

## **MARK-UP**

### **ARKANSAS STATE BOARD OF ATHLETIC TRAINING RULES**

#### **1. The Arkansas State Board of Athletic Training**

A. Shall consist of five (5) members to be appointed by the Governor for terms of three (3) years.

1. Four members shall be athletic trainers licensed and practicing the art of athletic training in the state of Arkansas.
2. One (1) member shall not be actively engaged in or retired from the practice of athletic training, medicine, physical therapy, or employment by an athletic department of an accredited educational institution, and shall serve as the representative of the public interest. This member shall be a full voting member.
3. A member shall hold their appointment until their successor has been appointed and qualified, except when removed by the Governor.
4. At the discretion of the Board, an advisory committee may be impaneled and dissolved. This committee may consist of no more than five (5) individuals with diverse fields of interest and expertise.
5. The Board will act upon issues related to the licensure and practice of athletic trainers.

#### **B. Officers shall:**

1. Consist of a chairperson and a secretary, each of whom shall have the privilege of reelection.
2. Officers shall be elected by majority vote of the board members. Officers shall be elected annually in January unless otherwise determined by the Board.

#### **C. Duties of Officers**

1. The chairperson shall:
  - a. Call and preside at all meetings. In the absence of the chairperson he/she shall designate a member to preside.
  - b. Be a custodian of all records or designate a custodian of all records.
  - c. Delegate duties to Board members.
  - d. Vote on all issues.
2. The secretary shall:
  - a. Ensure that accurate minutes of each meeting are kept and distributed to each Board member.

D. Information regarding the activities of the Board may be obtained by the public from the office of

the Arkansas State Board of Athletic Training. Any request or submission to the Board shall be made to the Executive Director of the Arkansas State Board of Athletic Training.

#### E. Meetings:

1. At least two (2) regular meetings shall be held annually. The meetings will be conducted in accordance with Robert's Rules of Order, Revised.
2. Special meetings may be called at the discretion of the chairperson, or by three (3) members of the Board, provided that all members are adequately notified.
3. All meetings shall be conducted pursuant to the Arkansas Freedom of Information Act and disciplinary proceedings shall be conducted in accordance with the Arkansas Administrative Procedures Act.
4. Three (3) members of the Board shall constitute a quorum.
5. In the case of a tie vote on any issue brought before the Board, the tie vote issue will be re-voted once and unresolved issues will be tabled until the next Board meeting.
6. Members shall receive travel expenses and a stipend for official business of the Board at the rate established by the State of Arkansas.

## II. Methods of Licensure

#### A. Examination/Certification

1. Applicants who comply with qualifications in accordance with the Arkansas Athletic Trainers Act shall be permitted to sit for an examination approved by the Board. Applicants must meet either of the following requirements to sit for the examination:
  - a. The applicant must possess a baccalaureate degree from an accredited institution and meet other curriculum and internship requirements as required by the certifying testing agency as approved by the Board or
  - b. The applicant must be certified, and certified through the grandfathering process by the National Athletic Trainers Association on December 31, 1969.
2. The examination for athletic trainers will be a reliable, valid, and legally defensible examination approved by the Board.
3. The applicant must complete the application process required by the Board.

#### B. Reciprocity

1. A licensed athletic trainer who has been issued a license to practice as an athletic trainer in another state may be registered and issued a license in this state by the Board provided that the state or territory in which currently licensed/registered must be at least equal to Arkansas' requirements.
2. The applicant may be required to be interviewed by the Board if his/her credentials, requirements on licensure in the other state of current professional capabilities are in question.
3. An applicant to whom the Board refused reciprocity may request a hearing before the Board.

4. The applicant must complete the application process required by the Board.
5. Licensure by reciprocity may only be granted if the state in which the applicant is currently licensed allows athletic trainers licensed in this state to be eligible for reciprocity.

