

**BOARD OF HEARING INSTRUMENT DISPENSERS
RULES**

ARTICLE I. Description

Section 1. The Act establishing the Arkansas Board of Hearing Instrument Dispensers provides for examination and licensing of persons who fit and dispense hearing instruments in the State of Arkansas.

Section 2. Information regarding this Board may be obtained by accessing the board's website.

ARTICLE II. Meeting of the Board

Section 1. The Board shall meet at least twice a year at a time and place designated by the Chairman of the Board in his official call of such meetings. Provided, however, additional special meetings may be held, if in the discretion of the Chairman of the Board, such special meetings are necessary.

Section 2. Regular meetings may be called by the Chairman of the Board giving ten (10) days' notice thereof. Such notice shall be in writing and shall set forth the time and place of such meeting. Special meetings of the Board may be called by the Chairman, at any reasonable time, or shall be called by the Chairman at any time upon the request of a majority of the members of the Board.

Section 3. ~~Five (5) of the Seven (7)~~ **A majority of the voting** members of the Board shall constitute a quorum. If a quorum is not present at the time of such called meeting, the meeting shall be adjourned to a day to be designated by the Chairman.

ARTICLE III. Duties and Powers of the Board

Section 1. It shall be the duty of the Chairman of the Board to preside at all meetings of the Board. The Chairman shall exercise general supervision of the affairs of the Board and shall have the usual powers of such office and any other powers and duties as the Board may direct.

Section 2. It shall be the duty of the Vice-Chairman to preside at any meeting at which the Chairman is unable to attend. The Vice-Chairman shall assume the duties of Chairman in case the Chairman becomes unable, for whatever reason, to handle the affairs of the Board. If neither the Chairman nor Vice-Chairman is available, the Secretary-Treasurer shall preside and/or handle the affairs of the Board.

Section 3. It shall be the duty of the Secretary-Treasurer, or with Board approval, the duty of the Executive Director, to keep all the minutes and records of the Board. The Secretary-Treasurer or Executive Director shall have custody of all fees received by the Board, including application fees, license fees, renewal fees, fines, penalties, and other payments, and shall be responsible for such funds, and shall make an annual report to the appropriate authorities regarding the disbursement of these funds. The Secretary-Treasurer or Executive Director shall, with the approval of the Board, be responsible for the preparation of the annual budget of the Board. The Executive Director of the Board is covered by the Self-Insured Bond Program for Arkansas Government and Political Sub-divisions.

Section 4. Officers shall be elected annually at the first regular meeting held after June 30.

Section 5. The fee schedule, as set by the Board, is as follows:

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|-----|----------------------------|----------|
| (a) | application fee | \$100.00 |
| (b) | practical examination fees | |

	ear mold	\$25.00
	audiometric	\$25.00
	law and rules	\$25.00
(c)	re-examination fee	same as fee for portion repeated
(d)	internship fee	\$100.00
(e)	registration fee	\$50.00
(f)	annual license fee	\$100.00
(g)	late payment penalty of 10% of the annual license fee if paid within thirty (30) days after expiration.	
(h)	license reinstatement fee	of one and one-half (1 ½) times the annual license fee, if the renewal is not paid within the thirty (30) day grace period.
(i)	endorsement to another state	\$20.00
(j)	replacement or duplicate license	\$25.00
(k)	insufficient funds	\$25.00
(l)	CEU approval	\$50.00 per CE Unit

The Board shall waive the initial application fee if the applicant:

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

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

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

Section 6. The fee set out in Section (L) of Article III (5) shall be paid by the entity or individual requesting the approval and shall be good for twelve (12) months from the date of notice from the board of approval or denial.

ARTICLE IV. Forms

All forms and other printed material necessary for the administration of the board's duties shall be approved by a majority of the Board.

ARTICLE V. Application for License

Section 1. Applications for an Arkansas hearing instrument dispenser's license or internship must be made on forms provided by the Board. Applications submitted on forms other than originals furnished by the Board will not be accepted by the Board.

Section 2. Application forms may be obtained by writing to the Board's Executive Director. The Board's Executive Director contact information may be obtained by accessing the board's website. A copy of the current statutory provisions and Board rules governing the fitting and sale of hearing instruments will be provided with the application form.

