

ARKANSAS STATE BOARD OF HEALTH
RULES PERTAINING TO RADIOLOGIC
TECHNOLOGY LICENSURE



PROMULGATED UNDER THE AUTHORITY OF
ARKANSAS CODE ANN. §17-106-101-111

Effective ~~December 3, 2020~~ January 1, 2022

Arkansas Department of Health
José R. Romero, MD, FAAP, FIDSA, FPIDS, FAAAS
Secretary and State Health Officer

RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE

Table of Contents

<u>SECTION I.</u>	AUTHORITY	3
<u>SECTION II.</u>	PURPOSE	3
<u>SECTION III.</u>	DEFINITIONS	4
<u>SECTION IV.</u>	GENERAL REQUIREMENTS AND RESTRICTIONS	9
<u>SECTION V.</u>	EXEMPTIONS	10
<u>SECTION VI.</u>	LICENSES REQUIRED.....	11
<u>SECTION VII.</u>	AUTOMATIC LICENSURE UNDER ACT 820 of 2019	
	ACT 135 of 2021	13
<u>SECTION VIII.</u>	RECIPROCITY UNDER ACT 426 OF 2019	15
<u>SECTION IX.</u>	PROVISIONAL LICENSE UNDER ACT 1011 OF 2019	16
<u>SECTION X.</u>	LICENSE FOR A PERSON FROM A STATE THAT DOESN'T LICENSE PROFESSION UNDER ACT 1011 OF 2019.....	16
<u>SECTION XI.</u>	RECIPROCITY AND STATE—SPECIFIC EDUCATION UNDER ACT 1011 OF 2019.....	16
<u>SECTION XII.</u>	PRE-LICENSING PROHIBING OFFENSE DETERMINATION	17
<u>SECTION XIII.</u>	WORK PERMIT UNDER ACT 746 OF 2021	17
<u>SECTION XIV.</u>	QUALIFICATIONS FOR EXAMINATIONS	18
<u>SECTION XV.</u>	FEES.....	18
<u>SECTION XVI.</u>	FEE WAIVER UNDER ACT 725 OF 2021	19
<u>SECTION XVII.</u>	DISPLAY OF LICENSE	19
<u>SECTION XVIII.</u>	RENEWAL DATE	20
<u>SECTION XIX.</u>	EDUCATIONAL PROGRAM STANDARDS	20
<u>SECTION XX.</u>	CONTINUING EDUCATION STANDARDS	20
<u>SECTION XXI.</u>	'EARN AND LEARN' UNDER ACT 811 OF 2021	22
<u>SECTION XXII.</u>	ADMINISTRATION	23
<u>SECTION XXIII.</u>	CODE OF ETHICS.....	25
<u>SECTION XXIV.</u>	SEVERABILITY.....	25
<u>SECTION XXV.</u>	REPEAL.....	25

SECTION I. AUTHORITY

These Rules pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 1071 of 1999, as amended, (Ark. Code Ann. 17-106-101-111) and Act 96 of 1913 (Ark. Code Ann. 20-7-101 et seq).

SECTION II. PURPOSE

These Rules are adopted for the purpose of regulating and licensing persons administering ionizing radiation to human beings to help keep the radiation dose to patients as low as reasonably achievable.

DRAFT

SECTION III. DEFINITIONS

- A. 'Act' means Act 1071 of 1999, as amended (Ark. Code Ann. § 17-106-111);
- B. 'ACRRT' means the American Chiropractic Registry of Radiologic Technologists;
- C. 'Administering Ionizing Radiation' means the application of a prescribed dose of ionizing radiation to the human body for the purposes of diagnosis or treatment. Several factors determine the dose received by the patient and these include but are not limited to the positioning of the patient in a radiation field, the exposure to or introduction of ionizing radiation, and the final image production. Each of these factors are prime determinates in the total dose received by the patient;
- D. 'Advanced practice nursing' means the delivery of health care services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as advanced nurse practitioners, certified nurse anesthetists, certified nurse midwives, and clinical nurse specialists.
- E. 'Apprenticeship' means a program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship
- F. 'ARRT' means the American Registry of Radiologic Technologists;
- G. 'ASCP' means the American Society of Clinical Pathologists;
- H. 'Automatic licensure' means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- I. 'Board' means the Arkansas State Board of Health;
- J. 'Category' means a specific area of radiologic sciences, for which there is an identified license and licensing requirements;
- K. 'CCI', means Cardiovascular Credentialing International;
- L. 'Committee' means the Medical Ionizing Radiation Licensure Committee;
- M. 'Consumer' means a person who is a resident of the state of Arkansas and who is not a Licensed Practitioner or Radiologic Technologist or Licensed Technologist or Limited Licensed Technologist under the Act;
- N. 'Continuing Education Hour' means a period of instruction at least fifty to sixty minutes in length;
- O. 'Contrast Media' means material intentionally administered to the human body to better define a part or parts radiographically;
- P. 'Department' means the Arkansas Department of Health;

SECTION III. DEFINITIONS (cont.)