C. Licensure for ~~Active-Duty-Military-Uniformed Service Members~~, ~~Returning~~-Veterans, and Spouses

1. As used in this subsection,
  - a. "automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
  - b. "~~returning-military-veteran-uniformed service veteran~~" means a former member of the United States ~~Armed Forces Uniformed Services~~ who was discharged ~~from active-duty~~ under circumstances other than dishonorable.
2. The Board shall grant automatic licensure to an individual who ~~holds a substantially equivalent license in another U.S. jurisdiction~~ is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:
  - a. ~~An active-duty-military~~ A uniformed service member stationed in the State of Arkansas;
  - b. ~~A returning-military-veteran applying for licensure within one (1) year of his or her discharge from active-duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
  - c. The spouse of:
    - i. ~~a~~ A person under Rule II.C.2.a. or b.
    - ii. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or
    - iii. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.
3. The Board shall grant such automatic licensure upon receipt of all of the below:
  - a. Payment of the initial licensure fee;
  - b. Evidence that the individual holds a ~~substantially equivalent~~ license with a similar scope of practice in another state; and
  - c. Evidence that the applicant is a qualified applicant under Rule II.C.2.a., b., or c.

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

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

### III. Application for Licensure

A. An individual who plans to practice as an athletic trainer must secure a license prior to practicing in the state. Athletic trainers who accompany his or her team, athlete, or representative to the State of Arkansas beyond limited competition must submit an application for licensure in the state of Arkansas.

B. Credentials required for application for licensure are to be submitted to the Board and will include the following:

1. Official application from the Arkansas State Board of Athletic Training filled out by the applicant and notarized.
2. Current athletic training certification status and proof of fulfillment of continuing education requirements from a designated body approved by the Board. These will be verified by the Board.
3. Any athletic trainer partially or completely practicing in a non-clinical setting shall submit a Physician Direction Form.
4. Applicants seeking initial licensure in the state of Arkansas may submit an application prior to sitting for the Board approved qualifying exam.

C. Applicants who are currently licensed / registered in another state or territory and are requesting the same in Arkansas by reciprocity shall submit:

1. Official application from the Arkansas State Board of Athletic Training filled out by the applicant and notarized.
2. Proof of current athletic training certification from a designated body approved by the Board. This will be verified by the Board.
3. Verification of licensure/registration from agencies where currently licensed or registered, if requested by the Board.
4. Any athletic trainer partially or completely practicing in a non-clinical setting shall submit a Physician Direction Form.

D. All applicants shall pay the required fees.

### IV. Temporary Permit

- A. A temporary nonrenewable permit for one year may be sought by a candidate who has met all of the requirements to sit for a certification examination by the certifying agency approved by the Board or
- B. A temporary nonrenewable permit for one year may be sought by a candidate who has met all of the requirements to sit for a licensure examination by the certifying agency approved by the Board. The only candidates eligible to take the licensure exam are those that are certified, and certified through the grandfathering process by the National Athletic Trainers association on December 31, 1969.
- C. An application for a temporary permit can be obtained from the Board and should be submitted to the Board. The application should include:
  - 1. Official application from the Arkansas State Board of Athletic Training for a temporary permit filled out by the applicant and notarized.
  - 2. Proof of eligibility to sit for the certification or licensure exam from the certifying agency approved by the Board and mailed to the Board from the certifying agency.
  - 3. Any candidate applying for a temporary permit who will be partially or completely practicing in a non-clinical setting shall submit a Physician Direction Form.
- D. All applicants shall pay all required fees.

#### V. Renewals, Payments and Recording

##### A. Applications for renewal shall include:

- 1. Renewal form and
- 2. Certification Status Form and
- 3. Physician Direction Form

##### B. Licenses must be renewed annually at a fee established by the Board.

- 1. Unrenewed licenses become inactive as of a date established by the Board. To return to regular status, a reactivation fee must be paid.
- 2. Licenses reactivated 90 days after the renewal date will be assessed a late fee in addition to the renewal fee and the reactivation fee.
- 3. Individuals interested in being placed on inactive status must submit a written request to the board. An Athletic Trainer on inactive status may not engage in the provision of athletic training services.