Section 3. All application forms must be completed in full. Incomplete applications will be returned to the applicant and shall not be considered until all information is completed. All application forms must be accompanied by a check or money order in the amount, and covering the fees, specified on the face of the application. Appropriate fees shall be charged by the Board to any applicant whose check is returned by the bank.

Section 4. Completed applications for examination must be received by the Board through the Executive Director no later than thirty (30) days prior to the examination. Completed applications

received or completed less than thirty (30) days before the examination next scheduled will not be considered for that examination but will be considered for the following examination.

Section 5. Any person furnishing false information on any application shall be denied the right to take the examination, or to participate in the internship program. If the applicant has been licensed before such false information is made known to the Board, such license shall be subject to suspension or revocation. If a person has begun the internship program before such false information is made known to the board, the intern is subject to expulsion from the program.

ARTICLE VI. Internship Program

Section 1. No person shall train or supervise an intern unless he/she has complied with the requirements of Ark. Code Ann. Section 17-84-304.

Section 2. No licensed hearing instrument dispenser or audiologist, qualified to act as a sponsor of an intern, shall have more than one (1) intern in the training program under his/her supervision at any one time.

Section 3. No intern sponsor shall knowingly allow or require any intern under his/her supervision to practice the dispensing of hearing instruments except under his/her direct, personal, and physical supervision, nor knowingly allow or require such intern to work out of any office other than his/her own.

Section 4 Each sponsor must submit, in writing, to the Board, at the time application is submitted, an outline of the training program he/she intends to use for each intern he/she sponsors. Such training program must be approved by the Board prior to the issuance of any internship certificate. The Board may prepare and distribute model training program outlines.

Section 5. At the time the internship is completed and before the intern will be allowed to take the licensure examination, the sponsor must submit to the Board a written report on a form furnished by the Board and verify under oath that the intern has successfully completed the prescribed internship program. Each sponsor must notify the Board in writing, within ten (10) days, by certified mail, of any intern who abandons his/her internship program before completion.

Section 6. An intern may change sponsors, for good cause shown, with the permission of the Board.

Section 7. Any intern who abandons his/her internship program before completion must reapply and complete a new one (1) year internship program.

Section 8. Any person sponsoring an intern must agree to be accountable to the Board of Hearing Instrument Dispensers in all matters concerning the internship.

ARTICLE VII. Examination

Section 1. The written portion of the licensing examination is a standardized exam administered by the International Hearing Society (IHS). Upon approval for license by examination, the Board will notify IHS of the applicant's eligibility to take or retake the written exam. IHS will then notify the applicant by email of his/her eligibility to schedule the written portion of the exam. Applicants should not contact IHS directly before being notified of approval to take the written exam, as eligibility and approval are determined by the Board. IHS charges a fee for the exam, which the applicant will pay directly to IHS upon registration for the written examination.

IHS will send examination scores to the Board, and the Board will send a pass or fail notification to the applicant by email and regular mail (applicants should maintain updated contact information with

the Board). The Board may follow the pass or fail recommendations set out by IHS.

Section 2. Upon passing the written portion of the exam, the applicant is eligible to take the practical portions of the licensing exam, which shall consist of the subject matter contained in Ark. Code Ann. Section 17-84-305 and shall be given at least one (1) time per year, following a regular Board meeting.

Section 3. The practical portion of the examination will include testing of the applicant's knowledge of the provisions of Ark. Code Ann. [Section 17-84-101](#), et seq. and the Rules of the Board of Hearing Instrument Dispensers.

Section 4. Once the Board receives a written recommendation by the sponsor of a person participating in a valid internship program who has successfully completed his/her first six months of the internship program, that intern may take the written exam. Upon passing the written portion of the exam, that intern may take the practical portions of the licensing exam, which shall consist of the subject matter contained in Ark. Code Ann. Section 17-84-305 and shall be given at least one (1) time per year, following a regular Board meeting.

(a) An attempt by an intern to pass the examination shall count against the three (3) allowed attempts to successfully pass the licensing examination as stated in Ark. Code Ann. Section 17-84-305 (d). If an intern fails any part of the exam, the intern must complete the internship program before re-examination.

(b) An intern must work in the same physical location as the intern's sponsor.

(c) Every audiogram and purchase order performed by any intern must be approved, initialed, and dated by his/her sponsor.

