

ARKANSAS STATE BOARD OF HEALTH
ADVISORY BOARD FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS
AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING, OR
ORAL DEAF

RULES GOVERNING THE ADVISORY BOARD FOR INTERPRETERS BETWEEN
HEARING INDIVIDUALS AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND,
HARD OF HEARING, OR ORAL DEAF

AND

RULES GOVERNING THE LICENSURE OF
PROVISIONAL AND QUALIFIED
INTERPRETERS

Promulgated Under the Authority of
Arkansas Code Annotated § 20-14-801 et seq. (Act 1314 of 2013)

Effective 2022

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100. Purpose and Jurisdiction

101. Purpose

- (a) The practice of interpreting affects the public health, safety, and welfare and civic, economic, social, academic, and recreational aspects of life. Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf, individuals with disabilities who use special techniques in order to communicate, and individuals whose primary language is sign language have a civil right to effective communication.
- (b) Further, individuals with hearing disabilities and those with whom they communicate require and are entitled to competent reliable interpreting services. Therefore, Arkansas finds the practice of interpreting should be subject to licensure and regulation to protect the public's interest by providing minimum qualifications for interpreters and to ensure that members of the interpreting profession perform with a high degree of competency.

102. Jurisdiction

- (a) These Rules regulate the licensing of interpreters for individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and impose penalties for persons or entities that violate these Rules.

103. Limitations

- (a) These Rules do not establish minimum qualifications for interpreters in the K-12 school setting. Those qualifications have been established by the Arkansas Department of Education. Please contact ADE for the most current guidelines.

200. Advisory Board for Interpreters

201. Establishment of the Advisory Board

- (a) Pursuant to Ark. Code Ann. § 20-14-801 et seq. (Act 1314 of 2013), the Advisory Board for Interpreters between Hearing individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf (hereinafter referred to as the "Advisory Board for Interpreters") shall be created within the Department of Health.
- (b) Members: The Advisory Board of Interpreters shall consist of seven (7) members appointed by the Director of the Department of Health (hereinafter referred to as the "Director") as follows:
 - (1) Four (4) licensed qualified interpreters appointed from a list of eight (8) submitted by the Arkansas Registry of Interpreters for the Deaf in conjunction with the Arkansas Association of the Deaf;
 - (2) Two (2) members appointed from a list of four (4) submitted by the Arkansas Association of the Deaf in conjunction with the Arkansas Registry of Interpreters

for the Deaf who are Deaf persons, Hard of Hearing persons, or Oral Deaf persons not licensed under this subchapter; and

- (3) One (1) member appointed from a list of two (2) submitted by the Arkansas Association of the Deaf in conjunction with the Arkansas Registry of Interpreters for the Deaf who are neither individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and who are not licensed under this subchapter.
- (c) Terms: Each member shall serve a term of three (3) years. A member shall not serve more than two (2) consecutive terms.
- (d) Quorum: Four (4) members of the Advisory Board for Interpreters constitute a quorum for the transaction of business.
- (e) Vacancy: If a vacancy occurs on the Advisory Board for Interpreters, the Director shall appoint to complete the term vacated a person who possesses the same qualifications as those required for the position to which he or she is appointed.
- (f) Meetings:
 - (1) The Advisory Board shall hold meetings at the offices of the Department of Health in Little Rock, Arkansas or at other places as the Advisory Board for Interpreters may determine. Meetings for review of documents and recommendations may be done via technology, in lieu of face to face, provided those meetings comply with the open meeting requirement of the Arkansas Freedom of Information Act.
 - (2) The Department of Health shall provide meeting facilities and staff for such meetings of the Advisory Board for Interpreters for the purpose of keeping records.

202. Powers and Duties of the Advisory Board ~~for Interpreters~~

- (a) The Advisory Board for Interpreters shall:
 - (1) Recommend rules for the operation of the Advisory Board for Interpreters;
 - (2) Review and recommend to the Director:
 - (A) Acceptance or rejection of applications for licensure and renewal of licenses for interpreters for the Deaf, Deafblind, Hard of Hearing and Oral Deaf;
 - (B) Criteria for issuance and renewal of licenses for Interpreters;
 - (C) Criteria for issuance and continuance of provisional licenses;
 - (D) Fees for licensure and licensure renewal;
 - (E) Suspension or revocation of licenses;
 - (F) Procedures for receiving and investigating complaints under the Arkansas Administrative Procedure Act;
 - (G) Rules to ensure that an interpreting agency provides only licensed interpreters for services;

- (H) Rules regarding conflicts of interest regarding members of the Advisory Board for Interpreters; and
- (I) A professional code of conduct.

203. Conflicts of Interests Regarding Advisory Board Members

- (a) Membership on the Advisory Board for Interpreters is solely at the invitation and discretion of the Director. In order to avoid any potential conflict of interest with the responsibilities of the Advisory Board for Interpreters, the following statement has been adopted to guide the Advisory Board for Interpreters on issues of potential influences on judgment, disclosure and recusal.
- (b) Declaration. Appointees to the Advisory Board of Interpreters must be free from conflicts of interest and undue influence and sign a Conflict of Interest Declaration (attached hereto as Appendix A). Said Declaration shall be signed annually.
- (c) Conflicts of interest are identified as follows:
 - (1) A sitting member on a credentialing panel. This includes, but is not limited to, persons who serve as raters when evaluating Interpreters sitting for the QAST, RID Certification, EIPA or BEI.
 - (2) An employer with the authority to hire or employ Interpreters. This includes, but is not limited to, persons who hire or fire Interpreters for colleges or universities, video relay service (VRS) call centers, human resource departments for public school systems, or any individual working for an entity with the authority to hire or employ interpreters.
 - (3) An owner and/or individual who runs an Interpreting Agency. This includes, but is not limited to, persons who run an Interpreting Agency in which Interpreters are subcontracted to work for the business.
- (d) Disclosure: Members shall disclose in writing to the Advisory Board for Interpreters any person to whom they are closely related or organization with which they are affiliated which presently transacts business with the Department of Health or might reasonably be expected to do so in the future. Each disclosure shall be updated and resubmitted on an annual basis.
- (e) An affiliation with an organization will be considered to exist when a member or his or her immediate family or close relative is an officer, director, trustee, partner, employee or agent of the organization, or owns five percent of the voting stock or controlling interest in the organization or has any other substantial interest or dealings with an organization.
- (f) Abstaining from Participation: Any member shall abstain from voting and actively participating on any matter in which said member may be considered to have a conflict of interest.
- (g) Abstaining Declaration: An abstaining declaration shall be made for the record at the beginning of any such motion or discussion and shall be recorded in the official minutes of the meeting.

- (h) Other Affiliations: A member shall not serve in a fund development or grants management capacity for another non-profit or health care organization if such service would represent a conflict of interest.
- (i) If, during their service on the Advisory Board for Interpreters, a members' situation changes in such a manner as to create a conflict of interest, the member shall immediately inform the Director.

300. Licensure

301. Application for Qualified Interpreter License

- (a) Any individual desiring to practice interpreting within the state of Arkansas may submit an application for licensure (attached hereto as Appendix B).
- (b) The Advisory Board for Interpreters shall recommend to the Director, after review of said application, issuance of a license to an applicant who submits proof of the following:
 - (1) A completed application with appropriate required fees;
 - (2) Documentation of credential(s) held and sustained by continuing education units (CEUs); and
 - (3) Acknowledgment of adherence to the professional ethical practices set forth in these Rules.
- (c) Expiration. A license issued under these Rules expires on December 31 of the calendar year on which it was issued.
- (d) Renewal. A license issued under these Rules is to be renewed upon expiration of the calendar year. Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements. The applicant for renewal shall submit:
 - (1) A signed request for renewal with appropriate required fees;
 - (2) Documentation of credential(s) held and sustained by CEUs; and
 - (3) Documentation of CEUs if credential(s) for EIPA and QAST credentials.
- (e) Late Renewal. If for some reason a licensee fails to renew by January ~~13~~ of the next calendar year, the licensee shall submit the application with a statement explaining the reason for late renewal and the renewal fee and late fee. There is no guarantee that late application requests will be automatically approved. Each request will be evaluated separately and independent from others. If a request for a late renewal is denied, the licensee will be given notice and an opportunity for a hearing.
- (f) Any license not renewed by January 31 ~~March 1~~ of the next calendar year will be placed on inactive status. To resume active licensure, the applicant must submit the following:
 - (1) Documentation of Credentials held;
 - (2) Documentation of CEUs for EIPA and QAST; and

(3) Reactivation fee.

302. Application for Provisional Licensure

- (a) An individual desiring to apply for a Provisional Interpreter’s License is any individual who is Deaf or Hard of Hearing that practices in providing interpreting services, thus practicing as a “Deaf interpreter.” A Provisional Interpreter’s License will be available for individuals who are Deaf or Hard of Hearing and who are not yet credentialed by any of the credentialing entities listed in Section 304.
- (b) Requirements. Any individual who is Deaf, Deafblind or Hard of Hearing may apply for a provisional licensure to practice as a “Deaf interpreter” and must submit the following:
 - (1) A completed application with appropriate required fees;
 - (2) Documentation of fifteen (15) hours of interpreter training;
 - (3) Documentation of ten (10) hours of supervised observation/interpreting with a seasoned, RID credentialed interpreter; and
 - (4) Two (2) letters of recommendation from seasoned RID credentialed interpreters.
- (c) Expiration. A license issued under these Rules expires on December 31 of the calendar year on which it was issued.
- (d) Renewal. A license issued under these Rules is to be renewed upon expiration of the calendar year. The applicant for renewal shall submit:
 - (1) A signed request for renewal with appropriate required fees;
 - (2) Documentation of credential(s) held and sustained by CEUs; and
 - (3) Documentation of CEUs for EIPA and QAST credentials.
- (e) Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements.
- (f) Late Renewal. If for some reason a licensee fails to renew by January ~~13~~¹ of the next calendar year, the licensee shall submit the application with a statement explaining the reason for late renewal and the renewal fee and late fee. There is no guarantee that late application requests will be automatically approved. Each request will be evaluated separately and independent from others. If a request for a late renewal is denied, the licensee will be given notice and an opportunity for a hearing.
- (g) Any license not renewed by ~~January 31~~^{March 1} of the next calendar year will be placed on inactive status. To resume active licensure, the applicant must submit the following:
 - (1) Documentation of credentials held;
 - (2) Documentation of CEUs for EIPA and QAST credentials; and
 - (3) Re-activation fee.

303. Application for Temporary Provisional Licensure

- (a) The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required ~~under B.1.a. and b. of Section 305.X, Reciprocity.~~
- (b) The temporary and provisional license shall be effective for at least 90 days or until December 31 of the calendar year in which it was issued, whichever is latest, unless the Board determines that the applicant does not meet the requirements under ~~A.1. and A.2. of Section 305.X, Reciprocity,~~ in which case the temporary and provisional license shall be immediately revoked.
- (c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

304. Application for Automatic Licensure

- (a) The Board shall grant automatic licensure to an individual who holds a substantially equivalent occupational license with similar scope of practice issued by ~~in~~ another U.S. state, territory, or district ~~jurisdiction~~ and is:
 - (1) A uniformed ~~An active-duty military~~ service member stationed in the State of Arkansas;
 - (2) A uniformed service ~~returning military~~ veteran who resides in ~~applying for licensure within one (1) year of his~~ or establishes residency in the State of Arkansas ~~her discharge from active duty~~; or
 - (3) The spouse of a person under 304(a)(1) or 304(a)(2) ~~A (1) or (2)~~ above; 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; or
 - (B) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.
- (b) The Board shall grant such automatic licensure upon receipt of all the below:
 - (1) Payment of the initial licensure fee;
 - (2) Evidence that the individual holds a substantially equivalent license in another U.S. state, territory, or district; and
 - (3) Evidence that the applicant is a qualified applicant under Section 304(a). ~~A.~~

305. Reciprocity

- (a) Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
 - (1) The applicant shall hold a substantially similar license in another United States' jurisdiction;

- (A) A license from another state is substantially similar to an Arkansas Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpreters license if the other state's licensure qualifications require [credentials recognized by the Advisory Board for Interpreters](#).
 - (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.
 - (2) The applicant shall not hold a suspended or probationary license in a United States' jurisdiction;
 - (3) The applicant shall be sufficiently competent in the Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation; and
 - (4) The applicant shall hold credential(s), sustained by CEU's, that are recognized by the Advisory Board for Interpreters.
- (b) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
- (1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - (A) Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and
 - (B) Evidence that the other state's licensure requirements match those listed in [305\(a\)\(1\).A.1.a.i.](#) The Board may verify this information online or by telephone to the other state's licensing board.
 - (2) To demonstrate that the applicant meets the requirement in [305\(a\)\(1\)\(B\) through 305\(a\)\(1\)\(D\).A.1.b. through d.](#), the applicant shall provide the Board with:
 - (A) The names of all states in which the applicant is currently licensed or has been previously licensed;
 - (B) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in [305\(a\)\(1\)\(C\).A.1.e.](#) and does not hold a license on suspended or probationary status as described in [305\(a\)\(1\)\(D\).A.1.d.](#) The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
 - (3) As evidence that the applicant is sufficiently competent in the field of Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation, an applicant shall:
 - (A) Submit three letters of recommendation from Interpreter Agencies or colleagues in Interpretation; [and](#)

- (B) Submit documentation of credential(s) held and sustained by CEUs and acknowledgement of adherence to the professional ethical practices set forth in these rules.

306. Licensing Individuals from a State that Does Not License Interpreters

- (a) Required Qualifications. An applicant from a state that does not license Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpreters shall meet the following requirements:
 - (1) The applicant shall be sufficiently competent in Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation; and
 - (2) The applicant shall hold credential(s), sustained by CEU's, that are recognized by the Advisory Board for Interpreters.
- (b) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - (1) As evidence that the applicant is sufficiently competent in the field of Deaf, Deafblind, Hard of Hearing, or Oral Deaf interpretation, an applicant shall:
 - (A) Submit three letters of recommendation from Interpreter Agencies or colleagues in Interpretation; and ~~sustained by CEUs and~~
 - (B) Submit documentation of credential(s) held and sustained by CEUs and acknowledgement of adherence to the professional ethical practices set forth in these rules.

307. Recognized Credentials

- (a) Credentials obtained by practicing Interpreters currently recognized by the Advisory Board for Interpreters include:
 - (1) Arkansas Rehabilitation Services Quality Assurance Screening Test (QAST);
 - (2) Educational Interpreter Performance Assessment;
 - (3) National Association of the Deaf;
 - (4) National Cued Speech Association;
 - (5) Registry of Interpreters for the Deaf, Inc.;
 - (6) Texas Board for Evaluation of Interpreters; and
 - (7) Other credentials recognized by the Advisory Board for Interpreters.

308. Continuing Education Units

- (a) Interpreters must maintain Continuing Education Units (CEUs) through the credentials held. Documentation of CEUs obtained shall be submitted on an annual basis at renewal by providing transcripts or tracking systems used by the credentialing bodies. If an Interpreter does not have documentation to submit from a credentialing body, then a total of ten (10) clock hours (10 clock hours = 1.0 CEU) of continuing

education must be completed on an annual basis. Documentation of the 10 clock hours shall be submitted at the time of renewal.

309. Fees

- (a) All fees are to be paid at the time of application or request for services. Fees are non-refundable and are not pro-rated. Annual fees follow a calendar year. Additional fees will be assessed for insufficient funds if such should happen. Current fee structures are:

Initial Application and Licensure Fee (includes \$35.00 non-refundable application fee)	\$90.00
Annual Fee (Renewal on the calendar year; includes \$35.00 non-refundable application fee)	\$75.00
Re-Activation Fee (<u>if application is delivered after January 31</u>) (includes \$35.00 non-refundable application fee)	\$125.00
Upgrade Fee (If an individual receives a higher credential prior to the end of the year and wishes to reflect the higher credential on their license)	\$ 35.00
Annual Late Fee (paid if application submitted after Jan. 1) (Dependent upon Advisory Board for Interpreters review)	\$ 25.00
Replacement Card Fee	\$ 10.00
Insufficient Funds Fee (NSF will require payment in the form of a Money Order or Cashier's Check)	\$ 35.00

310. Waiver of Licensure Fee

- (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);
 - (2) Were approved for unemployment within the last twelve (12) months; or
 - (3) 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 310(b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

310.311. Summary of Credentials

- (a) Sign language interpreters' credentials are based on levels of proficiency, and in order to protect the health, welfare and safety of the consumers, interpreters shall only accept assignments appropriate for their proficiency based upon accepted credentials for licensure.
- (b) Teaming. In the event a team of Interpreters is required to manage the communication accessibility of an assignment, a mixture of proficiency levels may be acceptable only if the following criteria are met:
 - (1) The primary Interpreter's proficiency level meets or exceeds the required qualifications for that setting;
 - (2) The primary Interpreter agrees to serve as a mentor and to monitor the services of the secondary Interpreter;
 - (3) The secondary Interpreter's proficiency level is only one (1) category lower than the proficiency level required for that setting; and
 - (4) The secondary Interpreter agrees to adhere to the guidance given by the primary Interpreter during the teaming assignment.
- (c) Upon request of any consumer or hiring entity, an interpreter shall show proof of his or her Arkansas license that will indicate qualifications. The following list of settings for qualifications is not all-inclusive.
- (d) Levels:
 - (1) QAST I; BEI I
 - (A) Registration, Classroom Extracurricular Activities
 - (B) Social Services – Independent Living, Basic Living Skills, Bus Card Civic Club Meetings, Recreation, Socialization
 - (2) QAST II; BEI II; BEI Basic
 - (A) Driver's License Testing
 - (B) Eligibility for services - Follow-up Interview
 - (C) Support Services – Non Academic Advisors

- (D) Support Services - Orientation, Life/Job Skills
 - (E) Basic Job Readiness Training (semi-skilled technical or unskilled labor)
 - (F) Interview Application for Services
 - (G) On-the-job Training
 - (H) Sheltered Workshop
 - (I) All settings listed in Subsection XV(A)
- (3) QAST III; BEI III; BEI Advanced
- (A) Social Services –Food Stamps, Social Security, Medicare/Medicaid, TEA/SNAP benefits
 - (B) Continuing Education Workshops
 - (C) Job Related: staff meetings, employee/employer meetings, safety workshops, job training, vocational counseling, vocational assessment
 - (D) Tax preparation, credit counseling, mortgage/loan counseling
 - (E) Diagnostics and Evaluations
 - (F) Routine Physical Exams, in Patient/Out-Patient Hospital Care
 - (G) Hospital Admissions
 - (H) Nursing homes, home health services, community health education, self-help programs, 12 Step programs
 - (I) Basic tutoring (out of school)
 - (J) Postsecondary Education-Academic Courses, Academic Advisors
 - (K) Vocational-Technology Trainings
 - (L) Employment Related/Union Meetings Child Birth Classes-Planned Parenthood
 - (M) All settings listed in Subsections XV (A) & XV (B)
- (4) QAST IV-V; BEI IV-V; BEI Master
- (A) Social Services Disputes
 - (B) Polygraph Testing
 - (C) Post Bond
 - (D) Discrimination Proceedings – Prior to court
 - (E) Mental Health
 - (F) Meetings with Parole/Probation Officers
 - (G) Medical – Emergency Room, General Rounds and Surgery, Health Care Providers and Hospice, Medical Documents
 - (H) Graduate and Post-Graduate Education

- (I) Restraining Order Application
- (J) Speaker or Lectures
- (K) Civil Weddings Performed in or out of a Courtroom
- (L) Employment Related – Job Interview/Application, Firing, Disciplining, Performance Appraisals
- (M) Tax Assessment/Appeal Proceedings
- (N) All settings listed in Subsections XV (A), XV (B), & XV (C)
- (5) RID Credentials
 - (A) Legal Proceedings in/out of the courts
 - (B) Domestic/Family Violence Calls and Investigations
 - (C) Abuse Calls and Investigations
 - (D) Legislation
 - (E) Governmental Proceedings
 - (F) Pre-Trial Release
 - (G) Peace Bonds/Restraining Orders, Copyrights/Patents
 - (H) Campus Police or other law enforcement investigations
 - (I) Civil Investigations
 - (J) Child Custody or Child Welfare
 - (K) Jury Duty
 - (L) All settings listed in Subsections XV (A), XV (B), XV (C), XV (D), & XV (E).
- (e) All in-court cases must adhere to Act 237: An Act to Amend the Process for Appointment, Certification, and Regulation of Court Interpreters; and for other purposes.

400. Complaints

401. Code of Conduct

- (a) An Interpreter shall make a true interpretation, in an understandable manner, to an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf for whom the Interpreter is appointed. The Interpreter will interpret accurately the statements of the individual who is Deaf or Hard of Hearing who desires that his or her statements be made into spoken language, to the best of the Interpreter's skill and judgment.
- (b) All information that an Interpreter gathers, learns from, or relays to an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf during an administrative, civil, or criminal proceeding shall remain confidential and privileged unless the individual

who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf desires that the information be communicated to other persons.

- (c) Interpreters shall accept, refuse or withdraw from assignments based upon their experience, capabilities and credentials (as determined by his or her level of proficiency). A summary of the credentials held and what has been identified as appropriate assignments for those credentials can be found in Section XI of these Rules.
- (d) Upon request of any consumer or hiring entity, an Interpreter shall show proof of his or her Arkansas license indicating qualifications and credentials.
- (e) This Code of Conduct incorporates by reference the NAD-RID Code of Professional Conduct of the Registry of Interpreters for the Deaf, with no amendments or editions thereto.

402. Complaint Process

- (a) Complaints may be filed when an individual, hiring agency, or interpreting agency:
 - (1) violates the Professional Code of Conduct;
 - (2) knowingly hires an interpreter who is not qualified; or
 - (3) engages in the practice of interpreting without a license.
- (b) The following may file a complaint:
 - (1) Any Deaf or Hard of Hearing consumer of interpreting services;
 - (2) Any hearing consumer of interpreting services;
 - (3) Any person having direct interest in the occurrence specified in the complaint; or
 - (4) Any Board member acting on any information by that Board Member that is relevant and material. If the Board member files a complaint based on an anonymous tip, the complaint itself cannot be used to make a determination of whether the Rules have been violated. A separate investigation must take place.
- (c) To the extent the person filing the complaint is able, the complaint must specify the time, place, and person(s) involved, and must describe the actions which constitute the alleged offense.
- (d) All complaints are to be filed in writing with the Advisory Board for Interpreters using the Complaint Form (attached hereto as Appendix C), and should be filed within ninety (90) days of the alleged offense. If a complaint is initiated by a Board Member, that Board Member shall recuse on any vote taken regarding the complaint.
- (e) Any person filing a complaint regarding ethical practices of a licensed qualified interpreter may also file a complaint with the respective credentialing entity.
- (f) All complaints shall be reviewed and investigated by a member of the Advisory Board.
- (g) If a complaint and investigation results in penalties being assessed against an individual or entity, that individual or entity shall be provided notice and the

opportunity for a hearing before the Advisory Board for Interpreters, whose decision can be appealed to the Arkansas Board of Health by the individual.

- (h) The Advisory Board member who reviewed and investigated the complaint shall recuse himself or herself from voting at the hearing of the matter.
- (i) Publication of final orders that result in sanctions shall be posted on the licensure website. However, any confidential information contained in the complaint shall be removed.

403. Penalties

- (a) Amount of Penalty. Any individual who is not licensed and who admits to interpreting without a license or is found by the Advisory Board to have held himself or herself out to the public as a licensed qualified interpreter is guilty of a violation and shall be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500).
- (b) Suspension of Penalty. The fine assessed may be suspended if the person found in violation complies with the law within thirty (30) days of the finding.
- (c) An interpreting agency that admits to or is found to be knowingly hiring or providing interpreting services for an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf through an individual not licensed under these Rules, is guilty of a violation and shall be fined not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

500. Definitions

501. Definitions, as used in these Rules

- (a) "Automatic licensure" means the granting of occupational licensure without an individual having met the occupational licensure requirements were adopted provided by the Rules of the Advisory State Board for Interpreters or under the of Health of Arkansas Code.
- ~~(a)~~(b) "Cued speech" means the system of handshapes that represent groups of consonant sounds and hand placements that represent groups of vowel sounds that is used with natural speech to represent a visual model of spoken language.
- ~~(b)~~(c) "Deaf interpreter" means a Deaf individual who facilitates communication between another Deaf person and a licensed qualified interpreter or between two (2) or more Deaf persons.
- ~~(c)~~(d) "Deaf individual" means an individual who has a documented hearing loss so severe that the individual is unable to process speech and language through hearing, with or without amplification.
- ~~(d)~~(e) "Deafblind individual" means an individual who has a combined loss of vision and hearing that prevents the individual's vision or hearing from being used as a primary source for accessing information.

- ~~(e)~~(f) "Hard of Hearing individual" means an individual who has a hearing loss, may primarily use visual communication, and may use assistive devices.
- ~~(f)~~(g) "Interpret" means to provide language equivalency between a hearing individual and an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf using techniques that include without limitation:
- (1) American Sign Language;
 - (2) English-based sign language;
 - (3) Cued speech; and
 - (4) Oral interpreting.
- (5) "Interpret" shall include providing interpreting services through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction to one or more persons located in Arkansas, including, but not limited to, video relay services (VRS) and video remote interpreting services (VRI).
- (h) "Interpreting agency" means an entity that provides qualified interpreter services for a fee.
- ~~(g)~~(i) "Hiring entity" means any entity that hires or employs qualified interpreters.
- ~~(h)~~(j) "Oral Deaf individual" means an individual whose sense of hearing is nonfunctional for the purpose of communication and whose primary method of communication is speech reading and spoken English.
- ~~(i)~~(k) "Oral interpreting" means the use of oral transliteration with special techniques to make the English language visible for persons who communicate as speech readers.
- ~~(j)~~(l) "Licensed Provisional Interpreter" means an individual who is Deaf, Deafblind, Hard of Hearing or Oral Deaf and is provisionally licensed under these Rules and subject to Ark. Code Ann. § 20-14-801 et seq. (hereinafter referred to as "Interpreter").
- ~~(k)~~(m) "Licensed Qualified Interpreter" means an individual who is licensed under these Rules and subject to Ark. Code Ann. § 20-14-801 et seq. (hereinafter referred to as "Interpreter").
- (n) "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.
- (o) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

CERTIFICATION

This will certify that the foregoing Rules Governing the Advisory Board For Interpreters Between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard Of Hearing, Or Oral Deaf and Rules Governing the Licensure of Provisional And Qualified Interpreters were adopted by the Arkansas State Board of Health at a regular board session held in Little Rock, Arkansas, on the _____.

Jennifer Dillaha, M.D.
Director of the Department of Health
Arkansas State Board of Health

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:

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(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**