##### C. The temporary nonrenewable athletic trainers permit will expire one year after the date of application. The temporary permit fee will be paid quarterly. Any non-payment of quarterly fees will revoke the non-renewable temporary permit. The temporary permit fee will be established by the Board.

#### VI. Fees

Athletic trainers shall be required to pay the following fees:

**Total fee to mail with exam/certification application:**

**\$125.00**



- Licensure by Examination/Certification Application Fee: \$25.00
- Licensure by Examination/Certification Initial Licensure Fee: \$100.00

**Total fee to mail with application: \$75.00**

- Licensure by Exam/Certification/Reciprocity for full time graduate students already BOC Certified Application Fee: \$25.00
- Licensure by Exam/Certification/Reciprocity for full time graduate students already BOC Certified Initial Licensure Fee: \$50.00

**Total fee to mail with reciprocity application: \$125.00**

- Licensure by Reciprocity Application Fee: \$25.00
- Licensure by Reciprocity Initial Licensure Fee: \$100.00

**Total fee to mail with application: \$325.00 \***

- Temporary Permit Application Fee: \$25.00
- Temporary Permit Licensure Fee: \$300.00 \*\* quarterly

\*The application fee is due only once with the first temporary permit application. A reminder of quarterly payment due will not be sent to the person holding a temporary permit. Unpaid quarterly permits become inactive on the 10th day after the quarterly payment fee deadline. \*\*This fee is a total of \$1200.00 annually, but can be paid on a quarterly basis.

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

1. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
2. Was approved for unemployment within the last twelve (12) months; or
3. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

### **License Renewals:**

Licenses are effective from July 1 to June 30th of the following year. Renewal fees are due upon receipt of the renewal notice. Those graduate students already BOC certified must provide a letter from a responsible party at the University where they have full time graduate student status indicating their full time student status. Unrenewed licenses become inactive as of July 1. To return to regular status, a reactivation fee must be paid in addition to the renewal fee. Licenses reactivated after September 30th will be assessed a late fee in addition to the renewal fee and the reactivation fee.

- Renewal Fee: \$50.00
- Renewal Fee: \$25.00 for graduate student already BOC certified
- Reactivation Fee: \$75.00
- Late Fee: \$100.00

## VII. Disciplinary Action/Penalties

- A. The Board may refuse to license, refuse to renew a license, revoke a license or temporary permit and/or take other disciplinary action as provided by law regarding any athletic trainer who is guilty of any of the acts set forth in Section 12 of the Arkansas Athletic Trainers Act. A revoked license must be returned to the Board office immediately upon notification of the revocation. The Board is required to report the revocation to the board approved certifying agency.
- B. Each facility offering athletic training services shall be required to publicly display the name and address of the Arkansas State Board of Athletic Training.
- C. Any person may file a complaint in writing to the Board against any licensed athletic trainer in this state, charging said person with having violated the provisions of any part of the Arkansas Athletic Trainers Act. The Board may act upon its own motion or upon the complaint of any individual in writing and signed by the complaining party. The person named in the complaint (**Respondent**) will be notified via certified mail issued within seven (7) working days from receipt of the written complaint at the board and a response from that individual will be requested.
- D. The Respondent shall be provided twenty one (21) calendar days in which to file a written response to the complaint and shall be advised that he or she is required to provide all documents and exhibits in support of his or her position.
- E. When a sanction ordered by the Board becomes final under the Administrative Procedures Act (A.C.A. § 25-15-101 et seq.), such information shall be publicly disseminated, including notification to the Board of Certification (BOC), and a posting on the Board's website. The posting shall include the licensee's name, a citation of the law(s) or statute(s) violated, a brief description of the findings of fact, and a description of the sanction.