(d) An intern who satisfactorily passes the licensing examination during his/her internship program may complete the internship program under the oversight of the sponsor without the sponsor's direct personal and physical supervision.

Section 5. An intern must repeat the internship application and program if the intern:

(a) Fails to pass any part of the examination within eighteen (18) months of the Board's approval of the intern's initial internship; or

(b) Fails to pass the exam as a whole after three (3) attempts.

Section 6. An applicant for licensure who has not completed the internship program must re-apply for licensure by examination if the applicant fails to pass any part of the examination within one (1) year of the board's approval of the applicant's initial application, and shall be required, if applicable, to complete the internship program as described in [AGA Ark. Code Ann. Section 17-84-304](#).

ARTICLE VIII. Annual License Renewal; Inactive Status

Section 1. The annual license fee and the information required by Article VIII (3) shall be submitted by each license holder to the Executive Director on or before the expiration date of his/her current license or renewal. All such licenses shall expire on June 30 each year, unless otherwise specified by the Board, and all licenses shall be renewed annually. Responsibility for the renewal of a license shall rest with the license holder, and if reminders of such renewal are sent by the Executive Director, it shall be as a courtesy only and shall not be deemed a responsibility of the Board.

Section 2. Renewal shall be judged delinquent if either the annual license fee or the renewal information is not postmarked before midnight of the date of expiration.

(a) A delinquent license may be renewed within thirty (30) days of the date of expiration by the payment of the annual license fee, plus a penalty of ten (10%) percent of the annual license fee, and the submission of the renewal information required by Article VIII (3).

(b) If the renewal information and license fee, plus penalty, is not submitted within the thirty (30) day period following the date of expiration, the license shall be considered ~~revoked for non-payment of license fees expired and no longer valid~~. Any license considered ~~revoked for non-payment of license fees, expired~~ may be reinstated by the Board upon payment of the required fee and submission of the renewal information.

(c) If the annual license fee and/or the renewal information is delinquent by at least sixty (60) days, the licensee shall be reexamined prior to the renewal of the license.

Section 3. Each licensee applying for renewal of his/her license shall furnish to the Arkansas Board of Hearing Instrument Dispensers the following:

(a) Proof of attending, during the preceding year, a minimum of twelve (12) hours of board-approved continuing education in the methods and techniques of testing and fitting hearing instruments, including at least one (1) hour of ethics.

(i) All continuing education courses, including course content and presenter's qualifications must be submitted to the Board for pre-approval before such courses are taken by the licensee.

(ii) Failure to receive Board approval of continuing education hours prior to the end of the license year shall be sufficient cause for non-renewal of the license.

(iii) Up to four (4) continuing education hours may be earned via courses taken over the internet for any one renewal period. Each internet course must be fully completed prior to the end of the license year in which it is commenced. Proof of passage must be supplied in writing at the time of renewal for the upcoming year.

(iv) The required one hour of ethics cannot be earned through an internet course. The ethics hour must include a discussion of the statutes and rules of the State of Arkansas pertaining to hearing instrument dispensers and shall be presented by an Arkansas licensed Audiologist or Arkansas licensed hearing instrument dispenser;

(b) Written evidence of annual calibration of all audiometers and tympanometer used by the license holder to current national standards;-

(c) A blank copy of the currently used bill of sale or comparable document provided to patients as required by Ark. Code Ann. [Section 17-84-104](#); and

(d) A statement regarding whether the licensee is engaged in the practice of dispensing in-office assembled hearing instruments.

Section 4. Any hearing instrument dispenser who, because of illness or other unavoidable circumstance, is unable to comply with the requirements for license renewal, may make application to the Board stating the circumstances as to why he/she is unable to so comply, and the Board, in its discretion, may relieve the applicant from complying for such time and under such circumstances as the Board deems proper.

Section 5. Inactive Status. A licensee may be placed on inactive status by submitting a written request to the Board at the time of license renewals. A licensee electing inactive status shall pay a reduced fee of fifty (50) percent of the current renewal fee. A licensee may resume active status by submitting a written request to the Board, paying the full renewal fee, and following any requirements listed in this Section.

(a) A licensee on inactive status may not actively engage in the practice of dispensing hearing instruments and must submit a statement acknowledging that at the time he/she elects inactive status.