- Q. 'Direct Supervision of Students' means responsibility for, and control of, radiation safety, protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes, with the parameters that are outlined by educational accreditation agencies that are recognized by the Board;
- R. 'Fluoroscopy' means a radiological examination that uses a fluorescent screen or image intensifier on which the internal structure of the human body may be continuously viewed by transmission of x-rays through the body;
- S. 'Formal Education' means education obtained through an approved United States Department of Education Institution;
- T. 'Formal Examination' means an examination or evaluation specific to a profession which tests the knowledge base in all three domains of learning: cognitive, affective, and psychomotor;
- U. 'Ionizing Radiation' means gamma rays, x-rays, alpha and beta particles, high speed electrons, protons, neutrons, and other nuclear particles;
- V. 'JRCERT' means the Joint Review Committee for Education in Radiologic Technology;
- W. 'Lapsed Licensee' means a licensee who has let his/her Licensed Technologist License or Limited Licensed Technologist License, Radiologic Technologist License, Radiation Therapy Technologist License, or Nuclear Medicine Technologist License expire for more than five years;
- X. 'License' means a certificate issued by the Committee authorizing the licensee to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes in accordance with these rules;-
- Y. 'Licensed Practitioner' means a person licensed to practice medicine, dentistry, podiatric medicine, chiropractic, osteopathy, or optometry in this state;
- Z. 'Licensed Radiologic Technologist' means a person who holds a national registry with the ARRT, ACRRT, NMTCB, and/or ASCP, and who is licensed in the State of Arkansas;
- AA. 'Licensed Technologist' means a person other than a Licensed Practitioner, who is grandfathered under the Act and can perform specific radiologic procedures and exams identified by a specific license and who administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes while under the supervision of a Licensed Practitioner;
- BB. 'Limited License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner and are limited to specific parts of the human body, specific procedures, or both, specifically of the chest and skeletal structures excluding fluoroscopy and contrast studies;

SECTION III. DEFINITIONS (cont.)

- CC. 'Limited Licensed Technologist' means a person, other than a Licensed Practitioner, Radiologic Technologist, or Licensed Technologist, while under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for diagnostic purposes on human beings that are limited to specific body parts, and who has successfully passed a limited scope examination deemed appropriate by the Board;
- DD. 'Medical Dosimetrist' means a person who is certified or eligible for certification by the Medical Dosimetry Certification Board;
- EE. 'NMTCB' means Nuclear Medicine Technology Certification Board;
- FF. 'Nuclear Medicine Technologist' means a person, other than a Licensed Practitioner, who performs therapeutic, in vivo, imaging, procedures, prepares radiopharmaceuticals, and administers diagnostic doses of radiopharmaceuticals to human beings while under supervision of a Licensed Practitioner who is licensed as required to possess and use radioactive materials;
- GG. 'Occupational or professional license' means a license, certificate, registration, permit, or other form of authorization required by law or rule for an individual to engage in a particular occupation or profession
- HH. "Occupational or professional licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession.
- II. 'PET/CT License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner that is limited to radiologic procedures performed for PET/CT procedures;
- JJ. 'PET/CT Technologist' means a person other than a Licensed Practitioner, who has specific qualifications, education, certification, and responsibilities as recognized by the Committee;
- KK. 'Radiation Health/Medical Physicist' means a person who is certified or eligible for certification in radiologic physics by the American Board of Radiology, the American Board of Health/Medical Physics, or the American Board of Science in Nuclear Medicine;
- LL. 'Radiation Practitioner' means a Licensed Practitioner that has completed a residency in radiology, nuclear medicine, or radiation oncology, and is certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the American Board of Nuclear Medicine, or its equivalent;

SECTION III. DEFINITIONS (cont.)

- MM. 'Radiation Therapist' means a person, other than a Licensed Practitioner or Nuclear Medicine Technologist, who applies radiation to humans for therapeutic purposes under the supervision of a Licensed Practitioner;
- NN. 'Radiographer' means a person other than a Licensed Practitioner, who uses medical equipment emitting ionizing radiation for human diagnostic purposes under the supervision of a Licensed Practitioner and holds a national certification obtained through education and examination, licensed under the Act;
- OO. 'Radiography' means the practice of the theory and technical aspects of the use of x-rays which are used in the diagnosis and treatment of disease;
- PP. 'Radiologic Technologist' means a person other than a Licensed Practitioner, who is identified by category and who administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner, and holds a national certification obtained through education and examination, licensed under the Act;
- QQ. 'Radiologic Technology' is the science of using a radioactive substance or medical equipment emitting or detecting ionizing radiation of humans for diagnostic or therapeutic purposes;
- RR. 'Radiologic Technology Student' means an individual currently enrolled in and attending a school of radiologic technology, radiation therapy, or nuclear medicine with recognized educational accreditation who uses radioactive material on or applies ionizing radiation to a human being while under the supervision of a Licensed Practitioner or a Licensed Radiologic Technologist;
- SS. 'RCIS' means Registered Cardiovascular Invasive Specialist;
- TT. 'RCIS License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner that are limited to fluoroscopic radiologic procedures performed for cardiovascular interventional procedures;
- UU. 'RCIS Technologist' means a person other than a Licensed Practitioner, Radiologic Technologist, or Licensed Technologist, while under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for fluoroscopic cardiovascular interventional radiologic purposes on human beings that are limited to specific body parts and only for cardiovascular interventional procedures, who has successfully completed educational requirements and passed an examination deemed appropriate by the Committee;
- VV. 'Reciprocity' means the Board may accept an applicant's current certificate, registration, or license issued by another state, provided that it is substantially similar and meets the requirements of Section VIII of these Rules;

SECTION III. DEFINITIONS (cont.)