## VIII. Supervision of the Athletic Trainer

- A. In a non-clinical traditional setting, the athletic trainer shall practice the art and science of athletic training under the direction of a physician licensed in the state of Arkansas by the Arkansas State Medical Board.
- B. In a clinical setting, the athletic trainer may practice athletic training in a hospital or outpatient clinic under the direct supervision of a physical therapist and upon the referral of a physician licensed in the State of Arkansas or of a physician licensed by the board.

## IX. Continuing Education Requirements

Continuing education requirements will be mandated by, collected by, and verified by the certifying agency approved by the Board.

## X. Pre-Licensure Background Check

- A. Pursuant to A.C.A. § 17-~~23~~-103, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- B. The individual must obtain the pre-licensure criminal background check petition form from the Board.
- C. The Board will respond with a decision in writing to a completed petition within a reasonable time.



- D. The Board's response will state the reasons for the decision.
- E. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- G. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

#### XI. Request for Waiver of Disqualifying Criminal Conviction

- A. If an individual has been convicted of an offense listed in A.C.A. § 17-~~23~~-102(a), ~~except those permanently disqualifying offenses found in subsection or~~ (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
  - 1. An affected applicant for a license; or
  - 2. An individual holding a license subject to revocation.
- B. The Board may grant a waiver upon consideration of the following, without limitation:
  - 1. The age at which the offense was committed;
  - 2. The circumstances surrounding the offense;
  - 3. The length of time since the offense was committed;
  - 4. Subsequent work history since the offense was committed;
  - 5. Employment references since the offense was committed;
  - 6. Character references since the offense was committed;
  - 7. Relevance of the offense to the occupational license; and
  - 8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
- C. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees. A request for waiver, if made by a licensee, must be in writing.
- D. The Board will respond with a decision in writing and will state the reasons for the decision.
- E. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*



## Definitions

The following words and terms, when used in these rules, have the following meanings:

1. **Supervising/Directing Physician:** A person holding current unrestricted license to engage in the practice of medicine or osteopathy. Other physicians who act on a referral basis with athletic trainers will hold a current unrestricted license to engage in the practice of chiropractic, dentistry, optometry, and podiatry in the state of Arkansas.
2. **Certification Examination:** Reliable, legally defensible examination approved by the board for determining minimum competency in athletic training.
3. **Licensure Examination:** An examination administered for those athletic trainers who are certified and certified through the grandfathering process by the National Athletic Trainers Association on December 31, 1969.
4. **Limited Competition:** Shall allow visiting athletic trainers appropriately credentialed in their own state to perform athletic training in the state of Arkansas in a traditional setting for a time period not to exceed 14 days. However, while in the state of Arkansas, all athletic trainers must abide by Arkansas laws and rules. Any person providing athletic training duties beyond the 14 days shall be subject to licensure requirements. Any person seeking exemption from this requirement must submit such request in writing to the Arkansas State Board of Athletic Training.
5. **Supervision of the athletic trainer in a clinical setting:** The supervising physical therapist or physician must be readily available for consultation for the care of the athlete ~~but not necessarily~~ and is on the premises.
6. **Supervision Direction of the athletic trainer in a non-clinical traditional setting:** The supervising directing physician must be readily available for consultation for the care of the athlete but not necessarily on the premises. The supervising/directing physician must submit an annual Physician Direction Form Supervision/Standing Orders Agreement to the Arkansas State Board of Athletic Training with the athletic trainer's licensure/permit request to the State of Arkansas.
7. **Supervision of athletic training interns or students:** Athletic training interns or students performing acts of athletic training incidental to their courses of study must be under the supervision of a licensed athletic trainer. Supervision means daily personal/verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises and evaluates the students' athletic training field experience. The licensed athletic trainer shall be physically present to intervene on behalf of the athlete.
8. **Athletic Training does not include** activities such as prophylactic taping, stretching, first aid, and referral of injured/ill athletes to appropriate medical personnel or facility. These services are considered "sports first aid". Athletic training does include return to play decisions, modality treatments and rehabilitation.