(b) Continuing Education requirements under Article VIII Section 3(a) shall be waived for a licensee on inactive status. A licensee who resumes active status does not need to meet the annual Continuing Education requirements by the end of his/her first year after returning from inactive status, but he/she must attend twelve (12) hours of Board-approved continuing education, including one (1) hour of ethics, by the end of the second year after returning to active status.

(c) A licensee on inactive status shall be exempt from the requirements of Article VIII Section 3(b)-(c). A licensee electing to return to active status must comply with those sections before returning to active status.

(d) A licensee on inactive status may renew their license on an annual basis at the reduced renewal fee.

ARTICLE IX. Standards of Practice

Section 1. Testing. To ensure accurate testing or screening, the maximum allowable ambient noise level shall not exceed 55dB (A scale) wherever the testing or screening is conducted. The ambient noise level shall be measured on the A scale with a properly calibrated electronic sound level meter, and shall be recorded on the audiogram prior to testing or screening. All equipment must be maintained in good working order and be calibrated to national standards.

Section 2. All patients shall receive a battery of tests sufficient to determine the type and degree of hearing loss, and to rule out pathologies that require medical referral. All patients shall receive a battery of tests that will include tympanometry, pure tone air and bone conduction, speech reception threshold and speech discrimination with masking when indicated, and a measurement of most comfortable listening level (MCL), and a measurement of uncomfortable listening level (UCL).

Section 3. Fitting. All licensees shall include in their sales agreements the terms of all licensee's warranties and/or guarantees.

Section 4. Verification. Evaluation of objective hearing aid performance with hearing instrument(s) in place must be done. This can be accomplished by way of "sound field" testing or "real ear measurement", according to equipment manufacturer's specifications. The results of the verification shall be documented and made available to the board upon request.

Section 5. Validation. All licensees shall record in the patient's file all patient complaints, questionnaires, tests administered, results observed, adjustments made to the hearing instrument, and recommendations made to the patient.

Section 6. All licensees operating an established place of business shall maintain their records pertaining to fitting and dispensing hearing instruments to consumers for a period of five (5) years. All such licensees shall furnish copies of a patient's records to him or her, upon request within a reasonable period, not to exceed thirty (30) days. A licensee may assess a reasonable records fee not to exceed one dollar (\$1.00) per page for the first five (5) pages and twenty-five cents (\$.25) for each additional page. All such licensees who cease the active practice of dispensing hearing instruments shall make adequate

provisions for a patient to obtain copies of his or her records upon reasonable request.

ARTICLE X. Unethical Conduct; Termination of Internship

Section 1. It shall be the responsibility of each licensee or intern to be familiar with and to avoid commission of any of the acts regarded as unethical practices by this Act. Full responsibility for the ethical conduct of an intern shall rest with the sponsor.

Section 2. A sponsor may terminate an intern for unethical or dishonest conduct, or for other good cause. Within ten (10) days the sponsor shall notify the Board of such termination by certified mail, explaining in full the grounds for such termination.

Section 3. Any intern deprived of his/her sponsorship by termination may request a hearing by the Board. If a majority of the Board shall find him/her blameless of the charges, he/she shall be free to seek sponsorship with the same or another license holder. Upon application by a new sponsor, his/her internship may be reinstated, with no payment of fee or penalty. If the Board shall find him/her guilty as charged, the Board, in its discretion, may suspend or revoke the internship.

Section 4. Any licensee or intern who violates any federal regulations regarding screening or testing for the purpose of dispensing or selling of hearing instruments, or HIPAA regulations concerning patient confidentiality shall be deemed in violation of Ark. Code Ann. Section 17-84-308, and shall be subject to the penalties contained therein.

ARTICLE XI. Filing of Charges and Investigation

Section 1. Any person may file a written complaint with this Board against any licensee or intern or unlicensed person in this state, charging said person with having violated the provisions of the Board's statutes or rules.

Section 2. Any person against whom a complaint has been filed with the Board shall be given the opportunity to respond to the complaint in writing. The complainant shall have twenty (20) days, from the date of receipt of the complaint, to respond.

Section 3. The Board may initiate an investigation act upon its own motion or upon written complaint. An investigation may be conducted by one or more of the Board members or agents of the Board.