- WW. 'Retired' means a license holder who notifies the Department in writing that the individual will cease the practice of Radiologic Technology;
- XX. 'Scaled Score' means a score that is consistent from exam to exam despite differences in difficulty that may be present among the exams. A scaled score takes into account any differences in exam difficulty. A scaled score represents the same level of performance for all exams.
- YY. 'Skeletal Structures' means extremities, skull, sinuses, spine, ankle, and foot of the human body;
- ZZ. 'Suspended licensee' means a license holder who after sixty days of expiration date, failed to pay the renewal fee and/or provide documentation of six hours of continuing education credits;
- AAA. 'Temporary License' means a certificate issued by the Board, authorizing the applicant to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes, when licensure or relicensure is pending before the Board and when the issuance may be justified by special circumstances as determined by the Board.
- BBB. 'Uniformed service member' means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- CCC. 'Uniformed service veteran' means a former member of the United States uniformed services discharged under conditions other than dishonorable.

SECTION IV. GENERAL REQUIREMENTS AND RESTRICTIONS

- A. No person, other than a Licensed Practitioner, Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist shall use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes.
- B. A person holding a license under the Act or these rules shall use medical equipment emitting or detecting ionizing radiation on a human being only by prescription of a Licensed Practitioner or an advanced practice nurse.
- C. No person shall knowingly or negligently employ a person to apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the provisions of the Act or these rules within that specific category.
- D. A person shall not apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the Act or these rules.
- E. Eligibility for retired status requires that the individual sign an agreement not to engage to any extent whatsoever in actual patient contact in the provision of: radiologic technology, management of radiologic technology, education of persons involved or seeking to become involved in radiologic technology, in commercial sales, services, or applications with respect to any aspect of radiologic technology or items, services, or devices used in that technology.
- F. Based on identified specific educational requirements and/or examinations, the Board may recognize emerging modalities in radiological sciences and procedures.

SECTION V. EXEMPTIONS

- A. Licensed Practitioners, individuals licensed to practice medicine, dentistry, podiatric medicine, chiropractic, optometry or osteopathy in this state, dental hygienists, registered dental assistants with the expanded duty of radiography, radiation health physicists, radiation medical physicists, chiropractic externs, bone densitometrists and certified medical dosimetrists are exempt from the requirement of obtaining a license to apply ionizing radiation or administer radiopharmaceuticals.
- B. The requirement for a license shall not apply to a student enrolled in and attending a school of radiologic technology, radiation therapy, nuclear medicine technology chiropractic radiologic technology or cardiovascular intervention with recognized education accreditation, who uses radioactive material on or applies ionizing radiation to a human being for diagnostic or therapeutic purposes while under the supervision of a Licensed Practitioner or Licensed Radiologic Technologist.
- C. The requirement for a license shall not apply to a student enrolled in and attending a health care profession school that is recognized by the United States Department of Education or the Arkansas Department of Higher Education that has radiologic sciences taught in part of the educational process who uses equipment emitting or detecting ionizing radiation.
- D. Nothing in the provisions of the Act or these rules relating to Radiologic Technology shall limit, enlarge, or affect the practice of Licensed Practitioners herein defined.

SECTION VI. LICENSES REQUIRED

- A. A Radiologic Technologist License is required for any individual who holds a national registry with the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board, or the American Society of Clinical Pathologists and uses medical equipment emitting or detecting ionizing radiation or administers radiopharmaceuticals for human diagnostic or therapeutic purposes.
- B. A Licensed Technologist License is required for any individual who uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner and is licensed under the “Grandfather” provision in the Act.
- C. A Limited Licensed Technologist License is required for any individual who is under the supervision of a Licensed Practitioner and uses medical equipment emitting ionizing radiation for human diagnostic purposes for radiographic examination of the chest or skeletal areas. This license is obtained by successful completion of the examination by the American Chiropractic Registry of Radiologic Technologists or an examination approved by the Arkansas State Board of Health
- D. An RCIS license is required for any individual who is under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for fluoroscopic radiologic purposes on human beings that are limited to specific body parts and only for cardiovascular interventional procedures. This license is obtained by successful completion of an examination deemed appropriate by the Committee and approved by the Board.
- E. A Temporary License may be issued by the Board to any individual whose licensure or relicensure may be pending and when issuance may be justified by special circumstances. A temporary license shall be issued only if the Board finds that it will not violate the purpose of the Act or these rules or endanger the public health and safety. A temporary license shall not remain in force longer than one hundred and eighty days. No more than two temporary licenses shall be issued to any individual within a specific category. The Committee may extend the temporary license if the individual demonstrates to the committee a hardship or a continual progression in fulfilling the educational and certification requirements recognized by the Committee.

Only temporary license holders, who have graduated from accredited educational programs, recognized by the Board, and are awaiting examination and licensure may perform fluoroscopy or administer contrast media. Temporary license holders for limited scope, may only perform the radiologic procedures on human beings for which they are preparing to take the examination.

SECTION VI. LICENSES REQUIRED (cont.)