State of Arkansas                      *As Engrossed: S1/19/21 S1/26/21*  
93rd General Assembly                      **A Bill**  
Regular Session, 2021

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo  
By: Representatives Lynch, Cozart, Brown, Evans

**For An Act To Be Entitled**

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL  
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND  
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC  
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED  
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES  
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;  
AND FOR OTHER PURPOSES.

**Subtitle**

TO ESTABLISH ARKANSAS OCCUPATIONAL  
LICENSING OF UNIFORMED SERVICE MEMBERS,  
VETERANS, AND SPOUSES ACT OF 2021; AND TO  
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,  
returning military veterans, and spouses—Definitions.~~

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

~~(1) “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;~~

~~(2) “Occupational licensing entity” means an office, board,  
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~  
2 ~~authorize an individual to engage in a particular occupation or profession;~~

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

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

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~  
11 ~~licensure to engage in an occupation or profession to an individual who is~~  
12 ~~the holder in good standing of a substantially equivalent occupational~~  
13 ~~license issued by another state, territory, or district of the United States~~  
14 ~~and is:~~

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

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

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~  
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~  
22 ~~to provide automatic licensure if the proposed rules are not approved as~~  
23 ~~required under subdivision (d)(2) of this section.~~

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

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~  
29 ~~shall:~~

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

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~  
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

1 ~~procedure provide the least restrictive means of accomplishing occupational~~  
2 ~~licensure; and~~

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

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~  
7 ~~may:~~

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

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

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

17 ~~(f) An occupational licensing entity shall:~~

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

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

26 ~~(A) Active duty military service members stationed in the~~  
27 ~~State of Arkansas;~~

28 ~~(B) Returning military veterans applying within one (1)~~  
29 ~~year of their discharge from active duty; or~~

30 ~~(C) The spouse of a person under subdivisions (f)(2)(A)~~  
31 ~~and (f)(2)(B) of this section.~~

32  
33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an  
34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,  
36 Veterans, and Spouses Act of 2021



1  
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas  
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses  
5 Act of 2021".  
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing  
10 employment barriers faced by uniformed service members, uniformed service  
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully  
13 address eight (8) or more of the ten (10) issues affecting uniformed service  
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues  
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of  
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of  
19 uniformed service members move across state lines as opposed to one and one-  
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of  
22 occupational licensure and to eliminate barriers impeding employment of  
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting  
25 of automatic occupational licensure or expedited occupational licensure to  
26 active-duty service members, recently separated veterans, and their spouses  
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and  
29 elevate the occupational licensure process for uniformed service members,  
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational  
32 licensure barriers that impede the launch and sustainability of civilian  
33 occupational careers and employment faced by uniformed service members,  
34 uniformed service veterans, and their spouses due to frequent uniformed  
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited  
2 occupational licensure to current license holders to expedite their entry  
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial  
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational  
7 licensing entities to ensure removal of occupational licensure barriers faced  
8 by uniformed service members, uniformed service veterans, and their spouses;  
9 and

10 (D) Guidance to assure effective rulemaking and clear  
11 license application instructions to uniformed service members, uniformed  
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,  
14 experience, and credentials of uniformed service members and uniformed  
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education  
17 required for occupational licensure renewal when a uniformed service member  
18 is deployed.

19  
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of  
23 occupational licensure without an individual's having met occupational  
24 licensure requirements provided under this title or by the rules of the  
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,  
27 commission, department, council, bureau, or other agency of state government  
28 having authority to license, certify, register, permit, or otherwise  
29 authorize an individual to engage in a particular occupation or profession,  
30 not including occupations or professions within the judicial branch of  
31 government or occupations or professions subject to the superintending  
32 control of the Supreme Court;

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

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United  
3 States Air Force, United States Army, United States Coast Guard, United  
4 States Marine Corps, United States Navy, United States Space Force, or  
5 National Guard;

6 (B) An active component member of the National Oceanic and  
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United  
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the  
11 United States uniformed services discharged under conditions other than  
12 dishonorable.

