

MARK-UP

**RECEIVED**

JUL 23 2020

BUREAU OF  
LEGISLATIVE RESEARCH

**ADMINISTRATIVE RULES AND REGULATIONS PERTAINING TO THE  
LICENSING OF HEATING, VENTILATION, AIR CONDITIONING AND  
REFRIGERATION CONTRACTORS**

Rules effective as of September 1, 2020

**Heating, Ventilation, Air Conditioning and Refrigeration  
Licensing Board  
Arkansas Department of Labor and Licensing  
900 West Capitol, Suite 400  
Little Rock, Arkansas 72201**

---

MARK-UP

**RULES ~~AND REGULATIONS~~**  
**PERTAINING TO THE LICENSING OF**  
**HEATING, VENTILATION, AIR CONDITIONING**  
**AND**  
**REFRIGERATION CONTRACTORS**

**SECTION I. AUTHORITY**

The following rules ~~and regulations~~ are duly adopted and promulgated by the Arkansas Heating, Ventilation, Air Conditioning and Refrigeration Licensing Board pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 277, of 1991, as amended, and Act 96, of 1913, as amended.

**SECTION II. PURPOSE**

The purpose of this ~~regulation~~ rule is to provide for the administration and enforcement of Act 277, of 1991, as amended.

**SECTION III. DEFINITIONS**

The following words and terms, when used in this ~~regulation~~ rule, shall have the following meanings, unless the context clearly indicates otherwise. Words not defined in this ~~regulation~~ rule shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

- (1) "Board" means the Arkansas Heating, Ventilation, Air Conditioning and Refrigeration Licensing Board;
- (2) "BTUH" means British Thermal Unit per hour of heat;
- (3) "Deferred License" means an inactive or non-usable license;
- (4) "Designated License Holder" means the Class A, B, C, D or E licensee who is responsible for the HVACR work performed;
- (5) "Department" means the Arkansas Department of ~~Health~~ Labor and Licensing;
- (6) "Director" means the Director of the ~~Arkansas Department of Health~~ Division of Occupational and Professional Licensing Boards and Commissions or other designee of the Secretary of the Department of Labor and Licensing;
- (7) "Heating and Air Conditioning" means the process of treating air to control temperature, humidity, cleanliness, ventilation, or circulation, to meet human comfort requirements;

## MARK-UP

- (8) "Heating, Ventilation, Air Conditioning and Refrigeration" or "HVACR" means the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in heating and air conditioning, refrigeration, ventilation, or process cooling or heating systems;
- (9) "Horsepower" means the equivalent to 746 watts;
- (10) "HVACR Gas Fitting Work" means gas fitting work for the purpose of supplying an HVACR system and shall be limited to installing six (6) feet or less of final gas piping connection to a heating unit from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system;
- (11) "HVACR Licensing Fund" means a fund established under this act to be used exclusively to fund all activities covered under this act;
- (12) "HVACR Maintenance Work" means repair, modification, service and all other work required for the normal continued performance of an HVACR system. This term does not include the installation or total replacement of a system, or the installation of boiler or pressure vessels that must be installed by persons licensed under Arkansas Code Title 20, Chapter 23.
- (13) "Pattern of Incompetence" means one or more of the following:
  - (a) A history of repeat offenses as described by citation reports.
  - (b) One or more impositions of civil penalties by the Board.
  - (c) Criminal activity not conducive to the trust and wellbeing of the public.
- (14) "Licensee" means the holder of a license issued pursuant to this act;
- (15) "One Ton" means 12,000 BTUH;
- (16) "Persons" means any individual, firm, partnership, co-partnership, corporation, association, cooperative or any other association or combination thereof;
- (17) "Public Entity" means any agency of the State of Arkansas or any political subdivision of the state;
- (18) "Refrigeration" means the use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space other than for human comfort;
- (19) "Registrant" means a person who does not hold a Class A, B, C, D or E HVACR license and who can only perform work for an HVACR licensee and who holds a current HVACR registration;

**MARK-UP**

(20) “Repair” means the reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance;

(21) “Subcontractor” means a person who performs a portion of the HVACR installation;

(22) “Substantially similar” license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

(23) “Ventilation” means the process of supplying or removing air by natural or mechanical means to or from any space.

**SECTION IV. CLASSIFICATION OF LICENSES**

- (1) Class A - Entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities;
- (2) Class B - Entitles the licensee to perform HVACR work on air conditioning systems that develop a total of not more than 15 tons cooling capacity per unit or 1 million BTUH heating input per unit and refrigeration systems of 15 H.P. or less per unit; or
- (3) Class C - Entitles the licensee, who is in the business of servicing and repairing heating, ventilation, air conditioning or refrigeration equipment for the public to service, repair or replace components of HVACR equipment and to perform HVACR work on air conditioning systems that develop a total of not more than 15 tons cooling capacity per unit or 1 million BTUH heating input per unit and refrigeration systems of 15 horsepower or less per unit. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment.
- (4) Class D – Entitles the licensee to perform “Sheetmetal” work as it relates to ductwork for HVACR systems without regard to or limitation of horsepower of the system to which the duct connects. The licensee in this category is prohibited from the sale, installation and service of HVACR equipment and systems.
- (5) Class E – Entitles the licensee to perform “Refrigeration” work as defined in Ark. Code 17-33-101 without regard to or limitation of horsepower. The licensee in this category is prohibited from the sale, installation and service of heating and air conditioning equipment used for the treatment of air for human comfort requirements.
- (6) Class L – Entitles the license holder to a “Lifetime” license to perform HVACR service and maintenance work on air conditioning systems that develop a total of not more than 15 tons cooling capacity per unit or 1 million BTUH heating input per unit and refrigeration systems of 15 H.P. or less per unit only. A Lifetime license holder shall not install any original equipment or replace any existing HVACR equipment.

MARK-UP

**SECTION V. QUALIFICATIONS AND APPLICATION FOR LICENSURE**

(A)

- (1) Applicants for Class A, B, C, D or E licensure shall be at least (18) years of age.
- (2) Applicants must make application to the department on forms prescribed by the Board.
- (3) The Board shall approve an applicant for Class A, B, C, D or E licensure with examination provided that the applicant is currently licensed as a in another state or political subdivision of that state or territory, or district of the United States with which the Board has no reciprocity, but whose HVAC/R licensing laws are substantially similar to those of the State of Arkansas and:
  - 1) Holds his or her occupational licensure in good standing;
  - 2) Has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;
  - 3) Is sufficiently competent in his or her field, and;
  - 4) Pays the required license fee.

In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

In this section, "substantially similar" license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

- ~~(3)~~ (4) Applicants for licensure must pass a Board approved examination if the candidate for licensing does not hold licensing in another state or political subdivision of that state or territory, or district of the United States.
- ~~(4)~~ (5) Applicants for licensure with no licensing background shall present satisfactory evidence of having at least two (2) years experience as an HVACR contractor or an employee of an HVACR contractor. The Board may substitute HVACR related educational training for experience provided that the educational training is approved by the Board. Copies of educational transcripts shall be provided prior to Board consideration.
  - a. The Board shall use the least restrictive requirements by allowing the licensing candidate to show proof of experience in the form of records,

## MARK-UP

affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as an HVACR contractor.

- b. In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

~~(5)-(6)~~ (6) A designated license holder is the Class A, B, C, D or E licensee who is responsible for the HVACR work performed. Employees of the designated license holder shall be a registrant, unless otherwise exempt. The designated license holder shall be solely responsible to maintain the registration of all employees required to be registered under Ark. Code 17-33-303(d) (3) and these ~~regulations~~ rules.

~~(6)~~ (7) A person who designs HVACR systems, as a service to a licensee and does not charge for that service is not required to obtain an HVACR license.

(8) Criminal background checks shall not be required.

(B) Qualifications and Application for Lifetime Licensure

- (1) Applicants for a Class "L" Lifetime license must be at least sixty-five (65) years of age.
- (2) Prior to application, applicants must have been eligible for a Class A, Class B, Class C, Class D or Class E license.

(C) Temporary Permits or Provisional Licensing

- (1) When requested, the Board shall immediately issue temporary revocable permits or provisional licensing to all Class A, B, C, D or E applicants upon receipt of the application under the following conditions:
  - a. The temporary permits or provisional licensing shall be granted for ninety (90) days in accordance with Section XIII (Reciprocity) unless the Board determines the candidate for licensing does not meet the criteria as noted in these rules in which case the temporary permit or provisional licensing shall be revoked. The Board may extend temporary permit or provisional licensing to exceed ninety (90) days if a hardship status is determined by the Board for the applicant;
  - b. Candidates for temporary permits or provisional licensing shall be required to attend the scheduled examinations unless official excused or forfeit temporary permit or provisional licensing.
  - c. The candidate holds his or her occupational licensure in good standing;

## MARK-UP

- d. The candidate has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;
- e. The candidate is sufficiently competent in his or her field, and;
- f. The candidate pays the required license fee.

(D) 1. An individual is not eligible to receive or hold a license issues by the Board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.

2. The Board may grant a waiver as authorized by Ark. Code Ann. §17-3-102 et. seq. in certain circumstances.

3. The Board is not authorized to conduct criminal background checks, but the Board may inquire about criminal convictions at the time of license application or the renewal of a license. Any applicant or licensee who provides false information to the Board may be subject to suspension, license revocation or the denial of a license.

## **SECTION VI. TERMS OF EXPIRATION, RENEWAL AND EXAMINATION.**

- (1) All licenses called for under these ~~regulations~~ rules shall expire one (1) year from the original date of issuance.
- (2) Class A, B, C, D or E license examinations shall be offered at least four (4) times per year or as often as the Board determines to be appropriate.

## **SECTION VII. LICENSE AND EXAMINATION FEES**

- (1) The license fee for the Class A contractor shall be \$200.00 per year.
- (2) The license fee for the Class B contractor shall be \$150.00 per year.
- (3) The license fee for the Class C contractor shall be \$100.00 per year.
- (4) The license fee for the Class D contractor shall be \$150.00 per year.
- (5) The license fee for the Class E contractor shall be \$150.00 per year.

**MARK-UP**

- (6) The license fee for the Class L “Lifetime” license shall be “No Charge”.
- (7) The Registrant fee is \$25.00 per year.
- (8) Fees for the Class A, B C, D or E examination shall be a minimum of \$55.00 each for written exams and \$100.00 each for computerized exams.

**SECTION VIII. DENIAL OF LICENSE**

All applicants who meet the requirements for licensure or registration shall be issued the appropriate license or registration except that the Board may deny a license if the applicant has:

- (1) Committed any act which, if committed by a licensee or registrant, would be grounds for suspension or revocation of the license or registration:
- (2) Previously been denied a license or registration under these ~~regulations~~ rules for cause or previously had a license or registration revoked for cause; or
- (3) Knowingly made any false statement or misrepresentation on the application.

**SECTION IX. REVOCATION OF LICENSE**

- (1) The Board may, on its own motion, make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, suspend or revoke any license called for under these ~~regulations~~ rules if it has reason to believe that the holder of such license has violated any provision of these ~~regulations~~, any rules or order prescribed by the Board or has demonstrated a pattern of incompetence to act as an HVACR license holder or Mechanical Inspector.