- F. Reactivation of retired license may be reinstated when the individual must pay the renewal fee and provide documentation of six hours of continuing education credits within the year prior to renewal.
- G. Renewal of a lapsed license for a licensee who has allowed their Licensed Technologist License or Limited Licensed Technologist License lapse for five years or less will be permitted on the basis of payment of the required renewal fee, an accrued late fee and completion of a minimum of six hours per year continuing education for each year license has lapsed.
- H. Renewal of a lapsed license for a licensee who has let their Licensed Technologist License or Limited Licensed Technologist License expire for more than five years will be based on payment of the required renewal fee, late fee and successful completion of the licensing examination approved by the State of Arkansas. Renewal of a lapsed license for an ARRT or its equivalent technologist who has let their Radiologic Technologist License, Radiation Therapy License or Nuclear Medicine Technology License expire for more than five years will be based on payment of the required renewal fee, late fee, and documentation from the ARRT, NMTCB, ACRRT or CCI of a current valid registry card.

SECTION VII. AUTOMATIC LICENSURE UNDER ACT 820 of 2019

ACT 135 of 2021

- ~~A. As used in this subsection, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~
- ~~B. 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.~~
- ~~C. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:~~
- ~~1. An active duty military service member stationed in the State of Arkansas;~~
 - ~~2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or~~
 - ~~3. The spouse of a person under C.1 or C.2.~~
- ~~D. The Board shall grant such automatic licensure upon receipt of all of the below:~~
- ~~1. Payment of the initial licensure fee;~~
 - ~~2. Evidence that the individual holds a substantially equivalent license in another state; and~~
 - ~~3. Evidence that the applicant is a qualified applicant under C.1.;C.2; or C.3.~~
- ~~E. For the purposes of this section, “substantially equivalent” means a license from another state that requires:~~
- ~~1. Graduation from an accredited Radiologic Technology School; and~~
 - ~~2. Pass the applicable exam as listed in Section XII.A of these Rules.~~

A. Applicability

(1) This Rule applies to a:

- (a) uniformed service member stationed in the State of Arkansas;**
- (b) uniformed service veteran who resides in or establishes residency in the State of Arkansas;**

SECTION VII. AUTOMATIC LICENSURE UNDER ACT 820 of 2019
ACT 135 of 2021 (con't)

A. Applicability

(1) This Rule applies to a:

(c) The spouse of (a) or (b) including a:

uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;

uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

B. Automatic Licensure

Automatic Licensure shall be granted to persons listed in Section VII.A. if:

The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;

The person pays the licensure fee in Section XV. FEES.

C. Credit toward initial licensure

Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

D. Expiration Dates and Continuing Education

(1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(2) A uniformed service member or spouse shall be exempt from continuing education requirements in Section XX. for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.

SECTION VIII. RECIPROCITY UNDER ACT 426 OF 2019

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

1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. A license from another state is substantially similar to an Arkansas Radiologic Technology license if the other state's licensure qualifications require:
 - (i). Graduation from an accredited Radiologic Technology School; and
 - (ii). Pass the applicable exam as listed in **Section XIV.A** of these Rules.
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - (i) An act of bad faith; or
 - (ii) A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
2. The applicant shall be sufficiently competent in the Radiologic Technology;

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

1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas', the applicant shall submit the following information:
 - a. Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and
 - b. Evidence that the other state's licensure requirements match those listed in A.1.a.. The Board may verify this information online or by telephone to the other's state's licensing board.
2. To demonstrate that the applicant meets the requirements in A.1.b. through A.1.d., the applicant shall provide the Board with:
 - a. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board.

SECTION VIII. RECIPROCITY UNDER ACT 426 OF 2019 (con't)

3. As evidence that the applicant is sufficiently competent in the field of Radiologic Technology, an applicant shall:
 - a. Pass the applicable exam as listed in Section XII.A of these Rules.

SECTION IX. PROVISIONAL LICENSE UNDER ACT 1011 OF 2019

- A. The Board shall issue a provisional license immediately upon receipt of the application, the required fee, and the documentation required under [Section VIII B.1.a. and b.](#)
- B. The provisional license shall be effective for six months unless the Board determines that the applicant does not meet the requirements in Radiologic Technology in which case the provisional license shall be immediately revoked.
- C. An applicant may provide the rest of the documentation required above in order to receive a regular license, or the applicant may only provide the information necessary for the issuance of a provisional license.

SECTION X. LICENSE FOR A PERSON FROM A STATE THAT DOESN'T LICENSE PROFESSION UNDER ACT 1011 OF 2019.

- A. Required Qualifications. An applicant from a state that does not license Radiologic Technologists shall meet the following requirements
 1. The applicant shall be sufficiently competent in the Radiologic Technology; and
 2. Current registration with the American Registry of Radiologic Technologists.
- B. Required documentation. An applicant shall submit a fully executed application, the required fee, and the documentation described below.
 1. As evidence that the applicant is sufficiently competent in the field Radiologic Technology, an applicant shall:
 - a. Pass the applicable exam as listed in [Section XIV.A](#) of these Rules.

SECTION XI. RECIPROCITY AND STATE—SPECIFIC EDUCATION UNDER ACT 1011 OF 2019.

- A. The Board shall require an applicant to take the Limited Scope Radiologic Technologist exam if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in [Section VIII.](#)

SECTION XI. RECIPROCITY AND STATE—SPECIFIC EDUCATION UNDER ACT 1011 OF 2019.