13  
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of  
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes  
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this  
22 section;

23 (B) A uniformed service member who is assigned a tour of  
24 duty that excludes the uniformed service member's spouse from accompanying  
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs  
27 to his or her injuries or illness in the line of duty if the spouse  
28 establishes residency in the state.

29  
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational  
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with  
35 similar scope of practice issued by another state, territory, or district of  
36 the United States.

1  
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules  
4 recommending an expedited process for the attainment of occupational  
5 licensure instead of automatic occupational licensure as provided under § 17-  
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this  
8 section shall include temporary or provisional occupational licensure  
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic  
11 occupational licensure if the proposed expedited occupational licensure rules  
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for  
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant  
16 under subdivision (b)(1) of this section with a temporary or provisional  
17 license upon receipt of required documentation or the successful completion  
18 of any examination required by the relevant occupational licensing entity to  
19 enable the applicant to secure employment in his or her occupation or  
20 profession.

21  
22 17-4-107. Acceptance of uniformed service education, training,  
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable  
25 uniformed service education, training, or service-issued credential toward  
26 occupational licensure qualifications or requirements when considering an  
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within  
30 one (1) year of his or her discharge from uniformed service.

31  
32 17-4-108. Extension of license expiration and continuing education  
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date  
35 of an occupational licensure for a deployed uniformed service member or his  
36 or her spouse for one hundred eighty (180) days following the date of the



1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial  
3 exemption from a continuing education requirement that is required as a  
4 component of occupational licensure for an individual who is listed in  
5 subsection (a) of this section until one hundred eighty (180) days following  
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial  
8 exemption from continuing education requirements may require evidence of  
9 completion of continuing education before granting a subsequent occupational  
10 licensure or authorizing the renewal of an occupational licensure.

11  
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council  
14 shall:

15 (1) Review the proposed rules of an occupational licensing  
16 entity as submitted for public comment at least thirty (30) days before the  
17 public comment period ends under the Arkansas Administrative Procedure Act, §  
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based  
20 on:

21 (A) A determination of whether the expedited process  
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules  
24 Subcommittee of the Legislative Council determines necessary to achieve the  
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council  
27 may:

28 (1) Establish a further subcommittee to assist in the duties  
29 assigned to the Administrative Rules Subcommittee of the Legislative Council  
30 under this section;

31 (2) Assign information filed with the Administrative Rules  
32 Subcommittee of the Legislative Council under this section to one (1) or more  
33 subcommittees of the Legislative Council, including without limitation a  
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee  
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final  
2 review and approval of the Administrative Rules Subcommittee of the  
3 Legislative Council.

4  
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the  
8 Administrative Rules Subcommittee of the Legislative Council for review and  
9 approval before the proposed rules are promulgated under the Arkansas  
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §  
12 17-4-109, provide automatic occupational licensure to an individual listed in  
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's  
15 website a link entitled "Military Member Licensure" that directly leads to  
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,  
18 Legislative and Military Affairs an annual report stating the number of  
19 individuals granted automatic occupational licensure and expedited  
20 occupational licensure under this chapter.

21  
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
23 General Assembly of the State of Arkansas that current laws and  
24 administrative rules regarding the issuance of occupational licenses,  
25 certificates, and permits are barriers and create a hardship for uniformed  
26 service members, uniformed service veterans, and their spouses; that  
27 additional expedited processes, automatic licensure, and extended expiration  
28 dates of occupational licenses, certificates, and permits is needed to ensure  
29 that uniformed service members, uniformed service veterans, and their spouses  
30 may practice their chosen occupation or profession in the State of Arkansas;  
31 and that this act is immediately necessary to remove barriers and hardships  
32 in obtaining occupational licenses, certificates, and permits for uniformed  
33 service members, uniformed service veterans, and their spouses. Therefore, an  
34 emergency is declared to exist, and this act being immediately necessary for  
35 the preservation of the public peace, health, and safety shall become  
36 effective on:

1           (1) The date of its approval by the Governor;

2           (2) If the bill is neither approved nor vetoed by the Governor,  
3 the expiration of the period of time during which the Governor may veto the  
4 bill; or

5           (3) If the bill is vetoed by the Governor and the veto is  
6 overridden, the date the last house overrides the veto.