**SECTION X. PROCEDURES FOR SUSPENSION OR REVOCATION**

- (1) A copy of the complaint shall be served on the licensee complained against. The licensee’s answer thereto shall be filed within twenty (20) days of the licensee’s receipt of the complaint.
- (2) No order suspending or revoking a license or registration shall be made until after a public hearing set by the Board pursuant to the procedures of the Arkansas Administrative Procedures Act, Ark. Code Ann. §25-15-201. The hearing shall be held at the place designated by the Board. The individual complained against shall have the right to be represented by counsel and to introduce any evidence in his defense. The conduct of the hearing shall be in accordance with recognized rules of procedure.
- (3) The decision rendered as a result of the hearing may be appealed pursuant to the Administrative Procedures Act, §25-15-201 et seq.



**MARK-UP**

- (4) Any member of the Board or a representative of the Board shall have the authority to administer oaths for the taking of testimony.
- (5) One (1) year after the date of revocation, an application may be made for a new license or registration.

**SECTION XI. DEFERMENT AND REINSTATEMENT**

- (1) A Class A, B, C, D or E contractor holding a current HVACR license may make application to the Board for deferment of such license. Deferred license means inactive and non-usable. The Board, upon receipt of such application, may grant deferment of license. Deferments shall be renewed annually at a fee of \$40.00 for a Class A, \$30.00 for a Class B, \$20.00 for a Class C, \$30.00 for a Class D and \$30.00 for Class E.
- (2) The Board may grant a deferred license without deferment or reinstatement fees to members of the armed services or Class A, B, C, D or E license holders who became legally appointed or employed Mechanical Inspectors.
- (3) A Class A, B, C, D or E license holder, whose license expired for non-payment of renewal fees, may make application for reinstatement of license. A penalty fee of \$10.00 per month shall be added for late payment. The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse. Upon receipt of the application and experience record, the Board will determine whether to reinstate with or without examination. In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.
- (4) The Board shall reinstate a deferred license provided the applicant pays the current license fee for the type of license requested. If the applicant has been deferred for over a five (5) year period, the Board may request that the applicant complete a reinstatement form outlining work experience. If it has been determined by the Board that the applicant has not been affiliated with HVACR work since the original date of deferment, an examination may be required. Applicants for re-instatement, who have been delinquent for over five (5) years, must take the prescribed exam. In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.
- (5) A Class A, B, C, D or E contractor or Registrant whose license has been revoked, may make application for a new license one (1) year after the date of revocation. Such application shall contain a statement of intent to comply with all pertinent laws, and rules ~~and regulations~~. The Board shall issue a new license after the applicant has passed the prescribed examination and paid applicable fees.

**SECTION XII. TRANSFER OF LICENSE**

## MARK-UP

- (1) An HVACR license holder may transfer to a lower classification of HVACR license without examination. A transfer fee of \$15.00 shall be charged. Only a Class A license holder may transfer to a Class D or Class E license. Class D and Class E licenses are specialty licenses and are not transferable to each other or with any other HVACR license.
- (2) An HVACR license holder may not transfer to a higher license without first meeting the qualification requirements of the Board and passing the prescribed exam.
- (3) A \$15.00 fee shall be required and accompany each request for a revised license or to replace a lost or duplicate license or for a revised or lost identification card.

## SECTION XIII. LICENSE BY RECIPROCITY

- (1) ~~The Board may waive any license requirement for an application with a valid license from another state or sub division thereof when the applicant provides proof of exam sufficient in content to be deemed by the Board to be equal to an Arkansas exam and is in good standing with that jurisdiction.~~ The Board as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding HVAC/R licensing. Application license fees shall apply for license requested and candidates for licensure under reciprocity shall not be required to pass an examination or participate in continuing education, training, or apprenticeship as a prerequisite to licensing for HVACR Class A, B, C, D or E contractor.
- (2) An applicant applying for reciprocal licensure shall meet the following requirements:
  - (a) The applicant shall hold an HVAC/R license in another United States jurisdiction that are substantially similar to Arkansas HVAC/R licensure requirements as established by these rules.
    - (i) Minimum education requirements for licensure are not required.
  - (b) The applicant shall hold his or her occupational licensure in good standing.
  - (c) The applicant shall not have had a license revoked for an act of bad faith or a violation of laws, rule or ethics:
  - (d) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
  - (e) The applicant shall be sufficiently competent in the mechanical HVAC/R installations.

## MARK-UP

(3) The HVAC/R Board shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(a) Examinations shall not be required;

(b) Apprenticeship, education, or training shall not be required as a prerequisite to licensure.

(4) An applicant shall submit a completed 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, the applicant shall submit the following information:

(i) Copy of HVAC/R license from other jurisdiction;

(ii) Completion of required forms from other jurisdiction(s) showing the candidates licensing status including suspensions and revocations, types of examinations administered, and types mechanical code used.

(iii) Candidates shall also be required to submit the names of all states in which the candidates is either currently or has been previously licensed in and confirmation that the license is in good standing. The Board has the authority to verify candidate licensing information.

#### SECTION XIV. CORRECTION OF VIOLATIONS

—~~(a)~~ An applicant applying for any license, or reinstatement or renewal of license, under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of Act 277, of 1991, as amended or these ~~regulations~~ rules. Where such violations have existed, the Board may require all back license fees and penalties to be paid, all violations corrected and attendance at least one (1) code training class on the subject of the violation confirmed in writing by the inspector issuing the violation report.

#### SECTION XV. INSPECTION FEES

(1) The Department may charge fees for inspections authorized under Act 277, of 1991, as amended. The fees for each installation shall be \$25.00 for the first \$1,000.00 or fraction thereof, of valuation of the installation plus \$2.00 for each additional \$1,000.00 or fraction thereof. Total inspection fees shall not exceed \$1,000.00 per job. Each additional re-inspection shall be \$25.00 each.

**MARK-UP**

(2) The Department may not charge an inspection fee to investigate consumer complaints and/or to assist the inspection authorities when making a survey or assisting them with inspections.

**SECTION XVI. MECHANICAL CODE BOOK FEES**

The Department may prepare and cause to be printed such codes, bulletins, or other documents as necessary for the purpose of enforcing this ~~regulation~~ rule. The Department ~~shall~~ may charge a fee for codes as printed in the Arkansas Mechanical Code book rule.

**SECTION XVII. PENALTIES**

(a) Any person who violates any provision of Act 277, of 1991, as amended, or violates any rule, ~~regulation~~, or order of the Board or any permit, license or certification may:

- (1) In accordance with the ~~regulation~~ rule issued by the Board, be assessed a civil penalty by the Board. The penalty shall not exceed two hundred fifty (\$250.00) dollars for each violation and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.
- (2) The amount of any civil penalty levied by the Board may be recovered in a civil action brought by the Board in a court of competent jurisdiction, without paying costs or giving bond for costs.

(b) In addition to the civil penalty provided in this section, the Board is authorized to petition any court of competent jurisdiction without paying costs or giving bond for costs to :

- (1) Enjoin or restrain any violation of, or compel compliance with, the provisions of this chapter and any rules, ~~regulations~~, or orders issued thereunder;
- (2) Affirmatively order that remedial measures be taken as may be necessary or appropriate to implement or effectuate the purposes and intent of this chapter; and
- (3) Recover all costs, expenses and damages to the Board and any other agency or subdivision of the state in enforcing or effectuating the provisions of this subchapter.

(c) An unlicensed person shall not be entitled to a mechanic's and materialman's lien, a laborer's lien or any other artisan's lien for work done in violation of these rules.

**SECTION XVIII. RESPONSIBILITIES OF THE LICENSEE**

**MARK-UP**

- (1) Each license shall be displayed at the contractor's place of business as listed with the HVACR Board.
- (2) Each licensed contractor shall display (in a prominent, legible manner) the license number and company name in letters not less than two inches high on both sides of all service and installation vehicles used in conjunction with air conditioning and refrigeration contracting. Additionally, the license number and company name shall be displayed at all job sites.

(EXAMPLE: HVACR LICENSE #0000001)

- (3) A license holder is required to notify the Board in writing within 30 days of any change in permanent mailing address, business affiliation, change of business location, or business telephone number. A license revision is required for any change to permanent mailing address, change of business affiliation, or the business location reflected on the license. The permanent address on file with the Board shall be considered the license holder's permanent address and all correspondence, including license expiration notice from the department, will be mailed to such address of record. A license holder wishing to revise a license shall request in writing the revision, and pay the appropriate fee required in this rule. A license holder requiring a replacement license or wallet card must send a notarized statement to the Department indicating the loss and requesting the replacement. Payment of the fees required in Section XII of this ~~regulation~~ rule must be submitted with the statement of loss. The wallet card or license card for each license holder or registrant, on the jobsite, must be with the person to which it was issued for inspection by the state or local inspector in order to confirm the license status of the individual.

**SECTION XIX. EXEMPTIONS**

- (1) These rules ~~and regulations~~ shall not apply to:
  - (A) Household appliances;
  - (B) American Gas Association (AGA) approved un-vented space heaters;
  - (C) Factory assembled air-cooled, self-contained refrigeration equipment of 1.5 HP or less and which have no refrigerant lines extending beyond the cabinet enclosure;
  - (D) Factory assembled air-cooled, self-contained window type air conditioning units of 36,000 BTUH or less not connected to ducts;
  - (E) Window, attic, ceiling and wall fans in residences; or

## MARK-UP

- (F) Poultry operations whether engaged in hatching, primary processing or further processing of chicken, turkey or other fowl.
- (2) This act shall not apply to a person who:
- (A) Performs HVACR working an existing building or structure owned and occupied by him as his home;
  - (B) Performs HVACR work in an existing building or structure owned or occupied by him on his farm;
  - (C) Performs work for public utilities on construction, maintenance, and development work, which is incidental to their business;
  - (D) Performs work on motor vehicles;
  - (E) Is an architect or registered engineer who designs HVACR systems for design criteria only;
  - (F) Is an employee of a hospital and who performs HVACR work which is incidental to the hospital's operation; items related to Health Care facilities shall continue to be governed by the Rules ~~and Regulations~~ pertaining to health care facilities licensed under Act 414, of 1961, as amended and administered by the Arkansas Department of Health, Division of Health Care Facilities;
  - (G) Installs or does maintenance work on a gas-fired floor furnace, wall furnace or unit heater, if the person is licensed pursuant to Arkansas Code Ann. §17-38-301 et seq. and the work is performed within the limitations of the person's license;
  - (H) Is a pipefitter, welder, well driller, sheetmetal worker, or plumber working under a Class A, Class B, Class D, or Class E licensee and who is enrolled in or has satisfactorily completed an apprenticeship training program, approved by the state of Arkansas, in his respective trade and the work is performed within the limitations of the person's license.
- (3) The provisions of this act shall not apply to a person or public entity servicing or repairing its own HVAC/R system by its own personnel specifically trained for such service or repair.
- (4) Any person exempt under this section is required to conform to ~~regulations~~ rules on the performance of HVACR work as well as obtaining local permits and inspection as may be required by local ordinance.