- B. Reciprocity in another state will be considered similar to reciprocity under Section VIII if the reciprocity provisions in the other state:
1. Provide the least restrictive path to licensure for Arkansas applicants;
 2. Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure.
 3. Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in Section VIII.

SECTION XII. PRE-LICENSURE PROHIBITNG OFFENSE DETERMINATION

- 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 *Medical Ionizing Radiation Licensure Committee (MIRLC)*.
- C. The *MIRLC* will respond with a decision in writing to a completed petition within a reasonable time.
- D. The *MIRLC* response will state the reason(s) for the decision.
- E. All decisions of the *MIRLC* in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the *MIRLC* in response to a pre-licensure criminal background check petition is not subject to appeal.
- G. The *MIRLC* will retain a copy of the petition and response and it will be reviewed during the formal application process.

SECTION XIII. WORK PERMIT UNDER ACT 746 of 2021

The Radiologic Technology Licensure Program shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this state and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

SECTION XIV. QUALIFICATIONS FOR EXAMINATIONS

- A. Accepted Examinations. The accepted examinations for licensure are the ARRT, NMTCB, ASCP, ACRRT or CCI examinations for the licensing examinations approved by the Board. The categories of examinations approved by the Board are: Radiography, Radiation Therapy, Nuclear Medicine Technology, Limited Chest, Limited Spine, Limited Extremities, Limited Skull and Sinus, Limited Ankle and Foot and RCIS.
- B. Process for Examination Qualifications. The applicant shall apply for any examination for licensure by providing the Department with the necessary information on the examination application form provided by the Department.
- C. Examination pass/fail. The minimum passing score shall be a scaled score of 70.
- D. Re-examination. Upon payment of examination fee and completion of the examination application process, there will be no limitation on the number of times the examination can be taken.

SECTION XV. FEES

- A. Examination Fee. The examination fee will be set by the vendor contracted with the department to administer the examinations that meet the requirements of the Arkansas State Board of Health. This fee is non-refundable.
- B. License Fee. The license fee shall be forty-five dollars for one category. The license fee for more than one category shall be sixty-five dollars. This fee is non-refundable.
- C. Temporary Fee. The temporary fee shall be forty-five dollars for each additional temporary license. The temporary license may be renewed once. The temporary license fee will be transferred to the license fee following successful completion of the examination, for a period of one hundred eighty days with the renewal date being one hundred eighty days from the date of the original temporary license that was issued. If a test is not available, the renewal date will be the date when the examination is available. This fee is non-refundable.
- D. Student Temporary Fee. The fee shall be forty-five dollars and may be renewed once. There will not be an additional fee for renewal if successful completion of the ARRT, NMTCB, ACRRT, CCI or other licensing examination approved by the Board has occurred. This will apply for a student in an approved United States Department of Education school. This fee will be transferred to the license fee for a period of one year. This fee is non-refundable.
- E. Late Fee. The late fee will be fifty percent of the license fee. The late fee will be accrued on the expiration date of the license. This fee is non-refundable.

SECTION XVI. FEE WAIVER UNDER ACT 725 OF 2021

- A. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
- (1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
 - a. Were approved for unemployment within the last twelve (12) months; or
 - b. Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- B. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
- (1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
 - (2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
 - (3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.
- C. Applicants shall attest that the documentation provided under B is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

SECTION XVII. DISPLAY OF LICENSE

Licensees shall display the official license document or a copy of the license, which has been notarized by a notary public in each place of employment, and the document shall be made available upon its request. The licensee shall display their license at the primary location of employment, or where the licensee is regularly scheduled to work. The licensee can have a notarized copy on file when working at a facility other than their primary place of work.

SECTION XIII. RENEWAL DATE

- A. A license shall be renewed annually. The renewal date shall be one year from the date of issuance.
- B. A temporary license may be renewed once at the end of the one hundred eighty-day period for the temporary license.

SECTION XIX. EDUCATIONAL PROGRAM STANDARDS

The standards the Board will accept for Educational Programs in Radiologic Technology are programs that are accredited by the United States Department of Education through the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Educational Programs in Nuclear Medicine Technology, Chiropractic Radiologic Technology and Cardiovascular Credentialing International, or equivalent.

SECTION XX. CONTINUING EDUCATION STANDARDS

A minimum of six hours of continuing education is required for license renewal for all license holders. A continuing education hour is defined as being equal to fifty to sixty minutes. Educational activities of thirty to forty-nine minutes in duration will be awarded one-half continuing education credit. Educational activities longer than one hour will only be awarded half and whole hour credits. Educational activities less than thirty minutes will receive no credit. The continuing education will be required on a prorated basis for temporary license holders. If a temporary license has been renewed, the holder will be required to meet the full six hours of education.

- A. The six hours of continuing education is to have been acquired within the year preceding the date of renewal.
- B. Three of the six hours must be in the Radiologic Sciences, in the core areas of all licenses such as radiation protection, equipment operation and maintenance, image production and evaluation, patient care and management and radiopharmaceuticals. The other three hours may be in other areas related to health care.
- C. Continuing education may be provided by the licensed practitioner or a hospital in-service education department. The sponsor of the continuing education must provide specific information on the continuing education forms provided by the Department. Request for approval must be made to the Committee at least thirty days prior to the educational activity.
- D. The information required is a request approval form, objectives, outline and lecture or presenter curriculum vita.
- E. The Committee will review the information and if approved, the Committee will assign a continuing education approval number.