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9                               */s/Hill*

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12                               **APPROVED: 2/23/21**  
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State of Arkansas *As Engrossed: H2/24/21 S3/4/21*

93rd General Assembly

Regular Session, 2021

# A Bill

HOUSE BILL 1259

By: Representatives L. Johnson, Watson, McKenzie

By: Senator K. Hammer

## For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS ATHLETIC TRAINERS ACT;  
TO AUTHORIZE ATHLETIC TRAINERS TO PRACTICE UNDER THE  
DIRECT SUPERVISION OF A PHYSICIAN; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE ARKANSAS ATHLETIC TRAINERS  
ACT; AND TO AUTHORIZE ATHLETIC TRAINERS  
TO PRACTICE UNDER THE DIRECT SUPERVISION  
OF A PHYSICIAN.

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

SECTION 1. Arkansas Code § 17-93-402(5), concerning the definition of  
"direct supervision" in the Arkansas Athletic Trainers Act, is amended to  
read as follows:

(5) "Direct supervision" means supervision of the athletic  
trainer in a clinical setting ~~in which~~ by the supervising physical therapist  
or physician who is ~~must be~~ readily available for consultation for the care  
of the athlete ~~but not necessarily~~ and is on the premises;

SECTION 2. Arkansas Code § 17-93-402, concerning the definitions under  
the Arkansas Athletic Trainers Act, is amended to add additional subdivisions  
to read as follows:

(8) "Clinical setting" means a hospital or outpatient clinic;  
and





(9) "Direction" means direction of the athletic trainer in a nonclinical setting by a physician who is readily available for consultation for the care of the athlete but not necessarily on the premises.

SECTION 3. Arkansas Code § 17-93-411 is amended to read as follows:

17-93-411. Direction and supervision.

(a) In a nonclinical setting, an athletic trainer may practice the art and science of athletic training under the direction of a physician licensed ~~in the State of Arkansas by the Arkansas State Medical Board.~~

(b) The athletic trainer may practice athletic training in a hospital or outpatient clinic under the direct supervision of a physical therapist and upon the referral of a physician licensed in the State of Arkansas or of a physician licensed by the board.

/s/L. Johnson

**APPROVED: 3/15/21**

State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

# A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

## For An Act To Be Entitled

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

## Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF  
2021.

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

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

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

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

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

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

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

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



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

3 Chapter 4 – Workforce Expansion Act of 2021

4  
5 17-4-101. Title.

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

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

10 (a) The General Assembly finds that:

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

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

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

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

22  
23 17-4-103. Definitions.

24 As used in this chapter:

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

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

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

1 17-4-104. Fee waiver.

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

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

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

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

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

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

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

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

24 A licensing entity shall:

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

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

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

29 (2) Promulgate any necessary rules to implement this chapter.  
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,  
33 2022.  
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1735

By: Representative Penzo  
By: Senator Hester

## For An Act To Be Entitled

AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL  
LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL  
LICENSURE FOR CERTAIN INDIVIDUALS.

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

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

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

(a) As used in this section:

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

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

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



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

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

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

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

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

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

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

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

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

# A Bill

HOUSE BILL 1796

By: Representative Cozart  
By: Senator Hill

## For An Act To Be Entitled

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

## Subtitle

TO AMEND OCCUPATIONAL CRIMINAL  
BACKGROUND CHECKS.

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

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

(b)(1) If an individual has been convicted of a crime listed in  
subsection (a) or subsection (e) 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.

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

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

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



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

19  
20           SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing  
21 restrictions based on criminal records, is amended to read as follows:

22           (g) The ~~permanent~~ disqualification for an offense listed in subsection  
23 (a) or subsection (e) of this section does not apply to an individual who  
24 holds a valid license on July 24, 2019.

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