MARK-UP

**SECTION XX.**      **LICENSURE, CERTIFICATION, OR PERMITTING OF ACTIVE DUTY SERVICE MEMBERS, RETURNING VETERANS, AND SPOUSES – ARK CODE 17-1-106**

- (1) As used in this subsection, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.
- (2) As used in the subsection, “automatic licensure” means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity;
- (3) The HVAC/R Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction for Class A, B, C, D or E licensure and is:
  - (a) An active duty military 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; or
  - (c) The spouse of a person under this section.
- (4) The HVAC/R 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 in another state; and
  - (c) Evidence that the applicant is a qualified applicant under the provisions of this section.

**SECTION XXI. SEVERABILITY**

If any provisions of these ~~regulations~~ rules, or the application thereof to any person, is held invalid, such invalidity shall not affect other provisions or application of these ~~regulations~~ rules which can give effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

**SECTION XXII. REPEAL**

**MARK-UP**

All ~~regulations~~ rules and parts of ~~regulations~~ rules in conflict herewith are hereby repealed.



State of Arkansas

As Engrossed: H2/13/19

92nd General Assembly

# A Bill

Regular Session, 2019

HOUSE BILL 1301

By: Representative Cozart

## For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED  
TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE  
OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED  
TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN  
INDIVIDUALS; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE RED TAPE REDUCTION  
EXPEDITED TEMPORARY AND PROVISIONAL  
LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL  
LICENSING ENTITIES TO GRANT EXPEDITED  
TEMPORARY AND PROVISIONAL LICENSING FOR  
CERTAIN INDIVIDUALS.

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

SECTION 1. DO NOT CODIFY. Title.

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

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

(a) The General Assembly finds that:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

32 (a) As used in this section:

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

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

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

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

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

11 (1) Demonstrates that he or she:

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

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

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

19 (i) An act of bad faith; or

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (g) This section shall not apply to:

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

36 (2) The occupational licensing entities that administer the

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

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

8  
9 /s/Cozart

10  
11  
12 APPROVED: 3/12/19  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

State of Arkansas

As Engrossed: S3/28/19

92nd General Assembly

# A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

## For An Act To Be Entitled

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

## Subtitle

TO AMEND THE LAW CONCERNING THE  
OCCUPATIONAL LICENSURE OF ACTIVE DUTY  
SERVICE MEMBERS, RETURNING MILITARY  
VETERANS, AND THEIR SPOUSES; TO PROVIDE  
AUTOMATIC LICENSURE; TO REQUIRE REVIEW  
AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

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

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



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

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

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

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

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

13 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1 licensure; and

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

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

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

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

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

18 (f) An occupational licensing entity shall:

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

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

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

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

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

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

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

6  
7  
8 /s/Irvin

9  
10  
11 APPROVED: 4/9/19  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

State of Arkansas                      *As Engrossed: S3/18/19 H4/3/19*  
92nd General Assembly                      **A Bill**  
Regular Session, 2019

SENATE BILL 451

By: Senator J. Cooper  
By: Representative Dalby

**For An Act To Be Entitled**

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL  
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO  
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND  
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND  
FOR OTHER PURPOSES.

**Subtitle**

TO AMEND THE LAWS REGARDING CRIMINAL  
BACKGROUND CHECKS FOR PROFESSIONS AND  
OCCUPATIONS TO OBTAIN CONSISTENCY  
REGARDING CRIMINAL BACKGROUND CHECKS AND  
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

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

(2) Arkansas became one (1) of eleven (11) states chosen to  
participate in the Occupational Licensing Policy Learning Consortium, an  
initiative funded by a grant from the United States Department of Labor and  
supported in partnership with the National Conference of State Legislatures,  
the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals  
to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;  
2 and

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

6 (A) Establish an expedited procedure for occupational  
7 licensing entities to collectively submit administrative rules that are  
8 responsive to new legislation;

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

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

13 (D) Authorize occupational licensing entities to identify  
14 types of individuals or entities that may be issued temporary or provisional  
15 licenses; and

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

17 (i) New occupational licenses and occupational  
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational  
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions  
22 to allow certain agencies to consider occupational relevance with regard to  
23 criminal background issues.

24  
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional  
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29  
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor  
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,  
35 department, council, bureau, or other agency of state government having  
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

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

6  
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued  
9 by a licensing entity if that individual has pleaded guilty or nolo  
10 contendere to or been found guilty of any of the following offenses by any  
11 court in the State of Arkansas or of any similar offense by a court in  
12 another state or of any similar offense by a federal court, unless the  
13 conviction was lawfully sealed under the Comprehensive Criminal Record  
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,  
15 pardoned or expunged under prior law:

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

17 (2) Murder in the first degree and second degree as prohibited  
18 in §§ 5-10-102 and 5-10-103;

19 (3) Manslaughter as prohibited in § 5-10-104;

20 (4) Negligent homicide as prohibited in § 5-10-105;

21 (5) Kidnapping as prohibited in § 5-11-102;

22 (6) False imprisonment in the first degree as prohibited in § 5-  
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-  
25 106;

26 (8) Robbery as prohibited in § 5-12-102;

27 (9) Aggravated robbery as prohibited in § 5-12-103;

28 (10) Battery in the first degree as prohibited in § 5-13-201;

29 (11) Aggravated assault as prohibited in § 5-13-204;

30 (12) Introduction of a controlled substance into the body of  
31 another person as prohibited in § 5-13-210;

32 (13) Aggravated assault upon a law enforcement officer or an  
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y  
34 felony;

35 (14) Terroristic threatening in the first degree as prohibited  
36 in § 5-13-301;

- 1           (15) Rape as prohibited in § 5-14-103;  
2           (16) Sexual indecency with a child as prohibited in § 5-14-110;  
3           (17) Sexual extortion as prohibited in § 5-14-113;  
4           (18) Sexual assault in the first degree, second degree, third  
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;  
6           (19) Incest as prohibited in § 5-26-202;  
7           (20) Offenses against the family as prohibited in §§ 5-26-303 –  
8 5-26-306;  
9           (21) Endangering the welfare of an incompetent person in the  
10 first degree, as prohibited in § 5-27-201;  
11           (22) Endangering the welfare of a minor in the first degree as  
12 prohibited in § 5-27-205;  
13           (23) Permitting the abuse of a minor as prohibited in § 5-27-  
14 221;  
15           (24) Engaging children in sexually explicit conduct for use in  
16 visual or print media, transportation of minors for prohibited sexual  
17 conduct, pandering or possessing visual or print medium depicting sexually  
18 explicit conduct involving a child, or use of a child or consent to use of a  
19 child in a sexual performance by producing, directing, or promoting a sexual  
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,  
21 and 5-27-403;  
22           (25) Computer child pornography as prohibited in § 5-27-603;  
23           (26) Computer exploitation of a child in the first degree as  
24 prohibited in § 5-27-605;  
25           (27) Felony adult abuse as prohibited in § 5-28-103;  
26           (28) Theft of property as prohibited in § 5-36-103;  
27           (29) Theft by receiving as prohibited in § 5-36-106;  
28           (30) Arson as prohibited in § 5-38-301;  
29           (31) Burglary as prohibited in § 5-39-201;  
30           (32) Felony violation of the Uniform Controlled Substances Act,  
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-  
32 419 – 5-64-442;  
33           (33) Promotion of prostitution in the first degree as prohibited  
34 in § 5-70-104;  
35           (34) Stalking as prohibited in § 5-71-229;  
36           (35) Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification 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) The individual holding a license subject to revocation.

(2) A basis upon which a waiver may be granted includes 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.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the



1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall  
4 result in permanent disqualification for licensure:

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

6 (2) Murder in the first degree as prohibited in § 5-10-102 and  
7 murder in the second degree as prohibited in § 5-10-103;

8 (3) Kidnapping as prohibited in § 5-11-102;

9 (4) Aggravated assault upon a law enforcement officer or an  
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y  
11 felony;

12 (5) Rape as prohibited in § 5-14-103;

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-  
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

17 (9) Endangering the welfare of an incompetent person in the  
18 first degree as prohibited in § 5-27-201;

19 (10) Endangering the welfare of a minor in the first degree as  
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-  
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking  
25 emergency action against a licensee as authorized under § 25-15-211 for the  
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection  
28 (e) of this section does not apply to an individual who holds a valid license  
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners  
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under  
35 the Private Security Agency, Private Investigator, and School Security  
36 Licensing and Credentialing Act, § 17-40-101 et seq.

17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

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

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, 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, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'  
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~  
4 ~~good moral character~~, the applicant shall be certified as a registered  
5 abstracter, and the certificate provided for shall be issued to him or her.  
6 The privileges granted by the certificate shall continue unless revoked, as  
7 provided in this chapter, or unless the certificate is otherwise surrendered  
8 to the Arkansas Abstracters' Board.

9  
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of  
11 certificates authorized by the Arkansas Abstracters' Board, is amended to  
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as  
14 provided in § 17-11-341, to cancel and revoke any certificate of registration  
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a  
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual  
20 carelessness or of fraudulent practices in the conduct of the business of  
21 abstracting.

22  
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure  
24 of appeal for revocation of certificates authorized by the Arkansas  
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas  
27 Abstracters' Board or upon the board's own motion filing a complaint charging  
28 the holder of a certificate of registration with a violation of any of the  
29 provisions of this chapter, or conviction of a crime involving ~~moral~~  
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent  
31 practices in the conduct of the business of abstracting, or charging the  
32 holder of a certificate of authority with failure to furnish the bond or  
33 bonds, or other securities, required by § 17-11-324, or with failing to have  
34 employed a registered abstracter as provided in § 17-11-301, or with a  
35 violation of any of the provisions of this chapter, the board shall  
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2  
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal  
4 background check for initial licensure of accountants, is amended to read as  
5 follows:

6 (d) Upon completion of the criminal background checks, the  
7 Identification Bureau of the Department of Arkansas State Police shall  
8 forward to the board all releasable information obtained concerning the  
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~  
10 ~~section.~~

11  
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal  
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~  
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~  
16 ~~federal court may not receive or hold a license as a certified public~~  
17 ~~accountant or public accountant.~~

18  
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the  
20 grounds for revocation or suspension of licensure of accountants, are amended  
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~  
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,  
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United  
26 States;

27  
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for  
29 revocation or suspension of licensure of an accountant, is amended to add an  
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas  
32 State Board of Public Accountancy may refuse to issue a license to or  
33 reinstate a license of a person who has been convicted of a felony involving  
34 theft or fraud, regardless of the amount of time that has elapsed since the  
35 conviction.

1       SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers  
2 and duties regarding criminal background checks of the Arkansas Appraiser  
3 Licensing and Certification Board, is amended to read as follows:

4                       (i) During the five (5) years immediately preceding  
5 the date of the application was convicted of, or pled guilty or nolo  
6 contendere to, a crime that would call into question the applicant's fitness  
7 for registration, licensure, or certification, including without limitation a  
8 crime involving:

9                       ~~(a) Moral turpitude;~~

10                      ~~(b)(1)~~(a)(1) An act substantially related to  
11 the qualifications, functions, or duties of an appraiser.