SECTION XX. CONTINUING EDUCATION STANDARDS (cont.)

- F. The sponsor shall document attendance at continuing education and shall provide documentation in suitable format to the Department.
- G. The participant must keep a record of his/her continuing education and submit the information on the annual renewal form for license renewal. The Committee may perform random checks to evaluate attendance at the continuing education.
- H. The Committee shall accept the following as continuing education lecturers or presenters: Licensed Practitioner, Registered Radiologic Technologist, Medical/Health Physicist, Health Care Professional who has attended formal education and passed a formal examination specific for the health care area of interest, and company or service representatives in Radiologic Technology. The Committee will also consider other individuals who demonstrate expertise through the submitted curriculum vitae, education, or work experience relative to the education to be presented.
- I. The approved continuing education and assigned approval number will be effective for a period of three years or until substantial changes in content have occurred, whichever comes first. A new approval must be requested after a period of three years or if substantial changes have been made to the lecture content.
- J. The licensee can only use a continuing education approval number once during the renewal period.
- K. Continuing Education approved by other organizations such as the American Society of Radiologic Technologists, Society of Nuclear Medicine, American Medical Association, American Podiatric Medicine Association, or the American Chiropractic Association, may be accepted. The Committee reserves the right to deny continuing education approved by other organizations. The name and number for the continuing education assigned by other approval processes must be provided on the form. The Committee will accept confirmation forms provided by other approved processes.
- L. If the minimum amount of continuing education is not met, or the continuing education is not approved, the licensee will be placed on probation and has sixty days to complete the required continuing education to receive a renewal license. If the education is not completed the licensee will be considered a lapsed licensee.
- M. Licensees awarded the retired status are exempt from the continuing education requirements so long as they remain on retired status.

SECTION XXI. “EARN AND LEARN” UNDER ACT 811 of 2021

”

Pursuant to Act 811 of 2021, an applicant shall receive a Limited Licensed Technologist License if they meet the criteria set forth below .

- A. An applicant for licensure under this Rule shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program. This documentation may be in the form of a certificate, diploma, or similar official credential, or letter on official program letterhead .

- B An applicant for licensure under this Rule shall provide satisfactory documentation that the completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and that the program has been approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services .

- C. An applicant for licensure under this Rule shall meet all the other non-educational requirements for licensure under these Rules, including Sections VI., XIV, XV and XVI .

- D. If an applicant is denied a license for failing to meet the criteria in A. – C., the applicant shall be provided the reason for denial in writing

SECTION XXII. ADMINISTRATION

- A. The license of a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist may be suspended or revoked, or the individual may be censured, reprimanded or otherwise sanctioned by the Board in accordance with the provisions and procedures of this act if, after due process, it is found that the individual:
1. Is guilty of fraud or deceit in the procurement or holding of the license;
 2. Has been convicted of a felony listed under A.C.A. § 17-3-102;
 3. Is or has been afflicted with any medical problem, disability, or addiction, which, in the opinion of the Board, would impair professional competence;
 4. Has knowingly aided and abetted a person who is not a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist, or otherwise authorized by the Act or these rules, to perform the duties of a license holder;
 5. Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under the Act or these rules;
 6. Has impersonated a license holder or former license holder or is performing the duties of a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist under an assumed name;
 7. Has been found guilty of violations of the Code of Ethics as established by these rules;
 8. Has applied ionizing radiation without the prescription of a Licensed Practitioner;
 9. Has interpreted a diagnostic image for a fee;
 10. Is, or has been found guilty of incompetence or negligence in his performances as a license holder; or
 11. Failure to comply with any provision of the Act or these rules.

SECTION XXII. ADMINISTRATION (cont.)

- B. Proceedings against the holder of a license shall be instituted by filing a written charge or charges with the Committee. The charge or charges may be brought by a person, corporation, association, public officer, or the Board. The chairperson of the Committee shall appoint a subcommittee of three (3) Committee members to examine the charge or charges and prepare a written recommendation to the Committee stating whether the charge or charges should be dismissed or brought against the licensee. If the Committee determines that the charge or charges contain sufficient merit, the Chairperson shall set a time and place for a hearing.

A copy of the charge or charges, together with the notice of the time and place of the hearing, shall be served on the person charged either in person or by registered mail at least thirty (30) days before the date set for the hearing. The accused shall have the right to appear at the hearing with counsel, to answer the charge or charges, cross-examine witnesses, and produce evidence and witnesses in his defense. The Committee shall have the power to issue subpoenas for the appearance of witnesses and take testimony under oath.

- C. Any licensee who violates any provision of the Act, or any rule or order made pursuant to the Act shall be subject to a cease and desist order and a fine of not more than one thousand dollars (\$1,000.00) per incident.
- D. All hearings and appeals shall be pursuant to the provisions of the Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq.

