(C)~~ Is competent in psychology, as shown by passing
25 examinations, written or oral, or both, as the board deems necessary;

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

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

31 ~~(G)(F)~~ Has not failed an examination given by the board
32 within the preceding six (6) months.

33
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning
35 qualifications of an applicant for licensure as a psychological examiner, is
36 amended to read as follows:

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

3 ~~(A) Is of good moral character;~~

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

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

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

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

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

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

21 ~~(C) Has good moral character;~~

22
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the
24 qualifications for a provisional license for psychologists and psychological
25 examiners, is amended to read as follows:

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

28
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual
30 registration for licensure as a psychologist, is amended to read as follows:

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

34
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

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

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

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

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

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

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

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

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

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
26 ~~106;~~

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

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

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

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

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

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

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

- 1 ~~(15) Rape as prohibited in § 5-14-103;~~
2 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
3 ~~(17) Sexual extortion, § 5-14-113;~~
4 ~~(18) Sexual assault in the first degree, second degree, third~~
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
6 ~~(19) Incest as prohibited in § 5-26-202;~~
7 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
8 ~~5-26-306;~~
9 ~~(21) Endangering the welfare of an incompetent person in the~~
10 ~~first degree as prohibited in § 5-27-201;~~
11 ~~(22) Endangering the welfare of a minor in the first degree as~~
12 ~~prohibited in § 5-27-205;~~
13 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
14 ~~(24) Engaging children in sexually explicit conduct for use in~~
15 ~~visual or print media, transportation of minors for prohibited sexual~~
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
20 ~~5-27-403;~~
21 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
22 ~~(26) Computer exploitation of a child in the first degree as~~
23 ~~prohibited in § 5-27-605;~~
24 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
25 ~~(28) Theft of property as prohibited in § 5-36-103;~~
26 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
27 ~~(30) Arson as prohibited in § 5-38-301;~~
28 ~~(31) Burglary as prohibited in § 5-39-201;~~
29 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
31 ~~5-64-442;~~
32 ~~(33) Promotion of prostitution in the first degree as prohibited~~
33 ~~in § 5-70-104;~~
34 ~~(34) Stalking as prohibited in § 5-71-229; and~~
35 ~~(35) Criminal attempt, criminal complicity, criminal~~
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

1 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

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

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

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

13 ~~(A) An affected applicant for licensure; or~~

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

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

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

18 ~~(B) The circumstances surrounding the crime;~~

19 ~~(C) The length of time since the crime;~~

20 ~~(D) Subsequent work history;~~

21 ~~(E) Employment references;~~

22 ~~(F) Character references; and~~

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

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

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

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

36 ~~(k)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this
2 background check.

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

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a
6 conviction or plea of guilty of or nolo contendere to an offense listed in
7 subsection (f) of this section shall not be considered a conviction, guilty
8 plea, or nolo contendere plea to the offense unless the offense is also
9 listed in subdivision (m)(2) of this section.

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

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

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

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

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

19 ~~(E)~~ Rape as prohibited in § 5-14-103;

20 ~~(F)~~ Sexual extortion, § 5-14-113;

21 ~~(G)~~ Sexual assault in the first degree as prohibited in §
22 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

23 ~~(H)~~ Incest as prohibited in § 5-26-202;

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

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

29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
30 § 5-28-103; and

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

32
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to
34 examination for licensure as a disease intervention specialist, is amended to
35 read as follows:

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

1 examination any person who makes application to the Secretary of the State
2 Board of Disease Intervention Specialists on forms prescribed and furnished
3 by the board, pays an application fee set by the board to defray the expense
4 of examination, and submits satisfactory proof to the board that he or she:

5 ~~(1) Is a person of good moral character;~~

6 ~~(2)~~(1) Meets the minimum educational requirements;

7 ~~(3)~~(2) Meets the minimum specialized training requirements, as
8 determined by the board;

9 ~~(4)~~(3) Has had two (2) years of field experience in human
10 immunodeficiency virus/sexually transmitted disease intervention; and

11 ~~(5)~~(4) Is actively engaged in the field of human
12 immunodeficiency virus/sexually transmitted disease intervention at the time
13 he or she makes application.
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a
18 certificate of registration without examination to any person who makes
19 application on forms prescribed and furnished by the board, pays a
20 registration fee set by the board, and submits satisfactory proof that he or
21 she:

22 ~~(1) Is of good moral character;~~

23 ~~(2)~~(1) Has had at least two (2) years' experience in the field
24 of human immunodeficiency virus/sexually transmitted disease intervention;
25 and

26 ~~(3)~~(2) Is registered as a disease intervention specialist in a
27 state in which the qualifications for registration are not lower than the
28 qualifications for registration in this state at the time he or she applies
29 for registration.
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose
35 certificate has expired or has been suspended or revoked may make application
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has
2 complied with the continuing education requirements.