12                      (2) A crime or act may be deemed  
13 substantially related to the qualifications, functions, or duties of an  
14 appraiser if, to a substantial degree, the crime or act evidences present or  
15 potential unfitness of a person applying for or holding a real property  
16 appraiser credential to perform the functions authorized by the credential;

17                      ~~(e)~~(b) Taking, appropriating, or retaining the  
18 funds or property of another;

19                      ~~(d)~~(c) Forging, counterfeiting, or altering an  
20 instrument affecting the rights or obligations of another;

21                      ~~(e)~~(d) Evasion of a lawful debt or obligation,  
22 including without limitation a tax obligation;

23                      ~~(f)~~(e) Trafficking in narcotics or controlled  
24 substances;

25                      ~~(g)~~(f) Violation of a relation of trust or  
26 confidence;

27                      ~~(h)~~(g) Theft of personal property or funds;

28                      ~~(i)~~(h) An act of violence or threatened  
29 violence against persons or property; or

30                      ~~(j)~~(i) A sexually related crime or act under §  
31 5-14-101 et seq.;

32  
33       SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and  
34 disciplinary procedures of the Arkansas Appraiser Licensing and Certification  
35 Board for licensees, is repealed.

36       ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~  
3 ~~considered a conviction for the purposes of this section.~~

4  
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements  
6 for registration under the Appraisal Management Company Registration Act, is  
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person  
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an  
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~  
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background  
15 check and a national fingerprint-based criminal background check performed by  
16 the Federal Bureau of Investigation in compliance with federal law and  
17 regulations;

18  
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the  
20 disciplinary authority, enforcement, and hearings under the Appraisal  
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been  
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real  
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~  
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30  
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of  
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~  
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~  
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~  
2 ~~308,~~

3  
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations  
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice  
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least  
8 twenty-one (21) years of age ~~and of good moral character.~~

9  
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for  
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has  
13 been guilty of a felony listed under § 17-2-102;

14  
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the  
16 registration requirements for an athlete agent under the Uniform Athlete  
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to  
19 paragraph (7) has been convicted of a crime that, if committed in this State,  
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-  
21 102, and identify the crime;

22  
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or  
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~  
26 ~~turpitude~~ or a felony listed under § 17-2-102 in a court of competent  
27 jurisdiction of this or any other jurisdiction;

28  
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character  
30 references for a professional bail bondsman license, is amended to read as  
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that  
33 he or she is competent, trustworthy, financially responsible, and of good  
34 personal and business reputation and has not been convicted of a felony ~~or~~  
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.



1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension  
2 and penalties for a professional bail bondsman licensee, is amended to read  
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this  
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been  
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §  
7 17-2-102;

8  
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration  
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the  
16 State Board of Barber Examiners to determine his or her fitness to practice  
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate  
20 licensing authorities.

21  
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for  
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a  
25 certified copy of the record of the court of conviction.

26  
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for  
28 revocation, suspension, or refusal of license issued by the State Board of  
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31  
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the  
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications  
35 of any applicant for an original license or any renewal license, shall, among  
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 or ~~any other~~ another law of the state.
- 11

12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications  
13 for a contractors license, is amended to add an additional subsection to read  
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may  
16 consider the following offenses when determining fitness for licensure or  
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud  
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-  
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et  
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the  
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to  
27 the qualifications, functions, or duties of a contractor if, to a substantial  
28 degree, the crime or act evidences present or potential unfitness of a person  
29 applying for or holding a contractors license or registration to perform the  
30 functions authorized by the license or registration.

31  
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications  
33 for a contractors license through the Residential Contractors Committee, is  
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee  
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud  
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-  
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et  
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the  
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to  
11 the qualifications, functions, or duties of a contractor if, to a substantial  
12 degree, the crime or act evidences present or potential unfitness of a person  
13 applying for or holding a contractors license or registration to perform the  
14 functions authorized by the license or registration.

15  
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for  
17 disciplinary action for cosmetology and other related occupations, is amended  
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state  
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,  
22 as evidenced by a certified copy of a court record or by license application;  
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in  
25 any way related to the practice or teaching of the cosmetology industry,  
26 unless the applicant or licensee can demonstrate to the board's satisfaction  
27 that the applicant or licensee has been sufficiently rehabilitated to warrant  
28 the public trust;

29  
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of  
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives  
33 from within the cosmetology industry who are ~~of good moral character and who~~  
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively  
36 engaged in practicing the art of cosmetology for at least five (5) years at

1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of  
4 cosmetology or shall be a director of cosmetology at a state-supported  
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry  
8 at large or a related field.

9  
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications  
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~  
13 professional ethics;

14  
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications  
16 for a licensed marriage and family therapist before January 1, 1998, is  
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~  
19 professional ethics;

20  
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:  
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each  
24 applicant for license renewal and each first-time applicant for a license  
25 issued by the board to apply to the Identification Bureau of the Department  
26 of Arkansas State Police for a state and national criminal background check,  
27 to be conducted by the Identification Bureau of the Department of Arkansas  
28 State Police and the Federal Bureau of Investigation.

29 (b) The check shall conform to the applicable federal standards and  
30 shall include the taking of fingerprints.

31 (c) The applicant shall sign a release of information to the board and  
32 shall be responsible for the payment of any fee associated with the criminal  
33 background check.

34 (d) Upon completion of the criminal background check, the  
35 Identification Bureau of the Department of Arkansas State Police shall  
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~  
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~  
4 ~~found guilty of any of the following offenses by any court in the State of~~  
5 ~~Arkansas or of any similar offense by a court in another state or of any~~  
6 ~~similar offense by a federal court;~~

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

8 ~~(2) Murder in the first degree and second degree as prohibited~~  
9 ~~in §§ 5-10-102 and 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~  
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~  
16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of controlled substance into body of another~~  
22 ~~person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~  
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~  
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~  
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~  
36 ~~first degree as prohibited in § 5-27-201;~~

1           ~~(22) Endangering the welfare of a minor in the first degree as~~  
2 ~~prohibited in § 5-27-205;~~

3           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

4           ~~(24) Engaging children in sexually explicit conduct for use in~~  
5 ~~visual or print media, transportation of minors for prohibited sexual~~  
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~  
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
10 ~~5-27-403;~~

11           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12           ~~(26) Computer exploitation of a child in the first degree as~~  
13 ~~prohibited in § 5-27-605;~~

14           ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15           ~~(28) Theft of property as prohibited in § 5-36-103;~~

16           ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17           ~~(30) Arson as prohibited in § 5-38-301;~~

18           ~~(31) Burglary as prohibited in § 5-39-201;~~

19           ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
21 ~~5-64-442;~~

22           ~~(33) Promotion of prostitution in the first degree as prohibited~~  
23 ~~in § 5-70-104;~~

24           ~~(34) Stalking as prohibited in § 5-71-229; and~~

25           ~~(35) Criminal attempt, criminal complicity, criminal~~  
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

28           ~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of  
29 provisional eligibility for licensure to a first-time applicant pending the  
30 results of the criminal background check.

31           ~~(2) Upon receipt of information from the Identification Bureau~~  
32 ~~of the Department of Arkansas State Police that the person holding such a~~  
33 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~  
34 ~~been found guilty of any offense listed in subsection (e) of this section,~~  
35 ~~the board shall immediately revoke the provisional license.~~

36           ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation;~~

4 ~~(2) Circumstances for which a waiver may be granted shall~~  
5 ~~include, but not be limited to, the following:~~

6 ~~(A) The age at which the crime was committed;~~

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

12 ~~(G) Other evidence demonstrating that the applicant does~~  
13 ~~not pose a threat to the health or safety of children.~~

14 (f) For the purposes of this section, the board shall follow the  
15 licensing restrictions based on criminal records under § 17-2-102.

16 ~~(h)-(i)(g)(1)~~ Any information received by the board from the  
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~  
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her  
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or  
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the  
24 custody of the Department of Arkansas State Police.

25 ~~(i)(h)~~ Any information made available to the affected applicant for  
26 licensure or the person whose license is subject to revocation shall be  
27 information pertaining to that person only.

28 ~~(j)(i)~~ Rights of privilege and confidentiality established under this  
29 section shall not extend to any document created for purposes other than this  
30 background check.

31 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to  
32 fully implement the provisions of this section.

33  
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions  
35 and prohibited conduct of embalmers and funeral directors, is amended to read  
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2  
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the  
4 administrative violations and penalties for an engineer, is amended to read  
5 as follows:

6 (A) A felony listed under § 17-2-102;

7  
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for  
9 registration with the Arkansas State Board of Registration for Foresters, is  
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~  
12 ~~is not of good character and reputation.~~

13  
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a  
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester  
17 who has been convicted of a felony listed under § 17-2-102 or who is found  
18 guilty by the board of any fraud, deceit, gross negligence,  
19 misrepresentation, willful violation of contract, misconduct, or gross  
20 incompetence.

21 (2) The board shall investigate such charges.

22  
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the  
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26  
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,  
28 suspension, or revocation of a registration certificate of a geologist, is  
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31  
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the  
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102  
35 that bears directly on the fitness of the applicant to be registered;



1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of  
2 revocation for a license of an interior designer, is amended to read as  
3 follows:

4 (5) The holder of the registration has been guilty of a felony  
5 listed under § 17-2-102;

6  
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for  
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and  
11 ~~(2) Be of good moral character; and~~  
12 ~~(3)~~(2) Pass an examination covering the matters confronting  
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape  
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board  
17 of Architects, Landscape Architects, and Interior Designers.

18  
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of  
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of  
22 a felony listed under § 17-2-102;

23  
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the  
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any  
27 licensee found guilty shall be subject to disciplinary action as provided in  
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or  
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules  
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued  
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to  
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,  
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,  
4 authorizing, or knowingly permitting the making, printing, publication, or  
5 distribution of false statements, descriptions, or promises of such character  
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit  
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,  
10 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without  
12 the knowledge of all parties for whom he or she acts or accepting a  
13 commission or valuable consideration for the performance of any of the acts  
14 specified in this chapter from any person except the licensed principal  
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a  
17 principal broker, representing or attempting to represent a broker other than  
18 the principal broker with whom he or she is affiliated without the express  
19 knowledge and consent of the principal broker, or representing himself or  
20 herself as a salesperson or having a contractual relationship similar to that  
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate  
24 broker or salesperson in such a manner as to safeguard the interests of the  
25 public;

26 (12) Paying a commission or valuable consideration to any person  
27 for acts or services performed in violation of this chapter, including paying  
28 a commission or other valuable consideration to an unlicensed person for  
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different  
31 character from that specified in this section, which constitutes improper,  
32 fraudulent, or dishonest dealing.

33  
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal  
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person  
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed  
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,  
4 dishonesty, untruthfulness, or untrustworthiness.