SECTION XXIII. CODE OF ETHICS

A radiologic technologist, licensed technologist, or a limited licensed technologist shall abide by the following:

- A. The Licensee conducts herself or himself in a professional manner, responds to patient needs and supports colleagues and associates in providing quality patient care.
- B. The Licensee acts to advance the principle objective of the profession to provide services to humanity with full respect for the dignity of mankind.
- C. The Licensee delivers patient care and service unrestricted by the concerns of personal attributes or the nature of the disease or illness, and without discrimination on the basis of sex, race, creed, religion, or socioeconomic status.
- D. The Licensee practices radiologic technology founded upon theoretical knowledge and concepts, uses equipment and accessories consistent with the purposes for which they were designed, and employs procedures and techniques appropriately.
- E. The Licensee assesses situations; exercises care, discretion, and judgment; assumes responsibility for professional decisions; and acts in the best interest of the patient.
- F. The Licensee acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment of the patient and recognizes that interpretation, diagnosis, ordering and prescribing radiologic examinations are outside the scope of practice for licensees.
- G. The Licensee respects confidences entrusted in the course of professional practice, respects the patient's right to privacy and reveals confidential information only as required by law or to protect the welfare of the individual or the community.
- H. The Licensee continually strives to improve knowledge and skills by participating in continuing education and professional activities and sharing knowledge with colleagues.

SECTION XXIV. SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or application, and to this end the provisions hereto are declared severable.

SECTION XXV. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules pertaining to Medical Ionizing Radiation Licensure were adopted by the Arkansas Board of Health at a regular session of the Board held in the Arkansas Department of Health Board Room of the Freeway Medical Building on the _____

**Jose' R. Romero, MD, FAAP,
Secretary of Health
Arkansas Board of Health**

DRAFT

1 State of Arkansas As Engrossed: S1/19/21 S1/26/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 78

4
5 By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
6 By: Representatives Lynch, Cozart, Brown, Evans

7
8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
10 LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
11 SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
12 OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
13 SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
14 VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
15 AND FOR OTHER PURPOSES.

16
17
18 **Subtitle**

19 TO ESTABLISH ARKANSAS OCCUPATIONAL
20 LICENSING OF UNIFORMED SERVICE MEMBERS,
21 VETERANS, AND SPOUSES ACT OF 2021; AND TO
22 DECLARE AN EMERGENCY.

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

26
27 SECTION 1. Arkansas Code § 17-1-106 is repealed.

28 ~~17-1-106. Automatic licensure for active duty service members,~~
29 ~~returning military veterans, and spouses—Definitions.~~

30 ~~(a) As used in this section:~~

31 ~~(1) “Automatic licensure” means the granting of occupational~~
32 ~~licensure without an individual’s having met occupational licensure~~
33 ~~requirements provided under this title or by the rules of the occupational~~
34 ~~licensing entity;~~

35 ~~(2) “Occupational licensing entity” means an office, board,~~
36 ~~commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

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

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

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

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

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

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

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

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

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

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

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

1 ~~procedure provide the least restrictive means of accomplishing occupational~~
2 ~~licensure; and~~

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

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~
7 ~~may:~~

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

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

17 ~~(f) An occupational licensing entity shall:~~

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

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

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

28 ~~(B) Returning military veterans applying within one (1)~~
29 ~~year of their discharge from active duty; or~~

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

32
33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an
34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,
36 Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".

6
7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

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

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

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

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

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

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hill

APPROVED: 2/23/21

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/10/21

A Bill

SENATE BILL 153

5 By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flippo, T. Garner, K. Hammer, Hester,*
6 *B. Johnson, D. Sullivan, C. Tucker, D. Wallace*
7 By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum,*
8 *Underwood, Wardlaw*

For An Act To Be Entitled

11 AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
12 AND FOR OTHER PURPOSES.

Subtitle

16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

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

22 SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
23 to add an additional section to read as follows:

24 4-25-110. Fee waiver for certain individuals.

25 (a) Notwithstanding any law to the contrary, the initial filing fees,
26 permit fees, and licensing fees associated with the formation of a business
27 in this state shall be waived for applicants who meet the requirements in the
28 Workforce Expansion Act of 2021, § 17-4-101 et seq.

29 (b) Appropriate state entities shall:

30 (1) Publish notice of the fee waiver on:

31 (A) The website maintained by the appropriate state
32 entity; and

33 (B) Any relevant forms that an applicant is required to
34 complete; and

35 (2) Promulgate any necessary rules to implement this section.
36



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

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce
7 Expansion Act of 2021".

8
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to
12 work in a government-regulated profession or occupation or to start a small
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with
17 occupational and professional regulations and the formation of a business for
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to
20 professional and occupational licenses that would otherwise be cost
21 prohibitive for certain individuals.

22
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,
26 permit, or other form of authorization required by law or rule that is
27 required for an individual to engage in a particular occupation or
28 profession; and

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

33 (B) "Licensing entity" does not include a political
34 subdivision of the state or any other local or regional governmental entity,
35 including without limitation a city of the first class, a city of the second
36 class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.

30
31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.

34
35 /s/Gilmore

36 **APPROVED: 4/15/21**

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1735

5 By: Representative Penzo
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
10 LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
15 LICENSURE FOR CERTAIN INDIVIDUALS.
16
17
18

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

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

23 17-1-109. Licensing of certain individuals – Definitions.