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

5

6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
11 incompetency, or misconduct relative to his or her duties as a disease
12 intervention specialist.

13

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

17 (b) Each applicant ~~must~~ shall:

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

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~(2) Have been awarded a high school diploma or its
21 equivalent;

22 ~~(4)~~(3) Have satisfactorily completed training in a respiratory
23 care program which has been approved by the Arkansas State Respiratory Care
24 Examining Committee, to include adequate instruction in basic medical
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~(4) Have passed an examination approved by the Arkansas State
27 Medical Board and the committee, unless exempted by other provisions of this
28 chapter.

29

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

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

34

35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

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

4 ~~(1) Be of good moral character;~~

5 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
6 language pathology or a master's degree in audiology obtained on or before
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
8 an educational institution recognized by the board;

9 ~~(3)(2)~~ Submit evidence of the completion of the educational,
10 clinical experience, and employment requirements, which shall be based on
11 appropriate national standards and prescribed by the rules adopted under this
12 chapter; and

13 ~~(4)(3)~~ Pass an examination approved by the board before the
14 board approves a license.

15

16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications
17 of an applicant for provisional licensure as a speech-language pathologist or
18 audiologist, is amended to read as follows:

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

21 ~~(1) Be of good moral character;~~

22 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
23 language pathology or audiology, as the case may be, from an educational
24 institution recognized by the board;

25 ~~(3)(2)~~ Be in the process of completing the postgraduate
26 professional experience requirement; and

27 ~~(4)(3)~~ Pass an examination approved by the board.

28

29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds
30 for denial, suspension, or revocation of a license, or other disciplinary
31 action for speech-language pathologists and audiologists, is amended to read
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 ~~in~~
34 ~~any court of the United States if the acts for which the licensee or~~
35 ~~applicant is convicted are found by the board to have a direct bearing on~~
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

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

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

9 (i) The time for appeal has elapsed;

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

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

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

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

23
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning
25 qualifications of an applicant for provisional licensure as an acupuncturist,
26 is amended to read as follows:

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

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

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

35 ~~(C)(B)~~ Has completed a program in acupuncture and related
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in
2 the program shall be for a period of no fewer than four (4) academic years
3 and shall include a minimum of eight hundred (800) hours of supervised
4 clinical practice.

5
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
7 qualifications of an applicant for provisional licensure as an acupuncturist,
8 is amended to read as follows:

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

11
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
13 renewal, revocation, or suspension of a social worker license, is amended to
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a
16 person who has been found guilty of a felony, ~~any crime involving moral~~
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
19 unless the person requests and the board grants a waiver under § 17-103-
20 307(f).

21
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
23 qualifications of an applicant for licensure as a licensed social worker, is
24 repealed.

25 ~~(D) Has good moral character;~~

26
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
28 qualifications for a Licensed Social Worker license, is amended to read as
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
33 breach of client trust, or abuse of the vulnerable;

34
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been
3 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
4 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
5 breach of client trust, or abuse of the vulnerable;

6

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

10 (H) Has not pleaded guilty or nolo contendere to or been found
11 guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-
12 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach
13 of client trust, or abuse of the vulnerable;

14

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

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

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

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

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

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

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

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

- 1 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
2 ~~11-103;~~
- 3 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
4 ~~106;~~
- 5 ~~(8) Robbery as prohibited in § 5-12-102;~~
6 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
7 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
8 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
9 ~~(12) Introduction of a controlled substance into the body of~~
10 ~~another person as prohibited in § 5-13-210;~~
- 11 ~~(13) Aggravated assault upon a law enforcement officer or an~~
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 13 ~~(14) Terroristic threatening in the first degree as prohibited~~
14 ~~in § 5-13-301;~~
- 15 ~~(15) Rape as prohibited in § 5-14-103;~~
16 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
17 ~~(17) Sexual extortion, § 5-14-113;~~
18 ~~(18) Sexual assault in the first degree, second degree, third~~
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- 20 ~~(19) Incest as prohibited in § 5-26-202;~~
21 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
22 ~~5-26-306;~~
- 23 ~~(21) Endangering the welfare of an incompetent person in the~~
24 ~~first degree as prohibited in § 5-27-201;~~
- 25 ~~(22) Endangering the welfare of a minor in the first degree as~~
26 ~~prohibited in § 5-27-205;~~
- 27 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
28 ~~(24) Engaging children in sexually explicit conduct for use in~~
29 ~~visual or print media, transportation of minors for prohibited sexual~~
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
34 ~~5-27-403;~~
- 35 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
36 ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