5  
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance  
7 or denial of a license for an instructor of real estate education license, is  
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere  
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor  
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable  
12 dealing in a court of competent jurisdiction; or

13  
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations  
15 that disqualify for a real estate educator license or licensee, is amended to  
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a  
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,  
19 or untrustworthiness regardless of whether the imposition of the sentence has  
20 been deferred or suspended;

21  
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application  
23 for examination for a sanitarian certificate of registration, is amended to  
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination  
26 any person who makes application to the Secretary of the Arkansas State Board  
27 of Sanitarians on forms prescribed and furnished by the board, and pays an  
28 application fee of twenty dollars (\$20.00) to defray the expense of  
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~  
30 ~~of good moral character.~~

31  
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:

33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of  
35 registration without examination to any person who makes application on forms  
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field  
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the  
6 qualifications for registration are not lower than the qualifications for  
7 registration in this state at the time he or she applies for registration.  
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for  
10 suspension, revocation, or refusal to renew a sanitarian certificate of  
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or  
13 refuse to renew a certificate of registration upon proof that the applicant+

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,  
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.  
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility  
19 and application for registration as a professional soil classifier or soil  
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier  
22 or certification as a soil classifier-in-training, an applicant ~~must+~~

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas  
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~  
26 information ~~as~~ the board may require, together with five (5) references,  
27 three (3) of which shall be professional soil classifiers having personal  
28 knowledge of his or her soil classifying experience or, in the case of an  
29 application for certification as a soil classifier-in-training, three (3)  
30 character references.  
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil  
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the  
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;  
3 (2) Gross negligence, incompetence, or misconduct in the  
4 practice of soil classifying;  
5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~  
6 ~~turpitude~~; or  
7 (4) A violation of the code of ethics adopted and promulgated by  
8 the board.

9  
10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the  
11 qualifications for certification as a surveyor, is amended to read as  
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of  
14 Licensure for Professional Engineers and Professional Surveyors that he or  
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)  
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if  
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the  
19 practice of land surveying issued to him or her on the basis of a written  
20 examination by proper authority of a state, territory, possession of the  
21 United States, the District of Columbia, or any foreign country, based on  
22 requirements and qualifications as shown on his or her application that in  
23 the opinion of the board are equal to or higher than the requirements of this  
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with  
26 sufficient surveying courses or a surveying technology curriculum of two (2)  
27 years or more approved by the board, followed by at least two (2) years of  
28 land surveying that must be surveying experience of a character satisfactory  
29 to the board, who has passed a written examination designed to show that he  
30 or she is qualified to practice land surveying in this state, may be licensed  
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved  
33 engineering or surveying curriculum may be considered as equivalent to one  
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)  
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a  
2 written examination designed to show that he or she is qualified to practice  
3 land surveying may be granted a certificate of licensure to practice land  
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved  
6 engineering or engineering technology curriculum majoring in surveying may be  
7 considered as one (1) year of experience in land surveying, but not exceeding  
8 two (2) years.

9  
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the  
11 qualifications for licensure as a surveyor intern, is amended to read as  
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~  
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor  
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor  
17 intern issued to him or her on the basis of a written examination by proper  
18 authority of a state, territory, possession of the United States, the  
19 District of Columbia, or any foreign country, based on requirements and  
20 qualifications as shown on his or her application, which requirements and  
21 qualifications, in the opinion of the board, are equal to or higher than the  
22 requirements of this chapter, may be licensed as a surveyor intern at the  
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with  
25 sufficient surveying courses, or a surveying technology curriculum of two (2)  
26 years or more, approved by the board, who has passed a written examination  
27 designed to show that he or she is proficient in surveying fundamentals, may  
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)  
30 of this section and who has four (4) years or more of active experience in  
31 land surveying of a character satisfactory to the board and who has passed a  
32 written examination designed to show that he or she is proficient in  
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved  
35 engineering or engineering technology curriculum majoring in surveying may be  
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2  
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the  
4 administrative violations and penalties of a surveyor, is amended to read as  
5 follows:

6 (A) A felony listed under § 17-2-102;

7  
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant  
9 qualifications for registration as a certified water well driller or  
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12  
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints  
14 against and disciplinary procedures for a home inspector, is amended to read  
15 as follows:

16 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~  
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~  
19 ~~a conviction for the purposes of this section;~~

20  
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application  
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as  
24 a home inspector shall ~~be of good moral character and shall~~ submit to the  
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by  
27 the board;

28 (2) A current certificate of insurance issued by an insurance  
29 company licensed or surplus lines approved to do business in this state that  
30 states that the applicant has procured general liability insurance in the  
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,  
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with  
34 the application.

35  
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of  
3 graduation from a chartered school or college of chiropractic as herein  
4 described and file with his or her application the affidavits of at least two  
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~  
6 ~~of good moral character.~~

7  
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the  
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11  
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal  
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person  
15 shall not receive or hold a license issued by the board if the person has  
16 been convicted of or pleaded guilty or nolo contendere to any felony listed  
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,  
18 untruthfulness, or untrustworthiness, or is a registered sex offender or  
19 required to register as a sex offender.

20  
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing  
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~  
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the  
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental  
30 Association-accredited college of dentistry with the degree of Doctor of  
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~  
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North  
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental



1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and  
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United  
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a  
7 provisional license issued by the board to foreign graduates and successfully  
8 complete the monitoring requirements as ordered by the board at the time the  
9 provisional license is issued.

10  
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing  
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ Have graduated from a dental hygiene program which is  
16 accredited by the American Dental Association Commission on Dental  
17 Accreditation and approved by the board for the training of dental  
18 hygienists; and

19 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board  
20 may require touching upon ~~character and~~ fitness.

21  
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the  
23 credentials for dentists and dental hygienists licensed in other states, is  
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,  
26 setting forth the applicant's ~~moral reputation and character~~, history with  
27 the board, professional ability, and such other information or data as the  
28 board may deem necessary or expedient.

29  
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation  
31 or suspension of a license for a dentist, dental hygienist, or dental  
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual  
34 drunkenness for a period of three (3) months; insanity; adjudication of  
35 insanity or mental incompetency if deemed detrimental to patients; conviction  
36 of ~~an infamous crime or~~ a felony listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional  
2 incompetency; failure to maintain proper standards of sanitation or failure  
3 otherwise to maintain adequate safeguards for the health and safety of  
4 patients; or employment in the practice of the profession of any drug,  
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally  
6 used by the dental profession;

7  
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:  
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice  
11 dentistry or another healthcare profession issued by the Arkansas State Board  
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or  
13 has been found guilty of ~~either an infamous crime that would impact his or~~  
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~  
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~  
16 ~~pardoned~~ listed under § 17-2-102.

17  
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:  
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a  
21 license or may revoke or suspend a license issued under this chapter for any  
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;  
24 (2) Engaging in unprofessional conduct or gross incompetence as  
25 defined by the rules of the board or violating the standards of professional  
26 responsibility adopted and published by the board; or  
27 (3) ~~Conviction in this or any other state of any crime that is a~~  
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or  
29 ~~(4) Conviction of a felony in a federal court.~~

30  
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the  
32 qualifications for licensure and internship for hearing instrument  
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:  
35 (A) Is twenty (20) years of age or older; and  
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college  
2 or university; ~~and~~

3 ~~(C) Is of good moral character.~~

4  
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the  
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument  
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~  
9 ~~record of a conviction, certified by the judge or the clerk of the court~~  
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~  
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;  
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers  
14 and duties of the State Board of Health regarding massage therapy licenses,  
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~  
17 ~~receive or hold a license issued by the Department of Health if the applicant~~  
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~  
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~  
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~  
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~  
22 the board shall follow the licensing restrictions based on criminal records  
23 under § 17-2-102.

24 ~~(2) A provision of this section may be waived by the Department~~  
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~  
28 ~~probation or completion of the applicant's sentence or probation of the~~  
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~  
31 ~~during the three year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~  
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~  
35 ~~probation or the completion of the applicant's sentence or probation of the~~  
36 ~~offense is at least five (5) years from the date of the application; and~~

1                               ~~(ii) The applicant has no criminal convictions~~  
2 ~~during the five year period.~~

3               ~~(f) The Department of Health may permit an applicant to be licensed~~  
4 ~~regardless of having been convicted of an offense listed in this section,~~  
5 ~~upon making a determination that the applicant does not pose a risk of harm~~  
6 ~~to any person served by the Department of Health.~~

7               ~~(g) In making a determination under subsection (f) of this section,~~  
8 ~~the Department of Health may consider the following factors:~~

9                               ~~(1) The nature and severity of the crime;~~  
10                              ~~(2) The consequences of the crime;~~  
11                              ~~(3) The number and frequency of crimes;~~  
12                              ~~(4) The relationship between the crime and the health, safety,~~  
13 ~~and welfare of persons served by the Department of Health, such as:~~

14                                       ~~(A) The age and vulnerability of victims of the crime;~~

15                                       ~~(B) The harm suffered by the victim; and~~

16                                       ~~(C) The similarity between the victim and persons served~~  
17 ~~by the Department of Health;~~

18                              ~~(5) The time elapsed without a repeat of the same or similar~~  
19 ~~event;~~

20                              ~~(6) Documentation of successful completion of training or~~  
21 ~~rehabilitation pertinent to the incident; and~~

22                              ~~(7) Any other information that bears on the applicant's ability~~  
23 ~~to care for others or other relevant information.~~

24               ~~(h) If the Department of Health waives the provisions of subsection~~  
25 ~~(e) of this section, the Department of Health shall submit the reasons for~~  
26 ~~waiving this provision in writing, and the determination and reasons shall be~~  
27 ~~made available to the members of the Department of Health for review.~~

28  
29               SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications  
30 for licensure as a massage therapist, is amended to read as follows:

31                              (1) Furnish to the Department of Health satisfactory proof that  
32 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

33  
34               SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary  
35 actions and penalties for massage therapists, is amended to read as follows:

36                              (a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the  
2 following grounds:

3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~  
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A  
5 felony listed under § 17-2-102;

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable  
8 statements or flamboyant, exaggerated, or extravagant claims concerning the  
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a  
12 room where massage therapy is being performed or in a massage therapy school;

13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional  
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage  
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for  
18 which a license is required, the diagnosis of ailments, diseases, or injuries  
19 of human beings, the performance of osseous adjustments, prescription of  
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage  
23 therapy techniques in his or her clinic or school.

24  
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the  
26 qualifications for an applicant for licensure as a registered nurse, is  
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the  
29 issuance of a license by endorsement, an applicant for a license to practice  
30 professional nursing shall submit to the Arkansas State Board of Nursing  
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or  
34 the equivalent thereof as determined by the appropriate educational agency;  
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2  
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the  
4 qualifications of an applicant for licensure as a licensed practical nurse,  
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical  
7 nursing shall submit to the Arkansas State Board of Nursing evidence,  
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or  
11 the equivalent thereof as determined by the appropriate educational agency;  
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
14 program for the preparation of practical nurses and holds a diploma or  
15 certificate therefrom. However, the board may waive this requirement if the  
16 board determines the applicant to be otherwise qualified.