Section 4. If a complaint is filed by a current board member, that board member shall not participate in discussion or vote in any hearing that is held pursuant to the complaint.

Section 5. If, after investigation, the Board finds the complaint justified, further action taken by the Board shall be governed by the Administrative Procedures Act, Ark. Code Ann. Section 25-15-201, et. seq.

ARTICLE XII. Established Place of Business

Section 1. On his/her application to the Board for a license by examination, or an internship, the applicant shall state the following:

- (a) The applicant's name and residence address.
- (b) The name of the established place of business in which he/she conducts business.
- (c) The physical location or address of that established place of business.
- (d) The mailing address and business phone number of that established place of business.
- (e) A listing of the equipment used in the practice of fitting and dispensing of hearing instruments.
- (f) The name and license number of the person in charge of that established place of business.
- (g) The name and business address, if different of the person or persons financially responsible for that established place of business.

(h) A statement regarding whether the applicant will be engaged in the practice of dispensing in-office assembled hearing instruments.

Section 2. The established place of business identified by the applicant shall be the place where the applicant's license or certificate shall be regularly displayed and shall contain adequate equipment and supplies for serving the needs of the public.

Section 3. A person who holds a license or internship must notify the board by certified letter of every change in his or her established place of business and all satellite locations within ten (10) days of any change. Failure to give notice required in this Section shall be deemed unethical conduct.

Section 4. At the time a license or internship is issued or approved, and for each renewal thereof, an identification card bearing the expiration date of the license or internship, and the name of the licensee or intern shall be issued. Said card shall be kept in the physical possession of the licensee or intern at all times during the performance of his/her duties. On the request of any client or prospective client, Board member, peace officer, or any other person and in relation to the holder's practice of fitting and dispensing hearing instruments, he/she shall permit his/her identification card to be inspected for the purpose of identification.

Section 5. By accepting or renewing a license, the licensed hearing instrument dispenser grants permission for the investigator, or other designee appointed by the board, to enter the licensee's establishment or place of business without prior notice.

ARTICLE XIII. Sale of Hearing Instruments to Children

Section 1. It shall be considered a violation of Ark. Code Ann. Section 17-84-101, et. seq., to fit a child under the age of eighteen (18) years of age with a hearing instrument for the first time unless the child has had, in the past six (6) months a medical examination by an otolaryngologist and an audiological examination by an audiologist holding the Certificate of Clinical Competence, and such examination indicates the need for a hearing instrument.

Section 2. No child under the age of eighteen (18) years who has been fitted with a hearing instrument, shall be fitted with a different hearing instrument unless a medical examination by an otolaryngologist and an audiological examination by an audiologist holding the Certificate of Clinical Competence has been performed within the past two (2) years.

ARTICLE XIV. Violation of State Hearing Instrument Law Across State Lines

Disciplinary action by a regulatory board of another state against a person licensed by this Board, may be grounds for disciplinary action against the person by the Arkansas Board of Hearing Instrument Dispensers.

ARTICLE XV. General Standards for Mobile Units

Section 1. A licensee or intern working within a "mobile unit" as defined by Act 373 of 2017 is required to comply with all Board statutes and rules, including, without limitation. Article IX and XIII herein.

Section 2. A person engaging in the practice of dispensing hearing instruments shall notify the Board by certified mail at least thirty (30) days in advance of conducting business as a mobile unit. The notification shall include:

(a) The dates of operation of the mobile unit,

- (b) Times of operation of the mobile unit, and
- (c) Locations of operation of the mobile unit.

ARTICLE XVI Licensure by Reciprocity

Section 1. An applicant applying for reciprocal licensure shall meet the following requirements:

- (a) The applicant shall hold a substantially similar license in another United States jurisdiction.
 - (1) A license from another state is substantially similar to an Arkansas Hearing Instrument Dispenser license if the other state's licensure qualifications require or the applicant otherwise has obtained:
 - (i) Two (2) or more years of college education from a regionally accredited college or university, graduation from an American Conference of Audioprosthology (ACA) Program, or a National Board for Certification in Hearing Instrument Sciences (NBCHIS) certificate; and
 - (ii) Passage of the written examination administered by the International Hearing Society.
 - (2) The applicant shall hold his or her occupational licensure in good standing;
 - (3) 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;
 - (4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
- (b) The applicant shall be sufficiently competent in the field of dispensing hearing instruments; and
- (c) The applicant must be at least twenty (20) years of age.

Section 2. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

- (a) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - (1) 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
 - (2) Evidence that the other state's licensure requirements match those listed in Section 1(a)(1). The Board may verify this information online or by telephone to the other state's licensing board.
- (b) To demonstrate that the applicant meets the requirements in Section 1(a)(2)--(4), the applicant shall provide the Board with:
 - (1) The names of all states in which the applicant is currently licensed or has been previously licensed; and
 - (2) 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 Section 1(a)(3) and does not hold a license on suspended or probationary status as described in Section 1(a)(4) 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.
- (c) As evidence that the applicant is sufficiently competent in the field of dispensing hearing instruments, an applicant shall:
 - (1) Pass the practical application examination listed in Article VII, Sections 2 and 3 and;
 - (2) Submit three (3) letters of recommendation from licensed hearing instrument dispensers in the applicant's home state attesting to the applicant's skills and competence.
- (d) The applicant shall also provide proof of completion of the education requirements referenced in Section 1 (a)(1)(i) by submitting a certified college transcript, proof of graduation from an ACA

program, or certification from NBCHIS.

Section 3. Temporary and Provisional Licenses.

- (a) The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under Section 2(a)(1) and (2).
- (b) The temporary and provisional license shall be effective for ninety (90) days or until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in Section 1 of this rule, in which case the provisional and temporary 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.

Section 4. Licensure for an Individual from a State that Does not License Hearing Instrument Dispensers.

- (a) An applicant from a state that does not license hearing instrument dispensers shall meet the following requirements:
 - (1) The applicant shall be sufficiently competent in the field of dispensing hearing instruments;
 - (2) The applicant shall have obtained two (2) or more years of college education from a regionally accredited college or university, graduation from an American Conference of Audioprosthology Program, or a National Board for Certification in Hearing Instrument Sciences certificate; and
 - (3) The applicant must be at least twenty (20) years of age.
- (b) 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 dispensing hearing instruments, the applicant shall:
 - (i) Pass the written examination administered by the International Hearing Society;
 - (ii) Pass the practical application examination listed in Article VII, Sections 2 and 3; and
 - (iii) Submit three (3) letters of recommendation from hearing instrument dispensers in the applicant's home state attesting to the applicant's skills and competence.
 - (2) The applicant shall also provide proof of completion of the education requirements referenced in Section 1 (a)(1)(i) by submitting a certified college transcript, proof of graduation from an ACA program, or certification from NBCHIS.

ARTICLE XVII. Licensure for Active Duty Military, Returning Uniformed Service Members, Veterans, and Spouses.

Section 1. As used in this subsection

- (a) "automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
- (b) "~~returning military veteran~~" "uniformed service veteran" means a former member of the United States Armed Forces who was Uniformed Services discharged ~~from active duty~~ under circumstances other than dishonorable.

Section 2. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:

- (a) ~~An active duty military~~ A uniformed service member stationed in the State of Arkansas;
- (b) ~~A returning military veteran applying for licensure within one (1) year of his or discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- (c) The spouse of:
 - (1) a person under Article XVII Section 2 (a) or (b);
 - (2) a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - (3) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

Section 3. The Board shall grant such automatic licensure upon receipt of all of the below:

- (a) Payment of the initial licensure fee;
- (b) Evidence that the individual holds a ~~substantially equivalent~~ license with a similar scope of practice in another state; and
- (c) Evidence that the applicant is a qualified applicant under Rule XVII Section 2 (a), (b), or (c).

Section 4. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

Section 5. A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

ARTICLE XVIII. Pre-Licensure Criminal Background Check.

Section 1. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

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

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

Section 4. The Board's response will state the reasons for the decision.

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

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

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

ARTICLE XIX. Waiver Request for Disqualifying Criminal Offenses.

Section 1. If an individual has been convicted of an offense listed in A.C.A. Ark. Code Ann. Section 17-3-102(a), ~~except those permanently disqualifying offenses found in subsection or (e)~~, the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

- (a) An affected applicant for a license; or
- (b) An individual holding a license subject to revocation.

