

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1255

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

Amendment No. 1 to House Bill 1255

Amend House Bill No. 1255 as engrossed, H2/4/19 (version: 02/04/2019 9:55:42 AM)

Page 2, line 3, delete "A licensing" and substitute "A An occupational licensing"

AND

Page 2, line 4, delete "registration, or" and substitute "registration, permit, or"

AND

Page 2, line 6, delete "registered, or" and substitute "registered, permitted, or"

AND

Page 2, line 8, delete "license" and substitute "license, registration, permit, or certification"

AND

Page 2, line 9, delete "licensing" and substitute "licensing, registration, permitting, or certification"

AND

Page 2, line 10, delete "license" and substitute "license, registration, permit, or certification"

AND



Page 2, line 13, delete "license" and substitute "license, registration, permit, or certification"

AND

Page 2, line 17, delete "The licensing" and substitute "The occupational licensing"

AND

Page 2, line 23, delete "the licensing" and substitute "the occupational licensing"

AND

Page 2, line 26, delete "registration, or" and substitute "registration, permitting, or"

AND

Page 2, line 27, delete "The licensing" and substitute "The occupational licensing"

AND

Page 2, line 30, delete "registration, or" and substitute "registration, permit, or"

AND

Page 2, line 33, delete "registration, or" and substitute "registration, permit, or"

AND

Page 2, line 36, delete "registration, or" and substitute "registration, permit, or"

AND

Page 3, line 1, delete "registration, or" and substitute "registration, permit, or"

AND

Page 3, line 1, delete "licensing entity" and substitute "occupational licensing entity"

AND

Page 3, line 4, delete "registration, or" and substitute "registration, permit, or"

AND

Page 3, line 5, delete "registration, or" and substitute "registration, permit, or"

AND

Page 3, delete line 6, and substitute the following:

~~"(g)(f)(1)~~ As used in this section, "occupational licensing entity" means an agency, office, council, bureau,"

AND

Page 3, line 10, delete "register," and substitute "register, permit,"

AND

Page 3, delete lines 15 through 36, and substitute the following:

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

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

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

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

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

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

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

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

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

(1) Demonstrates that he or she:

(A) Holds an occupational licensure that is substantially

similar to practice in the field of his or her occupation or profession in another state, territory, or district of the United States;

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

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

(i) An act of bad faith; or

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

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

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

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

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

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

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

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

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

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

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

individual currently holding an occupational licensure.

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

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

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

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

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

AND

Delete the remainder of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hester

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Secretary