17  
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the  
19 qualifications of an applicant for licensure as a licensed psychiatric  
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice  
22 psychiatric technician nursing shall submit to the Arkansas State Board of  
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or  
26 the equivalent thereof as determined by the appropriate educational agency;  
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
29 program for the preparation of psychiatric technician nurses and holds a  
30 diploma or certificate therefrom. However, the board may waive this  
31 requirement if the board determines the applicant to be otherwise qualified.

32  
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal  
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the  
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the  
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~  
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing  
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~  
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~  
7 ~~receive or hold a license issued by the board if that person has pleaded~~  
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~  
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~  
10 ~~court in another state or of any similar offense by a federal court:~~

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

12 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~  
13 ~~murder in the second degree as prohibited in § 5-10-103;~~

14 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

15 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

16 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

17 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~  
18 ~~11-103;~~

19 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~  
20 ~~106;~~

21 (8) ~~Robbery as prohibited in § 5-12-102;~~

22 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

23 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

24 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

25 (12) ~~Introduction of a controlled substance into the body of~~  
26 ~~another person as prohibited in § 5-13-210;~~

27 (13) ~~Aggravated assault upon a law enforcement officer or an~~  
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

29 (14) ~~Terroristic threatening in the first degree as prohibited~~  
30 ~~in § 5-13-301;~~

31 (15) ~~Rape as prohibited in § 5-14-103;~~

32 (16) ~~Sexual indecency with a child as prohibited in § 5-14-110;~~

33 (17) ~~Sexual extortion, § 5-14-113;~~

34 (18) ~~Sexual assault in the first degree, second degree, third~~  
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

36 (19) ~~Incest as prohibited in § 5-26-202;~~

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~  
2 ~~26-303—5-26-306;~~

3 ~~(21) Endangering the welfare of an incompetent person in the~~  
4 ~~first degree as prohibited in § 5-27-201;~~

5 ~~(22) Endangering the welfare of a minor in the first degree as~~  
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~  
7 ~~degree as prohibited in § 5-27-206;~~

8 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9 ~~(24) Engaging children in sexually explicit conduct for use in~~  
10 ~~visual or print media, transportation of minors for prohibited sexual~~  
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~  
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
15 ~~5-27-403;~~

16 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17 ~~(26) Computer exploitation of a child in the first degree as~~  
18 ~~prohibited in § 5-27-605;~~

19 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22 ~~(30) Arson as prohibited in § 5-38-301;~~

23 ~~(31) Burglary as prohibited in § 5-39-201;~~

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
26 ~~5-64-442;~~

27 ~~(33) Promotion of prostitution in the first degree as prohibited~~  
28 ~~in § 5-70-104;~~

29 ~~(34) Stalking as prohibited in § 5-71-229; and~~

30 ~~(35) Criminal attempt, criminal complicity, criminal~~  
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 (f)(1)(A) The board may issue a nonrenewable temporary permit for  
34 licensure to a first-time applicant pending the results of the criminal  
35 background check.

36 ~~(B)~~(2) The permit shall be valid for no more than six (6)



1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~  
3 ~~upon receipt of information from the Identification Bureau of the Department~~  
4 ~~of Arkansas State Police that the person holding the letter of provisional~~  
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~  
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~  
7 ~~immediately revoke the provisional license.~~

8 ~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this~~  
9 ~~section may be waived by the board upon the request of:~~

10 ~~(A) An affected applicant for licensure; or~~

11 ~~(B) The person holding a license subject to revocation.~~

12 ~~(2) Circumstances for which a waiver may be granted shall~~  
13 ~~include, but not be limited to, the following:~~

14 ~~(A) The age at which the crime was committed;~~

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

20 ~~(G) Other evidence demonstrating that the applicant does~~  
21 ~~not pose a threat to the health or safety of the public.~~

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the  
23 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~  
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her  
26 authorized representative; or

27 (B) The person whose license is subject to revocation or  
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the  
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for  
32 licensure or the person whose license is subject to revocation shall be  
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this  
35 section shall not extend to any document created for purposes other than this  
36 background check.

1       ~~(k)(j)~~ The board shall adopt the necessary rules and regulations to  
2 fully implement the provisions of this section.

3       ~~(1)(1)~~ For purposes of this section, an expunged record of a  
4 conviction or a plea of guilty or nolo contendere to an offense listed in  
5 subsection (c) of this section shall not be considered a conviction, guilty  
6 plea, or nolo contendere plea to the offense unless the offense is also  
7 listed in subdivision (1)(2) of this section.

8       ~~(2)~~ Because of the serious nature of the offenses and the close  
9 relationship to the type of work that is to be performed, the following shall  
10 result in permanent disqualification:

- 11               ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- 12               ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
- 13               ~~and murder in the second degree as prohibited in § 5-10-103;~~
- 14               ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- 15               ~~(D)~~ Aggravated assault upon a law enforcement officer or
- 16               ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 17               ~~(E)~~ Rape as prohibited in § 5-14-103;
- 18               ~~(F)~~ Sexual extortion, § 5-14-113;
- 19               ~~(G)~~ Sexual assault in the first degree as prohibited in §
- 20               ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- 21               ~~(H)~~ Incest as prohibited in § 5-26-202;
- 22               ~~(I)~~ Endangering the welfare of an incompetent person in
- 23               ~~the first degree as prohibited in § 5-27-201;~~
- 24               ~~(J)~~ Endangering the welfare of a minor in the first degree
- 25               ~~as prohibited in § 5-27-205;~~
- 26               ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
- 27               ~~§ 5-28-103; and~~
- 28               ~~(L)~~ Arson as prohibited in § 5-38-301.

29  
30       SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary  
31 actions for nurses, is amended to read as follows:

32               (1) Has been found guilty of or pleads guilty or nolo contendere  
33 to:

34               (A) Fraud or deceit in procuring or attempting to procure  
35 a medication assistive person certificate; or

36               (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3  
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the  
5 qualifications of an applicant for licensure as an occupational therapist, is  
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8  
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,  
10 revocation, or suspension of an occupational therapist license, is amended to  
11 read as follows:

12 (4) Being convicted of a ~~crime, other than minor offenses~~  
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~  
14 ~~the acts for which the applicant or licensee was convicted are found by the~~  
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~  
16 ~~serve the public in the capacity of an occupational therapist or occupational~~  
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18  
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the  
20 qualifications of an applicant for licensure as a licensed dispensing  
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician  
23 shall present satisfactory evidence to the Arkansas Board of Dispensing  
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~  
25 ~~character~~, a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum  
27 consists of at least eighteen (18) months of didactic and practical  
28 instruction which is accredited by a national accreditation organization and  
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic  
31 dispensing services, as defined in this chapter, in the State of Arkansas for  
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical  
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing  
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in  
3 diseases of the eye.

4  
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician  
8 shall present satisfactory evidence to the Arkansas Board of Dispensing  
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~  
10 ~~character~~, a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in  
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or  
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the  
15 direct supervision of a licensed or registered dispensing optician holding a  
16 certificate of licensure or registry in the State of Arkansas, one (1) year  
17 of which may be while working in a qualified full-service optical laboratory  
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has  
20 been accredited by a national accreditation organization and is recognized by  
21 the board.

22  
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for  
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical  
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the  
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon  
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public  
32 as a dispensing optician in the state of licensure or registration for a  
33 period of at least five (5) years for licensure or three (3) years for  
34 registration immediately before his or her application for reciprocity to  
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or  
2 registry issued by this state.

3  
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic  
5 dispensers from nonlicensing states seeking licensure as a dispensing  
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described  
11 in § 17-89-102(4) for a period of:

12 (A) Five ~~(5)~~ years for applicants for licensure, of which  
13 no more than three ~~(3)~~ years may be while working in a qualified full-service  
14 optical laboratory approved by the board; or

15 (B) Three ~~(3)~~ years for applicants for registry, of which  
16 no more than one ~~(1)~~ year may be while working in a qualified full-service  
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical  
19 examination for licensure or registry prepared and conducted by the board;  
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the  
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23  
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of  
25 denial, suspension, or revocation of a licensure or registration of an  
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a  
28 felony listed under § 17-2-102 in any state or federal court, and not  
29 ~~pardoned, if the acts for which the person is convicted are found by the~~  
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~  
31 ~~serve the public in the capacity of a dispensing optician;~~

32  
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for  
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory  
36 evidence that he or she is:

1           (1) ~~Over~~ At least twenty-one (21) years of age;  
2           (2) A successful candidate having passed all parts of the  
3 National Board of Examiners in Optometry examination since January 1, 1997;  
4 and

5           ~~(3) Of good moral character; and~~  
6           ~~(4)~~(3) A graduate of a college of optometry that has been  
7 accredited by the Accreditation Council on Optometric Education of the  
8 American Optometric Association.

9  
10          SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by  
11 endorsement for optometrists, is amended to read as follows:

12           (3) A certificate of good standing from each authority which  
13 issued the license, setting forth the applicant's ~~moral reputation and~~  
14 ~~character~~, history with the authority, professional ability, continuing  
15 education compliance, and other information or data as the State Board of  
16 Optometry may deem necessary or expedient;

17  
18          SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds  
19 for denial, revocation, or suspension of an optometrist license, is amended  
20 to read as follows:

21           (3) Conviction of a felony listed under § 17-2-102 or the  
22 conviction of a misdemeanor, if the misdemeanor conduct would denote an  
23 impairment in the ability to practice optometry;

24  
25          SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing  
26 requirements for an osteopathic physician, is amended to read as follows:

27           (a) The Arkansas State Medical Board shall accept for licensure by  
28 examination any person who:

29           (1) Is at least twenty-one (21) years of age;  
30           (2) Is a citizen of the United States;  
31           ~~(3) Is of good moral character;~~  
32           ~~(4)~~(3) Has not been guilty of acts constituting unprofessional  
33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et  
34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

35           ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose  
36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital  
3 approved by the American Medical Association or the American Osteopathic  
4 Association.

5  
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of  
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional  
13 undergraduate degree from a pharmacy degree program which has been approved  
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,  
16 completed a transcript verification program, taken and passed a college of  
17 pharmacy equivalency exam program, and completed a process of communication  
18 ability testing as defined under board regulations so that it is assured that  
19 the applicant meets standards necessary to protect public health and safety.

20  
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for  
22 revocation, suspension, or nonrenewal of licensure or registration, is amended  
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo  
25 contendere in a criminal proceeding, regardless of whether or not the  
26 adjudication of guilt or sentence is withheld by a court of this state,  
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,  
30 or which is related to the qualifications, functions, and duties of a  
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of  
33 this state, or of the pharmacy or drug statutes, rules, and regulations of  
34 any other state or of the United States Government;

35  
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a  
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~  
4 person is not eligible to receive or hold an intern or pharmacist license or  
5 pharmacy technician registration issued by the board if that person has  
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the  
7 following offenses, regardless of whether an adjudication of guilt or  
8 sentencing or imposition of sentence is withheld, by any court in the State  
9 of Arkansas or of any similar offense by a court in another state or of any  
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,  
13 dishonesty, or which is related to the qualifications, functions, and duties  
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or  
16 regulations, including, but not limited to, this chapter, the Uniform  
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and  
18 Cosmetic Act, § 20-56-201 et seq.