24 (a) As used in this section:

25 (1) "Occupational or professional license" means a license,
26 certificate, registration, permit, or other form of authorization required by
27 law or rule for an individual to engage in a particular occupation or
28 profession; and

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

34 (b) An occupational or professional licensing entity shall grant an
35 occupational or professional license under this section to an individual who
36 fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
 2 Citizenship and Immigration Services-issued Employment Authorization
 3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
 5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6
 7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
 9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
 11 final rule shall be filed with the Secretary of State for adoption under §
 12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by
 15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file
 17 the proposed rule with the Legislative Council under § 10-3-309(c)
 18 sufficiently in advance of January 1, 2022, so that the Legislative Council
 19 may consider the rule for approval before January 1, 2022.

20
 21
 22 **APPROVED: 4/19/21**
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1875

5 By: Representative Bryant
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE EARN AND LEARN ACT; TO ALLOW
10 INDIVIDUALS TO WORK AND EARN A PAYCHECK WHILE ALSO
11 FULFILLING LICENSING REQUIREMENTS AND GAINING THE
12 SKILLS TO FILL THE NEEDS OF AN EXPANDING WORKFORCE;
13 AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO CREATE THE EARN AND LEARN ACT; AND TO
17 ALLOW INDIVIDUALS TO WORK AND EARN A
18 PAYCHECK WHILE ALSO FULFILLING LICENSING
19 REQUIREMENTS AND GAINING THE SKILLS TO
20 FILL THE NEEDS OF AN EXPANDING WORKFORCE.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 17 is amended to add an additional
27 chapter to read as follows:

CHAPTER 4

EARN AND LEARN ACT

17-4-101. Title.

31 This chapter shall be known and may be cited as the "Earn and Learn
32 Act".
33
34

17-4-102. Legislative findings – Purpose.

35 (a) The General Assembly finds that:
36



1 (1) Apprenticeships prioritize on-the-job training and provide
2 workers the opportunity to earn a paycheck while working towards industry-
3 recognized credentials;

4 (2) Apprenticeships allow employers to build a skilled workforce
5 according to industry standards; and

6 (3) Occupational licensing prevents the citizens of this state
7 from taking full advantage of apprenticeships because many apprenticeship-
8 friendly jobs require a license to legally work in this state.

9 (b) It is the purpose of this chapter to allow individuals to work and
10 earn a paycheck while also fulfilling licensing requirements and gaining the
11 skills to fill the needs of an expanding workforce.

12
13 17-4-103. Definitions.

14 As used in this chapter:

15 (1) "Apprenticeship" means a program that meets the federal
16 guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and
17 existing programs currently implementing work requirements as approved by the
18 United States Office of Apprenticeship as meeting the requirements of an
19 apprenticeship;

20 (2) "License" means a license, certificate, registration,
21 permit, or other form of authorization required by law or rule that is
22 required for an individual to engage in a particular occupation or
23 profession; and

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

28
29 17-4-104. Treatment of apprenticeships regarding licenses.

30 (a) A licensing entity shall grant a license to an applicant who:

31 (1) Completes an apprenticeship in the licensed occupation or
32 profession;

33 (2) Passes an examination, if deemed to be necessary by the
34 licensing entity;

35 (3) Pays any fees deemed necessary by the licensing entity;

36 (4) Does not have a disqualifying criminal record as determined

1 by the licensing entity under state law; and

2 (5) Completes all other requirements for licensure unrelated to
3 training and education.

4 (b) If a licensing entity denies a license to an applicant under this
5 chapter, the licensing entity shall:

6 (1) Provide the applicant with a denial in writing; and

7 (2) Explain the reason for the denial in the written decision,
8 such as whether the licensing entity determined that the applicant's
9 apprenticeship program does not correspond to the profession or occupation or
10 level of license for which the applicant applied.

11 (c)(1) A licensing entity shall establish a passing score for
12 examinations that does not exceed the passing score required under the
13 standard licensing processes.

14 (2) If the licensing entity does not require an examination for
15 the standard licensing process for a profession or occupation, an applicant
16 who completes an apprenticeship for the profession or occupation is not
17 required to pass an examination.

18 (d)(1) A licensing entity shall establish a licensing fee that does
19 not exceed the licensing fee required under the standard licensing processes.

20 (2) If the licensing entity does not require a fee for the
21 standard licensing process for a profession or occupation, an applicant who
22 completes an apprenticeship in the profession or occupation is not required
23 to pay a fee.

24 (e) Except as otherwise required by federal law, an apprenticeship for
25 a profession or occupation is not required to exceed the number of hours
26 required by the licensing entity for the profession or occupation.

27
28 17-4-105. Construction.

29 This chapter does not apply to:

30 (1) A licensing entity that does not license individual workers
31 for which there is an apprenticeship program established under 29 C.F.R. Part
32 29, as existing on March 1, 2021;

33 (2) A license that requires the educational equivalent of a
34 bachelor's degree or higher; or

35 (3) A license issued by the State Board of Barber Examiners or
36 the Department of Health regarding cosmetology.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 2. DO NOT CODIFY. Rules.

(a) All licensing entities as required under this act shall promulgate rules necessary to implement this act.

(b)(1) When adopting the initial rules to implement this act, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2022; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2022, 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, 2022, so that the Legislative Council may consider the rule for approval before January 1, 2022.

SECTION 3. EFFECTIVE DATE.

This act is effective on and after January 1, 2022.

APPROVED: 4/21/21