

Chapter I, Article III – Entrance Examination

Section 1 -

Entrance examination shall be given by members of the Board, or any duly qualified individual or committee, designated by the Board.

Section 2 -

Such examination may be oral or written, or both, and shall consist of the subjects designated in Section 5 of Act 94 of the Acts or Arkansas of 1941 as amended by Act 102 of 1957, Act 710 of 1979, Act 875 of 1985, Act 397 of 1991, Act 101 of 1987, and Acts 176/186 of 1997 and other subjects designated by the Board.

Section 3 –

Upon successful completion of the entrance examination an applicant must submit an application for initial licensure and fifty (\$50) dollar fee.

The Board shall waive the initial licensure 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 4 –

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.”

Chapter I-Article IV. ~~Reciprocity~~, Licensure by Endorsement, Military Personnel**A. ~~Reciprocity~~****~~Section 1—~~**

~~An application for licensure by reciprocity pursuant to Subchapter 3 of Section 17-90-302 of Act 397 of 1991, shall be filed with the Secretary of the Board and shall set forth the name, address, date of birth, and the place or places where the applicant has engaged in the practice of optometry for the three (3) years immediately preceding the application. This application shall contain the names of at least three persons not related to the applicant with whom the applicant has been associated in the last five years. Such application shall also state whether or not the applicant has ever been convicted of a crime, or has ever had his license to practice optometry in other states revoked or suspended.~~

~~Section 2—~~

~~Such application shall also set forth the educational and professional qualifications of the applicant.~~

~~Section 3—~~

~~The application shall contain a statement by the applicant that he is willing to abide by the laws of this State and the rules and regulations of this Board, and such application shall be subscribed by the applicant and sworn to by him before an officer qualified to administer oaths by the laws of this State.~~

~~Section 4—~~

~~The application shall be accompanied with a fee of \$400.00. It shall be understood by the applicant that the application fee is to cover the cost of investigation and examination felt necessary by the Board.~~

B. A. Licensure by Endorsement**Section 1 --**

Any person from another state desiring to engage in the practice of optometry in this state may be issued a licensure by endorsement at the sole discretion of the State Board of Optometry upon satisfactory proof that he or she:

1. Is qualified under this chapter;
2. Has been issued a certificate or license to practice optometry by a state, territory, the District of Columbia, or Canada having standards of proficiency at least equal to the standards of Arkansas;
3. Has engaged in the lawful practice of optometry for a period of three years of the past four years in the other state, territory, the District of Columbia, or Canada and has complied with the requirements of the Arkansas licensure law at the time of application; and
4. Has passed an Arkansas jurisprudence examination as approved by the Board.

Section 2 --

The applicant shall pay a fee to the State Board of Optometry of \$400.00 (equal to the fee of a new applicant) to cover the administrative costs of the application process.

Section 3 --

An application for licensure by endorsement shall be accompanied by:

1. The fee described in Section 2;
2. Certification from all states or territories in which the applicant has practiced;
3. A certificate of good standing from each authority which issued the license, setting forth the applicant's ~~moral reputation and character~~, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;
4. A copy of the therapeutic license held by the applicant and current photo;
5. A copy of the cardiopulmonary resuscitation certification held by the applicant;
6. Transcripts from all colleges or universities attended by the applicant; and an accredited school or college of optometry;
7. Proof of completion of all parts of the National Board of Examiners in Optometry examination

- required at the time of graduation for initial licensure sent directly to the State Board of Optometry;
8. Information on past medical malpractice claims and any disciplinary actions;
 9. Application to the Identification Bureau of the Department for Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation with the \$38.50 fee for processing; and
 10. Appear in person before the State Board of Optometry for an interview.

Section 4 --

Upon furnishing satisfactory proof of fitness, the State Board of Optometry in its discretion may issue a license to practice optometry to the applicant without further cost except as otherwise provided in the Rules and Regulations for the renewal of licenses.

CB. Licensure for Active Military Uniformed Service Members

1. Definitions:

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

2. Licensure:

- a. Pursuant to ~~Act 248 of 2017~~ Ark. Code Ann. §17-4-101 et seq., the Arkansas State Board of Optometry shall allow the following individuals to secure employment with a temporary automatic license, certificate, or permit while completing the application process for full licensure or certification or permitting if the individual is the holder in good standing of a ~~substantially equivalent~~ license, certificate, or permit with a similar scope of practice issued by another state:

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

~~(2) A returning military veteran applying within one (1) year of his or her discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of: ~~a person under subdivisions (b)(1) and (2) of this section.~~

(a) A person under a (1) or (2) above;

(b) 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

(c) 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.

b. The Arkansas State Board of Optometry shall expedite the process and procedures for full licensure, certification, or permitting for the following individuals:

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

~~(2) A returning military veteran applying within one (1) year of his or her discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

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

(a) A person under a (1) or (2) above;

(b) 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

(c) 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.

c. When considering an application for full licensure, certification, or permitting for ~~an active duty military~~ a uniformed service member stationed in the State of Arkansas or ~~a returning military~~

~~veteran applying within one (1) year of his or her discharge from active duty~~ a uniformed service veteran who resides in or establishes residency in the State of Arkansas, the Arkansas State Board of Optometry:

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

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

d. A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by ~~an active-duty military~~ a uniformed service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the ~~active-duty military~~ uniformed service member's or spouse's return from ~~active~~ deployment.

e.(1) The Arkansas State Board of Optometry shall allow a full or partial exemption from continuing education required as part of licensure, certification, or permitting for a profession, trade, or employment in this state 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.~~the following individuals:~~

- ~~(A) An active duty military service member deployed outside of the State of Arkansas;~~
- ~~(B) A returning military veteran within one (1) year of his or her discharge from active duty; or~~
- ~~(C) The spouse of a person under subdivisions (f)(1) and (2) of this section.~~

(2) If the Arkansas State Board of Optometry allows a full or partial exemption from continuing education required under subdivision (~~fe~~)(1) of this section, the Board may require evidence of completion of continuing education before issuing the individual a subsequent license, certificate, or permit or authorizing the renewal of a license, certificate, or permit.

Chapter I Article VIII. Continuing Education**Section 1 –**

Beginning on the first day of January, 1996, in addition to the payment of the license renewal fee, each optometrist registered under the provisions of Act 94 of 1941, as amended by Act 102 of 1957, Act 710 of 1979, Act 101 of 1987, Act 3907 of 1991, and Acts 176/186 of 1997 of the Acts of the General Assembly of the State of Arkansas applying for the renewal of his license, shall furnish to the Arkansas State Board of Optometry satisfactory evidence that he obtained no less than twelve (12) clock hours of post-graduate education in a course, or courses, previously designated or approved by the Board, in the year just preceding such application for the renewal of his or her license. All out of state C.E. must be COPE (Council on Optometric Practitioner Education) approved. The State Board will continue to review in-state courses and courses offered by accredited schools and colleges of optometry, schools of medicine, and pharmacy. Of the twelve (12) clock hours required for license renewal, credit for four (4) clock hours may be obtained through approved correspondence or Internet courses. The Secretary of the Arkansas State Board of Optometry shall mail by first class United States mail a written notice to this effect to each person holding a license to practice optometry within the state of Arkansas at least thirty (30) days prior to the first day of January in each year, directed to the last-known address of such licensee. In the event that any licensee shall fail to obtain twelve (12) clock hours of post-graduate education previously designated or approved by the Board, this is declared to be unprofessional conduct by the Arkansas State Board of Optometry and shall be cause for revocation, or suspension of license to practice optometry in this state and/or fines; or to refuse to issue a renewal of any license at any time.

Provided, however, the Arkansas State Board of Optometry may reinstate such licensee to practice optometry in this State any time, or issue a renewal license to any licensee at any time upon the presentation of satisfactory evidence of completion of the post-graduate study required for license renewal and upon the payment of all fees due.

Provided, further, that any optometrist, who because of illness or other unavoidable circumstances, is unable to comply herewith, may make application to the State Board stating the circumstances as to why he or she is unable to so comply, and the Board, at its discretion, may relieve the applicant from so complying for such time and under such circumstances as the Board deems proper.

If any licensee desires to be considered by the Board as retired and not practicing optometry, then the licensee may renew his or her license without complying with the continuing education requirements.

One clock hour of continuing education requirements of the required 12 clock hours per year must be in the subject matter of Arkansas Jurisprudence, to include the study of the Arkansas Statutes and Regulations of the Board governing the practice of optometry. Said jurisprudence course must be pre-approved by the Board in order to meet the one hour requirement of continuing education. Any licensee completing the jurisprudence course online must provide the Board with the thirty-five (\$35) dollar course fee.

Optometrists serving in the U.S. Armed Forces or Public Health Service assigned to duties outside the boundaries of the United States will be classified as “hardship” and excluded from the continued education requirements. The Board shall waive the annual renewal fee for all registered optometrists if the registered optometrist:

- a. holds a license to practice optometry in the State of Arkansas; and
- b. is ~~an active duty~~ a uniformed service member of the military

Chapter IX Article I. Pre-Licensure Criminal Background Check

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

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

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

D. The Board’s response will state the reason(s) for the decision.

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

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

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

Waiver Request

A. If an individual has been convicted of an offense listed in A.C.A. § 17-23-102(a) or (e), ~~except those permanently disqualifying offenses found in subsection (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:

1. An affected applicant for a license; or

2. An individual holding a license subject to revocation.

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

1. The age at which the offense was committed;

2. The circumstances surrounding the offense;

3. The length of time since the offense was committed;

4. Subsequent work history since the offense was committed;

5. Employment references since the offense was committed;

6. Character references since the offense was committed;

7. Relevance of the offense to the occupational license; and

8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

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

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

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