19  
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of  
21 applicants for licensure as a physical therapist, is amended to read as  
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy  
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the  
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31  
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of  
33 applicants for licensure as a physical therapist assistant, is amended to  
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;



~~(2) Be of good moral character;~~

~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

~~(4)~~(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

~~(5)~~(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

~~(4) Has been convicted of a crime involving moral turpitude;~~

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony ~~or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:  
17-95-307. License eligibility.

~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~  
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~  
3 ~~expunged, or pardoned.~~

4  
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification  
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of  
8 acts constituting unprofessional conduct as defined in § 17-95-409;

9  
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual  
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall  
13 consider the ~~moral character and~~ professional qualifications of the applicant  
14 upon notice and hearing before ordering reinstatement. Unless such a showing  
15 shall thereupon be made to the board as would entitle the applicant to the  
16 issuance of an original license, reinstatement shall be denied.

17  
18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the  
19 grounds for denial, suspension, or revocation of a physician license, is  
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~  
22 ~~or conviction of~~ a felony listed under § 17-2-102.

23 (ii) The judgment of any such conviction, unless  
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

25  
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning  
27 qualifications of an applicant for licensure as a graduate registered  
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30  
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:  
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board  
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a  
36 license;

- 1 (2) Fraudulently or deceptively uses a license;  
2 (3) Violates any provision of this subchapter or any rules  
3 adopted by the board pertaining to this chapter;  
4 (4) Is convicted of a felony listed under § 17-2-102;  
5 (5) Is a habitual user of intoxicants or drugs to the extent  
6 that he or she is unable to safely perform as a graduate registered  
7 physician; or  
8 (6) Has been adjudicated as mentally incompetent or has a mental  
9 condition that renders him or her unable to safely perform as a graduate  
10 registered physician; ~~or~~  
11 ~~(7) Has committed an act of moral turpitude.~~  
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications  
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any  
16 examination for such registration unless that person shall furnish the  
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and  
19 ~~(2) Is of good moral character; and~~  
20 ~~(3)~~ (2) Has received a license or certificate of graduation from  
21 a legally incorporated, regularly established school of podiatric medicine  
22 recognized by the Council on Podiatric Medical Education of the American  
23 Podiatric Medical Association within the states, territories, districts, and  
24 provinces of the United States or within any foreign country.  
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the  
27 definition of "unprofessional and dishonest conduct" regarding podiatric  
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~  
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the  
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if  
34 he or she:

- 35 (i) Ceases to be qualified;  
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

2 (iii) Is found to be in violation of this chapter;

3 (iv) Pleads guilty or nolo contendere to or is found  
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under  
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found  
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her  
8 board duties by a court of competent jurisdiction.

9  
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning  
11 qualifications of an applicant for licensure as a psychologist, is amended to  
12 read as follows:

13 (b)(1) A candidate for a license shall furnish the board with  
14 satisfactory evidence that he or she:

15 ~~(A) Is of good moral character;~~

16 ~~(B)~~(A) Has received a doctoral degree in psychology from  
17 an accredited institution recognized by the board as maintaining satisfactory  
18 standards at the time the degree was granted or, in lieu of a degree, a  
19 doctoral degree in a closely allied field if it is the opinion of the board  
20 that the training required therefor is substantially similar;

21 ~~(C)~~(B) Has had at least two (2) years of experience in  
22 psychology of a type considered by the board to be qualifying in nature with  
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)~~(C) Is competent in psychology, as shown by passing  
25 examinations, written or oral, or both, as the board deems necessary;

26 ~~(E)~~(D) Is not considered by the board to be engaged in  
27 unethical practice;

28 ~~(F)~~(E) Has applied for a criminal background check and has  
29 not been found guilty of or pleaded guilty or nolo contendere to any of the  
30 offenses listed in § 17-97-312(f); and

31 ~~(G)~~(F) Has not failed an examination given by the board  
32 within the preceding six (6) months.

33  
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning  
35 qualifications of an applicant for licensure as a psychological examiner, is  
36 amended to read as follows:

1 (b)(1) A candidate for a license shall furnish the board with  
2 satisfactory evidence that he or she:

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely  
5 related field from an accredited educational institution recognized by the  
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown  
8 by passing examinations, written or oral, or both, as the board deems  
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in  
11 unethical practice;

12 ~~(E)(D)~~ Has applied for a criminal background check and has  
13 not been found guilty of or pleaded guilty or nolo contendere to any of the  
14 offenses listed in § 17-97-312(f); and

15 ~~(F)(E)~~ Has not failed an examination given by the board  
16 within the preceding six (6) months.

17  
18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the  
19 qualifications for examination for a provisional license as a psychologist,  
20 is repealed.

21 ~~(C) Has good moral character;~~

22  
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the  
24 qualifications for a provisional license for psychologists and psychological  
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~  
27 ~~or~~ a felony listed under § 17-2-102;

28  
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual  
30 registration for licensure as a psychologist, is amended to read as follows:

31 (2) If application for reinstatement is made, the board shall  
32 consider the ~~moral character and~~ professional qualifications of the applicant  
33 as in the case of an original application.

34  
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal  
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

2 (d) Upon completion of the criminal background check, the  
3 Identification Bureau of the Department of Arkansas State Police shall  
4 forward to the board all releasable information obtained concerning the  
5 applicant ~~in the commission of any offense listed in subsection (f) of this~~  
6 ~~section.~~

7 (e) At the conclusion of any background check required by this  
8 section, the Identification Bureau of the Department of Arkansas State Police  
9 shall promptly destroy the fingerprint card of the applicant.

10 (f) For purposes of this section, the board shall follow the licensing  
11 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~  
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~  
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~  
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~  
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~  
16 ~~another state or of any similar offense by a federal court:~~

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

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~  
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

20 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

21 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

22 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~  
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~  
26 ~~106;~~

27 (8) ~~Robbery as prohibited in § 5-12-102;~~

28 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

29 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

30 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

31 (12) ~~Introduction of a controlled substance into the body of~~  
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~  
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~  
36 ~~in § 5-13-301;~~

1           ~~(15) Rape as prohibited in § 5-14-103;~~  
2           ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~  
3           ~~(17) Sexual extortion, § 5-14-113;~~  
4           ~~(18) Sexual assault in the first degree, second degree, third~~  
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~  
6           ~~(19) Incest as prohibited in § 5-26-202;~~  
7           ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
8 ~~5-26-306;~~  
9           ~~(21) Endangering the welfare of an incompetent person in the~~  
10 ~~first degree as prohibited in § 5-27-201;~~  
11           ~~(22) Endangering the welfare of a minor in the first degree as~~  
12 ~~prohibited in § 5-27-205;~~  
13           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~  
14           ~~(24) Engaging children in sexually explicit conduct for use in~~  
15 ~~visual or print media, transportation of minors for prohibited sexual~~  
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~  
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
20 ~~5-27-403;~~  
21           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~  
22           ~~(26) Computer exploitation of a child in the first degree as~~  
23 ~~prohibited in § 5-27-605;~~  
24           ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~  
25           ~~(28) Theft of property as prohibited in § 5-36-103;~~  
26           ~~(29) Theft by receiving as prohibited in § 5-36-106;~~  
27           ~~(30) Arson as prohibited in § 5-38-301;~~  
28           ~~(31) Burglary as prohibited in § 5-39-201;~~  
29           ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
31 ~~5-64-442;~~  
32           ~~(33) Promotion of prostitution in the first degree as prohibited~~  
33 ~~in § 5-70-104;~~  
34           ~~(34) Stalking as prohibited in § 5-71-229; and~~  
35           ~~(35) Criminal attempt, criminal complicity, criminal~~  
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this



1 section shall not extend to any document created for purposes other than this  
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules ~~and regulations~~ to  
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a  
6 conviction or plea of guilty of or nolo contendere to an offense listed in  
7 subsection (f) of this section shall not be considered a conviction, guilty  
8 plea, or nolo contendere plea to the offense unless the offense is also  
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close  
11 relationship to the type of work that is to be performed, the following shall  
12 result in permanent disqualification:

13 ~~(A)~~ Capital murder as prohibited in § 5-10-101;

14 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102  
15 and murder in the second degree as prohibited in § 5-10-103;

16 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;

17 ~~(D)~~ Aggravated assault upon a law enforcement officer or  
18 an employee of a correctional facility, § 5-13-211, if a Class Y felony;

19 ~~(E)~~ Rape as prohibited in § 5-14-103;

20 ~~(F)~~ Sexual extortion, § 5-14-113;

21 ~~(G)~~ Sexual assault in the first degree as prohibited in §  
22 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

23 ~~(H)~~ Incest as prohibited in § 5-26-202;

24 ~~(I)~~ Endangering the welfare of an incompetent person in  
25 the first degree as prohibited in § 5-27-201;

26 ~~(J)~~ Endangering the welfare of a minor in the first degree  
27 as prohibited in § 5-27-205 and endangering the welfare of a minor in the  
28 second degree as prohibited in § 5-27-206;

29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in  
30 § 5-28-103; and

31 ~~(L)~~ Arson as prohibited in § 5-38-301.

32  
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to  
34 examination for licensure as a disease intervention specialist, is amended to  
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State  
2 Board of Disease Intervention Specialists on forms prescribed and furnished  
3 by the board, pays an application fee set by the board to defray the expense  
4 of examination, and submits satisfactory proof to the board that he or she:

- 5 ~~(1) Is a person of good moral character;~~  
6 ~~(2)~~(1) Meets the minimum educational requirements;  
7 ~~(3)~~(2) Meets the minimum specialized training requirements, as  
8 determined by the board;  
9 ~~(4)~~(3) Has had two (2) years of field experience in human  
10 immunodeficiency virus/sexually transmitted disease intervention; and  
11 ~~(5)~~(4) Is actively engaged in the field of human  
12 immunodeficiency virus/sexually transmitted disease intervention at the time  
13 he or she makes application.  
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:  
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a  
18 certificate of registration without examination to any person who makes  
19 application on forms prescribed and furnished by the board, pays a  
20 registration fee set by the board, and submits satisfactory proof that he or  
21 she:

- 22 ~~(1) Is of good moral character;~~  
23 ~~(2)~~(1) Has had at least two (2) years' experience in the field  
24 of human immunodeficiency virus/sexually transmitted disease intervention;  
25 and  
26 ~~(3)~~(2) Is registered as a disease intervention specialist in a  
27 state in which the qualifications for registration are not lower than the  
28 qualifications for registration in this state at the time he or she applies  
29 for registration.  
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to  
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose  
35 certificate has expired or has been suspended or revoked may make application  
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has  
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character and~~ professional  
4 qualifications of the applicant as in the case of an original application.

5  
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew  
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,  
11 incompetency, or misconduct relative to his or her duties as a disease  
12 intervention specialist.

13  
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications  
15 of an applicant for licensure as a respiratory care practitioner, is amended  
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its  
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory  
23 care program which has been approved by the Arkansas State Respiratory Care  
24 Examining Committee, to include adequate instruction in basic medical  
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State  
27 Medical Board and the committee, unless exempted by other provisions of this  
28 chapter.