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

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

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

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

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

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
 8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
 9 ~~5-64-442;~~

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

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

13 ~~(35) Criminal attempt, criminal complicity, criminal~~
 14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
 15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (c) of this section may be waived~~
 17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

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

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

22 ~~(A) The applicant's age at the time the crime was~~
 23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~
 30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
 32 Bureau of the Department of Arkansas State Police under this section shall
 33 not be available for examination except by the affected applicant for
 34 licensure or his or her authorized representative or the person whose license
 35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

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

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

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

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

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

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

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

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

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

26 ~~(E) Rape as prohibited in § 5-14-103;~~

27 ~~(F) Sexual extortion, § 5-14-113;~~

28 ~~(G) Sexual assault in the first degree as prohibited in §~~
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~

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

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

35 ~~(J) Engaging children in sexually explicit conduct for use~~
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
7 ~~§ 5-28-103; and~~

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

9
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations
11 of the Perfusionist Licensure Act, is amended to read as follows:

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

16
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning
18 qualifications of an applicant for licensure as a physician assistant, is
19 repealed.

20 ~~(6) Is of good moral character;~~

21
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
23 17-105-113. Violation.

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

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

28 (2) Fraudulently or deceptively uses a license;

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

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

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

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

1 ~~(7) Has committed an act of moral turpitude; or~~
2 ~~(8)~~(7) Represents himself or herself as a physician.

3
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the
5 licensing requirements for healthcare professionals who use radioactive
6 materials or medical equipment emitting or detecting ionizing radiation on
7 human beings for diagnostic or therapeutic purposes, is amended to read as
8 follows:

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

11 (A) Is qualified to administer radioactive materials or
12 operate medical equipment emitting or detecting ionizing radiation upon human
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has
18 passed the General Educational Development Test or the equivalent.

19
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline
21 for healthcare professionals who use radioactive materials or medical
22 equipment emitting or detecting ionizing radiation on human beings for
23 diagnostic or therapeutic purposes, is amended to read as follows:

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

29
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary
31 action for orthotists, prosthetists, and pedorthists, is amended to read as
32 follows:

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

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/s/J. Cooper

APPROVED: 4/15/19

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/4/19 S4/5/19

A Bill

HOUSE BILL 1255

5 By: Representative Dotson
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
10 SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
11 THE LAW CONCERNING LICENSING, REGISTRATION, AND
12 CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
13 SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
14 FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
15 CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 TO AMEND THE LAW CONCERNING LICENSING,
19 REGISTRATION, AND CERTIFICATION FOR
20 CERTAIN PROFESSIONS; AND TO ESTABLISH A
21 SYSTEM OF ENDORSEMENT, RECOGNITION, AND
22 RECIPROCITY FOR LICENSING.
23
24
25

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

28 SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:
29 17-1-107. Reinstatement of licenses – Definition.

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

35 ~~(2) It is the intent of the General Assembly to ensure that a~~
36 ~~person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

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

6 (1) Demonstrates that he or she:

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

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

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

15 (i) An act of bad faith; or

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

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

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

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

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

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

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

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

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

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 *registration, permit, or certification* if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, *registration, permit, or certification*, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor~~, that has the duty to license,
17 *register, permit, certify, or otherwise approve* a person to work in a
18 particular field or industry.

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

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

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

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

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

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

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

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

14 (1) Demonstrates that he or she:

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

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

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

22 (i) An act of bad faith; or

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

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

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

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

29 ~~(e)(1)(A)(d)(1)(A)~~ An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)(c)~~ of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)(1)(A)(d)(1)(A)~~
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)~~(c) of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

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

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

16 ~~(d)~~(1)(e)(1) Except as provided under subdivision ~~(d)~~(1)(e)(2) of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)~~(c) of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)~~(f) If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)~~(g) The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)~~(h) This section shall not apply to:

