

**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 ~~November 15, 2016~~

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I. Purpose and Jurisdiction

A. **Purpose.** 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.

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.

B. **Jurisdiction.** 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.

C. **Limitations.** 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.

II. Definitions

(1) **“Automatic licensure”** means the granting of occupational licensure without an individual's having met the occupational licensure requirements by the rules of the Advisory Board for Interpreters.

(2) **“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;

(3) **“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;

(4) **“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;

(5) **“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;

(6) **“Hard of Hearing individual”** means an individual who has a hearing loss, may primarily use visual communication, and may use assistive devices;

(7) **“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:

- A. American Sign Language;
- B. English-based sign language;
- C. Cued speech; and
- D. Oral interpreting;

(8) "**Interpreting agency**" means an entity that provides qualified interpreter services for a fee;

(9) "**Hiring entity**" means any entity that hires or employs qualified interpreters;

(10) "**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;

(11) "**Oral interpreting**" means the use of oral transliteration with special techniques to make the English language visible for persons who communicate as speech readers;

(12) "**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"); and

(13) "**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").

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

III. Advisory Board for Interpreters

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.** 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.

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.

IV. Powers and Duties of the Advisory Board for Interpreters

The Advisory Board for Interpreters shall:

- A. Recommend rules for the operation of the Advisory Board for Interpreters.
- B. Review and recommend to the Director:
 - 1. Acceptance or rejection of applications for licensure and renewal of licenses for interpreters for the Deaf, Deafblind, Hard of Hearing and Oral Deaf;
 - 2. Criteria for issuance and renewal of licenses for Interpreters;
 - 3. Criteria for issuance and continuance of provisional licenses;
 - 4. Fees for licensure and licensure renewal;
 - 5. Suspension or revocation of licenses;
 - 6. Procedures for receiving and investigating complaints under the Arkansas Administrative Procedure Act;
 - 7. Rules to ensure that an interpreting agency provides only licensed interpreters for services;
 - 8. Rules regarding conflicts of interest regarding members of the Advisory Board

for Interpreters; and

9. A professional code of conduct.

V. Conflicts of Interest Regarding Members of the Advisory Board for Interpreters

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 BEL.
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.

VI. Application for Qualified Interpreter Licensure

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);
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. 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.
4. Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements.

E. **Late Renewal.** If for some reason a licensee fails to renew by January 31 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 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.

VII. Application for Provisional Licensure

A. **Definition.** 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.” **The A** Provisional Interpreter’s License will **only** 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 IX.

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.
4. Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements.

E. **Late Renewal.** If for some reason a licensee fails to renew by January 31 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 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.

VIII. 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 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 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.

IX. Application for Automatic Licensure

- A. 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 A (1) or (2) above.
- 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 state;
and
 3. Evidence that the applicant is a qualified applicant under Section A.

X. 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:
 - i. 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;
 - 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 Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation; and
3. 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 A.1.a.i. The Board may verify this information online or by telephone to the other state's licensing board.
2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the Board with:
 - a. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
3. As evidence that the applicant is sufficiently competent in the field of 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.

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

XI. License for individuals from a State that does not license profession

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

VIII. XII Recognized Credentials.

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.

IX. XIII Continuing Education Units

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.

X. XIV. 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.

XI. XV. 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

Registration, Classroom Extracurricular Activities
Social Services – Independent Living, Basic Living Skills, Bus Card
Civic Club Meetings, Recreation, Socialization

(2). QAST II; BEI II; BEI Basic

Driver's License Testing
Eligibility for services - Follow-up Interview
Support Services – Non Academic Advisors
Support Services - Orientation, Life/Job Skills
Basic Job Readiness Training (semi-skilled technical or unskilled labor)
Interview Application for Services
On-the-job Training
Sheltered Workshop

All settings listed in Subsection ~~XI XV~~(A)

(3). QAST III; BEI III; BEI Advanced

Social Services –Food Stamps, Social Security, Medicare/Medicaid, TEA/SNAP benefits
Continuing Education Workshops
Job Related: staff meetings, employee/employer meetings, safety workshops, job training, vocational counseling, vocational assessment
Tax preparation, credit counseling, mortgage/loan counseling
Diagnostics and Evaluations
Routine Physical Exams, in Patient/Out-Patient Hospital Care
Hospital Admissions
Nursing homes, home health services, community health education, self-help programs, 12 Step programs
Basic tutoring (out of school)
Postsecondary Education-Academic Courses, Academic Advisors
Vocational-Technology Trainings
Employment Related/Union Meetings Child
Birth Classes-Planned Parenthood

All settings listed in Subsections ~~XI XV~~ (A) & ~~XI XV~~ (B)

(4). QAST IV-V; BEI IV-V; BEI Master

Social Services Disputes
Polygraph Testing
Post Bond
Discrimination Proceedings – Prior to court
Mental Health
Meetings with Parole/Probation Officers
Medical – Emergency Room, General Rounds and Surgery, Health Care Providers and Hospice,
Medical Documents
Graduate and Post-Graduate Education
Restraining Order Application
Speaker or Lectures
Civil Weddings Performed in or out of a Courtroom
Employment Related – Job Interview/Application, Firing, Disciplining, Performance Appraisals
Tax Assessment/Appeal Proceedings

All settings listed in Subsections ~~XI XV~~ (A), ~~XI XV~~ (B), & ~~XI XV~~ (C)

(5). RID Credentials

Legal Proceedings in/out of the courts
Domestic/Family Violence Calls and Investigations
Abuse Calls and Investigations
Legislation
Governmental Proceedings
Pre-Trial Release
Peace Bonds/Restraining Orders, Copyrights/Patents
Campus Police or other law enforcement investigations Civil
Investigations
Child Custody or Child Welfare
Jury Duty

All settings listed in Subsections ~~XI XV~~ (A), ~~XI XV~~ (B), ~~XI XV~~ (C), ~~XI XV~~ (D), & ~~XI XV~~ (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.***

~~XII. XVI.~~ Fees

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)	\$125.00 \$90.00
Annual Fee (Renewal on the calendar year; includes \$35.00 non-refundable	\$90.00 \$75.00

application fee)	
Re-Activation Fee (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

XIII. XVII. 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; or
 3. Any person having direct interest in the occurrence specified in the complaint.
 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.

The Advisory Board member who reviewed and investigated the complaint shall recuse himself or herself from voting at the hearing of the matter.

H. 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.

~~XIV.~~ XVIII. 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).

CERTIFICATION

I hereby certify that the foregoing Rules were duly adopted by the Arkansas State Board of Health on the ~~20th day of October, 2016~~.

~~*(Original signed on 10/20/16)*~~ _____

Nathaniel Smith, MD, MPH
Secretary, State Board of Health

DRAFT

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/13/19

A Bill

HOUSE BILL 1301

5 By: Representative Cozart
6

For An Act To Be Entitled

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

Subtitle

15 TO CREATE THE RED TAPE REDUCTION
16 EXPEDITED TEMPORARY AND PROVISIONAL
17 LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
18 LICENSING ENTITIES TO GRANT EXPEDITED
19 TEMPORARY AND PROVISIONAL LICENSING FOR
20 CERTAIN INDIVIDUALS.
21
22
23

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

26 SECTION 1. DO NOT CODIFY. Title.

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

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

31 (a) The General Assembly finds that:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

32 (a) As used in this section:

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

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

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

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

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

11 (1) Demonstrates that he or she:

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

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

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

19 (i) An act of bad faith; or

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (g) This section shall not apply to:

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

36 (2) The occupational licensing entities that administer the

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

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

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9 /s/Cozart

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

As Engrossed: S3/28/19

A Bill

SENATE BILL 564

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
10 LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
11 MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
12 AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
13 OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
14 ENTITIES; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 TO AMEND THE LAW CONCERNING THE
19 OCCUPATIONAL LICENSURE OF ACTIVE DUTY
20 SERVICE MEMBERS, RETURNING MILITARY
21 VETERANS, AND THEIR SPOUSES; TO PROVIDE
22 AUTOMATIC LICENSURE; TO REQUIRE REVIEW
23 AND APPROVAL OF RULES SUBMITTED.
24
25

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

28 SECTION 1. DO NOT CODIFY. Legislative Intent.

29 The General Assembly finds that:

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

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



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

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

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

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

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

13 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 licensure; and

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

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

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

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

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

18 (f) An occupational licensing entity shall:

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

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

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

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

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

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

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

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/s/Irvin

APPROVED: 4/9/19

1 State of Arkansas As Engrossed: H2/4/19 S4/5/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1255

4

5 By: Representative Dotson

6 By: Senator Hester

7

8

For An Act To Be Entitled

9 AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
10 SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
11 THE LAW CONCERNING LICENSING, REGISTRATION, AND
12 CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
13 SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
14 FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
15 CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

16

17

18

Subtitle

19 TO AMEND THE LAW CONCERNING LICENSING,
20 REGISTRATION, AND CERTIFICATION FOR
21 CERTAIN PROFESSIONS; AND TO ESTABLISH A
22 SYSTEM OF ENDORSEMENT, RECOGNITION, AND
23 RECIPROCITY FOR LICENSING.