29  
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for  
31 denial, suspension, or revocation of a respiratory care practitioner license,  
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34  
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications  
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language  
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-  
6 language pathology or a master's degree in audiology obtained on or before  
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from  
8 an educational institution recognized by the board;

9 ~~(3)(2)~~ Submit evidence of the completion of the educational,  
10 clinical experience, and employment requirements, which shall be based on  
11 appropriate national standards and prescribed by the rules adopted under this  
12 chapter; and

13 ~~(4)(3)~~ Pass an examination approved by the board before the  
14 board approves a license.

15  
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications  
17 of an applicant for provisional licensure as a speech-language pathologist or  
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-  
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-  
23 language pathology or audiology, as the case may be, from an educational  
24 institution recognized by the board;

25 ~~(3)(2)~~ Be in the process of completing the postgraduate  
26 professional experience requirement; and

27 ~~(4)(3)~~ Pass an examination approved by the board.

28  
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds  
30 for denial, suspension, or revocation of a license, or other disciplinary  
31 action for speech-language pathologists and audiologists, is amended to read  
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 in  
34 ~~any court of the United States if the acts for which the licensee or~~  
35 ~~applicant is convicted are found by the board to have a direct bearing on~~  
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~  
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~  
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice  
6 and an administrative hearing in accordance with the provisions of applicable  
7 Arkansas laws, the license of the person so convicted shall be suspended or  
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on  
11 appeal; or

12 (iii) An order granting probation has been made  
13 suspending the imposition of sentence, without regard to a subsequent order  
14 under the provisions of state law allowing the withdrawal of a guilty plea  
15 and the substitution of a not guilty plea, or the setting aside of a guilty  
16 verdict, or the dismissal of the acquisition, information, or indictment;

17  
18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the  
19 grounds for denial, suspension, or revocation of a veterinarian license, is  
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~  
22 ~~turpitude~~ listed under § 17-2-102.

23  
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning  
25 qualifications of an applicant for provisional licensure as an acupuncturist,  
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,  
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~  
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~  
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty  
33 (60) semester credit hours of college education, to include a minimum of  
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related  
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in  
2 the program shall be for a period of no fewer than four (4) academic years  
3 and shall include a minimum of eight hundred (800) hours of supervised  
4 clinical practice.

5  
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning  
7 qualifications of an applicant for provisional licensure as an acupuncturist,  
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;  
10 and

11  
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for  
13 renewal, revocation, or suspension of a social worker license, is amended to  
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a  
16 person who has been found guilty of a felony, ~~any crime involving moral~~  
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,  
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable  
19 unless the person requests and the board grants a waiver under § 17-103-  
20 307(f).

21  
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning  
23 qualifications of an applicant for licensure as a licensed social worker, is  
24 repealed.

25 ~~(D) Has good moral character;~~

26  
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning  
28 qualifications for a Licensed Social Worker license, is amended to read as  
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been  
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §  
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,  
33 breach of client trust, or abuse of the vulnerable;

34  
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the  
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been  
3 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §  
4 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,  
5 breach of client trust, or abuse of the vulnerable;

6  
7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the  
8 qualifications for a Licensed Certified Social Worker license, is amended to  
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found  
11 guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-  
12 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach  
13 of client trust, or abuse of the vulnerable;

14  
15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal  
16 background check requirements for social workers, are amended to read as  
17 follows:

18 (d) Upon completion of the criminal background check, the  
19 Identification Bureau of the Department of Arkansas State Police shall  
20 forward to the board all releasable information obtained concerning the  
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~  
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing  
24 restrictions based on criminal records under § 17-2-102. Except as provided  
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~  
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~  
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~  
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~  
29 ~~breach of client trust, or abuse of the vulnerable, including without~~  
30 ~~limitation:~~

31 ~~(1) Capital murder as prohibited in § 5-10-101;~~  
32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~  
33 ~~murder in the second degree as prohibited in § 5-10-103;~~  
34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~  
35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~  
36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

1           ~~(6) False imprisonment in the first degree as prohibited in § 5-~~  
2 ~~11-103;~~  
3           ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~  
4 ~~106;~~  
5           ~~(8) Robbery as prohibited in § 5-12-102;~~  
6           ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~  
7           ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~  
8           ~~(11) Aggravated assault as prohibited in § 5-13-204;~~  
9           ~~(12) Introduction of a controlled substance into the body of~~  
10 ~~another person as prohibited in § 5-13-210;~~  
11           ~~(13) Aggravated assault upon a law enforcement officer or an~~  
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
13           ~~(14) Terroristic threatening in the first degree as prohibited~~  
14 ~~in § 5-13-301;~~  
15           ~~(15) Rape as prohibited in § 5-14-103;~~  
16           ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~  
17           ~~(17) Sexual extortion, § 5-14-113;~~  
18           ~~(18) Sexual assault in the first degree, second degree, third~~  
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~  
20           ~~(19) Incest as prohibited in § 5-26-202;~~  
21           ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
22 ~~5-26-306;~~  
23           ~~(21) Endangering the welfare of an incompetent person in the~~  
24 ~~first degree as prohibited in § 5-27-201;~~  
25           ~~(22) Endangering the welfare of a minor in the first degree as~~  
26 ~~prohibited in § 5-27-205;~~  
27           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~  
28           ~~(24) Engaging children in sexually explicit conduct for use in~~  
29 ~~visual or print media, transportation of minors for prohibited sexual~~  
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~  
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
34 ~~5-27-403;~~  
35           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~  
36           ~~(26) Computer exploitation of a child in the first degree as~~



1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~  
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~  
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~  
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

19 ~~(B) The person holding a license subject to revocation.~~

20 ~~(2) Circumstances for which a waiver may be granted include, but~~  
21 ~~are not limited to, the following:~~

22 ~~(A) The applicant's age at the time the crime was~~  
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~  
30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification  
32 Bureau of the Department of Arkansas State Police under this section shall  
33 not be available for examination except by the affected applicant for  
34 licensure or his or her authorized representative or the person whose license  
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)~~(g) Information made available to the affected applicant for  
3 licensure or the person whose license is subject to revocation shall be  
4 information pertaining to that person only.

5 ~~(i)~~(h) Rights of privilege and confidentiality established in this  
6 section do not extend to any document created for purposes other than the  
7 criminal background check.

8 ~~(j)~~(i) The board shall adopt the necessary rules to fully implement  
9 the provisions of this section.

10 ~~(k)(1) As used in this section, an expunged record of a conviction or~~  
11 ~~plea of guilty or nolo contendere to an offense listed in subsection (c) of~~  
12 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~  
13 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~  
14 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~  
15 ~~subdivision (k)(2) of this section.~~

16 ~~(2) Because of the serious nature of the offenses and the close~~  
17 ~~relationship to the type of work that is to be performed, a conviction,~~  
18 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~  
19 ~~result in permanent disqualification for licensure:~~

- 20 ~~(A) Capital murder as prohibited in § 5-10-101;~~  
21 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~  
22 ~~and murder in the second degree as prohibited in § 5-10-103;~~  
23 ~~(C) Kidnapping as prohibited in § 5-11-102;~~  
24 ~~(D) Aggravated assault upon a law enforcement officer or~~  
25 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
26 ~~(E) Rape as prohibited in § 5-14-103;~~  
27 ~~(F) Sexual extortion, § 5-14-113;~~  
28 ~~(G) Sexual assault in the first degree as prohibited in §~~  
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~  
30 ~~(H) Endangering the welfare of an incompetent person in~~  
31 ~~the first degree as prohibited in § 5-27-201;~~  
32 ~~(I) Endangering the welfare of a minor in the first degree~~  
33 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~  
34 ~~second degree as prohibited in § 5-27-206;~~  
35 ~~(J) Engaging children in sexually explicit conduct for use~~  
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~  
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~  
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~  
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~  
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~  
7 ~~§ 5-28-103; and~~

8 ~~(L) Arson as prohibited in § 5-38-301.~~

9  
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations  
11 of the Perfusionist Licensure Act, is amended to read as follows:

12 (F) A plea of guilty, nolo contendere, or a finding of  
13 guilt of a felony listed under § 17-2-102 or any offense substantially  
14 related to the qualifications, functions, or duties of a perfusionist, in  
15 which event the record shall be conclusive evidence; or

16  
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning  
18 qualifications of an applicant for licensure as a physician assistant, is  
19 repealed.

20 ~~(6) Is of good moral character;~~

21  
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:  
23 17-105-113. Violation.

24 Following the exercise of due process, the Arkansas State Medical Board  
25 may discipline any physician assistant who:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a  
27 license;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Violates any provision of this chapter or any regulations  
30 adopted by the board pertaining to this chapter;

31 (4) Is convicted of a felony listed under § 17-2-102;

32 (5) Is a habitual user of intoxicants or drugs to such an extent  
33 that he or she is unable to safely perform as a physician assistant;

34 (6) Has been adjudicated as mentally incompetent or has a mental  
35 condition that renders him or her unable to safely perform as a physician  
36 assistant; or

1 ~~(7) Has committed an act of moral turpitude; or~~

2 ~~(8)~~(7) Represents himself or herself as a physician.

3  
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the  
5 licensing requirements for healthcare professionals who use radioactive  
6 materials or medical equipment emitting or detecting ionizing radiation on  
7 human beings for diagnostic or therapeutic purposes, is amended to read as  
8 follows:

9 (2) Submit satisfactory evidence verified by oath or affirmation  
10 that the applicant:

11 (A) Is qualified to administer radioactive materials or  
12 operate medical equipment emitting or detecting ionizing radiation upon human  
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time  
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has  
18 passed the General Educational Development Test or the equivalent.

19  
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline  
21 for healthcare professionals who use radioactive materials or medical  
22 equipment emitting or detecting ionizing radiation on human beings for  
23 diagnostic or therapeutic purposes, is amended to read as follows:

24 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~  
25 ~~court of competent jurisdiction either within or outside of this state unless~~  
26 ~~the conviction has been reversed and the holder of the license has been~~  
27 ~~discharged or acquitted or if the holder has been pardoned with full~~  
28 ~~restoration of civil rights, in which case the license shall be restored;~~

29  
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary  
31 action for orthotists, prosthetists, and pedorthists, is amended to read as  
32 follows:

33 (1) Has pleaded guilty or nolo contendere to or has been found  
34 guilty of a felony listed under § 17-2-102;

*/s/J. Cooper*

**APPROVED: 4/15/19**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

State of Arkansas

As Engrossed: H2/4/19 S4/5/19

92nd General Assembly

# A Bill

Regular Session, 2019

HOUSE BILL 1255

By: Representative Dotson

By: Senator Hester

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

~~(a)(1) 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  
person is credentialed.~~

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



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

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

6 (1) Demonstrates that he or she:

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

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

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

15 (i) An act of bad faith; or

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

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

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

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

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

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

14 (1) Demonstrates that he or she:

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

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

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

22 (i) An act of bad faith; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13  
14  
15                               /s/Dotson  
16  
17

18                               **APPROVED: 4/15/19**  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36