Section 2. The Board may grant a waiver upon consideration of the following, without limitation:

- (a) The age at which the offense was committed;
- (b) The circumstances surrounding the offense;
- (c) The length of time since the offense was committed;
- (d) Subsequent work history since the offense was committed;
- (e) Employment references since the offense was committed;
- (f) Character references since the offense was committed;
- (g) Relevance of the offense to the occupational license; and
- (h) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

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

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

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

ARTICLE XX Licensure Eligibility for “Work Permit” Holders.

The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

ARTICLE XXI. Earn and Learn Act Apprenticeships.

Section 1. The Board shall grant a license to an applicant who:

- (1) Completes a Federally-registered hearing instrument dispenser apprenticeship program, as defined under Ark. Code Ann. Section 17-6-101, et. seq.;
- (2) Passes all licensure examinations;
- (3) Pays the applicable application and licensure fees;
- (4) Does not have a disqualifying criminal record as determined by the Board under state law; and
- (5) Completes all other requirements for licensure unrelated to training and education.

Section 2. Should the Board deny an application submitted under this Article the Board shall provide the applicant with a written denial detailing the reason for the denial including whether the Board determined the applicant’s apprenticeship program does not correspond to the licensure requirements or level of license for which the applicant applied.

Section 3. A hearing instrument dispenser apprenticeship is not required to exceed the number of hours required by the Board for licensure as a hearing instrument dispenser, except as otherwise required by federal law.

Effective ~~September 28, 2020~~ January 1, 2022

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

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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
licensure without an individual’s having met occupational licensure~~

32

33

~~requirements provided under this title or by the rules of the occupational
licensing entity;~~

34

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: H2/3/21

A Bill

SENATE BILL 88

5 By: Senator Hester
6 By: Representative Ladyman
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE COMPOSITION OF THE ARKANSAS BOARD
10 OF HEARING INSTRUMENT DISPENSERS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO AMEND THE COMPOSITION OF THE ARKANSAS
16 BOARD OF HEARING INSTRUMENT DISPENSERS.
17
18

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

21 SECTION 1. Arkansas Code § 17-84-201(b), concerning the creation and
22 composition of the Arkansas Board of Hearing Instrument Dispensers, is
23 amended to read as follows:

24 *The board shall be composed of seven (7) voting members appointed by*
25 *the Governor, subject to confirmation by the Senate, for terms of three (3)*
26 *years, and one (1) nonvoting advisory member appointed by the Governor for a*
27 *term of three (3) years as follows:*

28 (1)(A) At least four (4) of the members shall be hearing
29 instrument dispensers licensed under this chapter who have held a valid
30 license for at least three (3) years.

31 (B) The Governor shall consult the Arkansas Hearing
32 Society, Inc., before making an appointment under subdivision (b)(1)(A) of
33 this section;

34 ~~(2) At least one (1) member shall be a physician licensed to~~
35 ~~practice medicine in Arkansas and specializing in otology or otolaryngology;~~

36 ~~(3)~~(2) At least one (1) member shall be an audiologist holding a



1 master's degree or doctoral degree in audiology from a recognized college or
2 ~~university, and~~

3 ~~(4)(A)(3)(A) One (1) member~~ Two (2) members shall be appointed
4 from the state at large to represent consumers.

5 (B) The consumer ~~representative~~ representatives under
6 subdivision ~~(b)(4)(A)~~ (b)(3)(A) of this section shall not be actively engaged
7 in or retired from the practice of dispensing hearing instruments.

8 (C) The consumer ~~representative~~ representatives under
9 subdivision ~~(b)(4)(A)~~ (b)(3)(A) of this section shall be a full voting member
10 ~~but shall not participate in the grading of examinations;~~ and

11 (4)(A) The advisory member shall be a physician licensed to
12 practice medicine in Arkansas and specializing in otology or otolaryngology.

13 (B) The advisory member shall not count for or against the
14 board's quorum requirement to conduct business.

15

16 SECTION 2. Arkansas Code § 17-84-202(b), concerning the organization
17 and proceedings of the Arkansas Board of Hearing Instrument Dispensers, is
18 amended to read as follows:

19 (b)~~(1) Any five (5) of the eight (8)~~ A majority of the members of the
20 board, when properly convened, may conduct business of the board.

21 (2) The board may appoint one (1) or more of its members or any
22 other person it deems appropriate as examiners for the purpose of hearing
23 evidence, reporting findings thereon, and making recommendations to the
24 entire board for a decision on any matter over which the board has authority.

25

26 /s/Hester

27

28

29 APPROVED: 3/1/21

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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, Flipppo, T. Garner, K. Hammer, Hester,*
6 *B. Johnson, D. Sullivan, C. Tucker, D. Wallace*
7 By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum,*
8 *Underwood, Wardlaw*

For An Act To Be Entitled

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

Subtitle

16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

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

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

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

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

29 (b) Appropriate state entities shall:

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

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

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

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



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

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

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

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

10 (a) The General Assembly finds that:

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

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

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

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

22
23 17-4-103. Definitions.

24 As used in this chapter:

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

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

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

1 17-4-104. Fee waiver.

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

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

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

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

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

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

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

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

24 A licensing entity shall:

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

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

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

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

30
31 SECTION 3. EFFECTIVE DATE.

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

34
35 /s/Gilmore

36 APPROVED: 4/15/21

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

A Bill

HOUSE BILL 1735

5 By: Representative Penzo
6 By: Senator Hester
7

For An Act To Be Entitled

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

Subtitle

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

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

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

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

24 (a) As used in this section:

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

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

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



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

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

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

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

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

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

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

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

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 22 **APPROVED: 4/19/21**
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1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1796

5 By: Representative Cozart
6 By: Senator Hill
7

For An Act To Be Entitled

9 AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND
10 CHECKS; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND OCCUPATIONAL CRIMINAL
13 BACKGROUND CHECKS.
14

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

20 SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing
21 restrictions based on criminal records, is amended to read as follows:

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

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

27 (B) The individual holding a license subject to
28 revocation.
29

30 SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing
31 restrictions based on criminal records, is amended to read as follows:

32 (e) Due to the serious nature of the offenses, the following shall
33 result in ~~permanent~~ disqualification for licensure, regardless of the date of
34 conviction or the date on which probation or incarceration ends unless a
35 waiver is granted under subsection (b) of this section:

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



- 1 (2) Murder in the first degree as prohibited in § 5-10-102 and
- 2 murder in the second degree as prohibited in § 5-10-103;
- 3 (3) Kidnapping as prohibited in § 5-11-102;
- 4 (4) Aggravated assault upon a law enforcement officer or an
- 5 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
- 6 felony;
- 7 (5) Rape as prohibited in § 5-14-103;
- 8 (6) Sexual extortion as prohibited in § 5-14-113;
- 9 (7) Sexual assault in the first degree as prohibited in § 5-14-
- 10 124 and sexual assault in the second degree as prohibited in § 5-14-125;
- 11 (8) Incest as prohibited in § 5-26-202;
- 12 (9) Endangering the welfare of an incompetent person in the
- 13 first degree as prohibited in § 5-27-201;
- 14 (10) Endangering the welfare of a minor in the first degree as
- 15 prohibited in § 5-27-205;
- 16 (11) Adult abuse that constitutes a felony as prohibited in § 5-
- 17 28-103; and
- 18 (12) Arson as prohibited in § 5-38-301.

19

20 SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing

21 restrictions based on criminal records, is amended to read as follows:

22 (g) The ~~permanent~~ disqualification for an offense listed in subsection

23 (a) or subsection (e) of this section does not apply to an individual who

24 holds a valid license on July 24, 2019.

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27 **APPROVED: 4/19/21**

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

A Bill

HOUSE BILL 1875

5 By: Representative Bryant
6 By: Senator Hester
7

For An Act To Be Entitled

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

Subtitle

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

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

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

CHAPTER 4

EARN AND LEARN ACT

17-4-101. Title.

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

17-4-102. Legislative findings – Purpose.

35 (a) The General Assembly finds that:
36



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

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

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

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

12
13 17-4-103. Definitions.

14 As used in this chapter:

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

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

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

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

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

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

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

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

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

1 by the licensing entity under state law; and

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

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

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

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

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

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

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

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

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

27
28 17-4-105. Construction.

29 This chapter does not apply to:

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

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

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

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SECTION 2. DO NOT CODIFY. Rules.

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

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

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

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

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

SECTION 3. EFFECTIVE DATE.

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

APPROVED: 4/21/21