24

25

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

27

28 SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:

29 17-1-107. Reinstatement of licenses – Definition.

30 ~~(a)(1) It is not the intent of the General Assembly to cause the~~
31 ~~licensing entity to engage in simple comparisons of the required hours of~~
32 ~~training and other personal qualifications under Arkansas's occupational~~
33 ~~licensing statutes with those qualifications required in the state where the~~
34 ~~person is credentialed.~~

35 ~~(2) It is the intent of the General Assembly to ensure that a~~
36 ~~person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

3 ~~(b)(a)~~ A An occupational licensing entity shall by rule adopt reduced
4 requirements for reinstatement of a license, registration, permit, or
5 certification for a person who:

6 (1) Demonstrates that he or she:

7 (A) Was previously licensed, registered, permitted, or
8 certified to practice in the field of his or her profession at any time in
9 this state;

10 (B) Held his or her license, registration, permit, or
11 certification in good standing at the time of licensing, registration,
12 permitting, or certification;

13 (C) Did not have his or her license, registration, permit,
14 or certification revoked for:

15 (i) An act of bad faith; or

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

17 (D) Is not holding a suspended or probationary license,
18 registration, permit, or certification in any state; and

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

20 (2) Pays any reinstatement fee required by law.

21 ~~(e)(b)~~ The occupational licensing entity may require that sufficient
22 competency in a particular field be demonstrated by:

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

25 (3) Both proficiency testing and letters of recommendation.

26 ~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this
27 section, the occupational licensing entity shall not require a person who
28 meets the requirements of subsection (a) of this section to participate in
29 the apprenticeship, education, or training required as a prerequisite to
30 licensing, registration, permitting, or certification of a new professional
31 in the field.

32 (2) The occupational licensing entity may require the person to
33 participate in continuing education or training if the continuing education
34 or training is required for all professionals in the field to maintain the
35 license, registration, permit, or certification.

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 *registration, permit, or certification* if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, *registration, permit, or certification*, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor~~, that has the duty to license,
17 register, permit, certify, or otherwise approve a person to work in a
18 particular field or industry.

19 (2) As used in subdivision (f)(1) of this section "agency"
20 does not include the General Assembly, the courts, or the Governor.

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

30 (2) It is not the intent of the General Assembly to cause the
31 licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 individual is credentialed.

35 ~~(a)~~(b) As used in this section:

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

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

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

12 ~~(b)(c)~~ An occupational licensing entity shall by rule adopt the least
13 restrictive requirements for occupational licensure for an individual who:

14 (1) Demonstrates that he or she:

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

18 (B) Holds his or her occupational licensure in good
19 standing;

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

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

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

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

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

29 ~~(e)(1)(A)(d)(1)(A)~~ An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)(c)~~ of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)(1)(A)(d)(1)(A)~~
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)~~(c) of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

5 (2) If a state, territory, or district of the United States does
6 not require occupational licensure for a profession that requires
7 occupational licensure in this state, an occupational licensing entity shall
8 adopt a rule that is least restrictive to permit an individual who is
9 sufficiently competent in his or her field to obtain occupational licensure
10 for that occupation or profession in this state.

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

16 ~~(d)~~(1)(e)(1) Except as provided under subdivision ~~(d)~~(1)(e)(2) of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)~~(c) of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)~~(f) If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)~~(g) The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)~~(h) This section shall not apply to:

1 (1) Reciprocity or license by endorsement provisions under §§
2 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
3 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
4 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

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

7 ~~(h)(i)~~ An occupational licensing entity may enter into written
8 agreements with similar occupational licensing entities of another state,
9 territory, or district of the United States as necessary to assure ~~for~~ that
10 licensees in this state have comparable nonresident licensure opportunities
11 as those opportunities available to nonresidents by occupational licensing
12 entities in this state.

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15 /s/Dotson
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18 **APPROVED: 4/15/19**
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