

**ARKANSAS STATE BOARD OF PHYSICAL THERAPY
RULES**

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I. Officers and Meetings

A. Officers shall:

1. Consist of a chairperson and a secretary/treasurer, each of whom shall have the privilege of re-election.
2. Officers shall be elected annually in July, unless otherwise determined by the Board.

B. 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 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/treasurer shall:

- a. Ensure that accurate minutes of each meeting are kept and distributed to each Board member.
- b. Supervise disbursement of Board funds.

C. The location of the office of the Board shall be designated by the Board.

D. Meetings:

1. Special meetings may be called at the discretion of the chairperson, or by two members of the Board, provided that all members are adequately notified.
2. 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.
3. Three (3) members shall constitute a quorum.
4. A majority vote of a quorum carries.

E. Information for Public Guidance:

1. The Board makes available a list of persons holding certain responsibilities for handling FOIA requests, licensing questions, and complaints against licensees so that the public may obtain information about the Board or make submissions or requests. The names, mailing addresses, telephone numbers, and electronic addresses can be obtained from the Board's website at www.arptb.org.
2. The Board has a list of official forms used by the Board and a list of all formal, written statements of policy and written interpretative memoranda, and orders, decisions and opinions resulting from adjudications, which may be obtained from the Board's office or website.

II. Definitions

For purposes of Ark. Code Ann. §§ 17-93-101 et seq. and these Rules, the following terms shall mean:

1. "FSBPT" means The Federation of State Boards of Physical Therapy.
2. "Mobilization" is a passive movement accomplished within the normal range of motion of the joint. It is a manual therapy technique comprising a continuum of skilled passive movements to the joints and/or related soft tissues that are applied at varying speeds and amplitudes, including a small-amplitude/high-velocity therapeutic movement.
3. "Readily available for consultation" is the ability to be reached in person or by telecommunications within 30 minutes.
4. "Spinal manipulation and adjustment" is movement of the spinal joints beyond the normal range of motion.

III. Requirements for Licensure

- A. An individual who plans to practice as a Physical Therapist or Physical Therapist Assistant must secure a license prior to practicing in the state.
- B. Credentials required for application for initial licensure are to be submitted to the Arkansas State Board of Physical Therapy as follows:
 1. The Board shall receive an official transcript transmitted from the Office of the Registrar, or its designee, of a professional physical therapy /physical therapist assistant education program accredited by a national accreditation agency approved by the Board.
 2. The applicant shall submit an official Board application that is completed in full and the contents sworn under oath as being true and correct.

3. Application requirements must be completed and received by the Board before an applicant is approved to take the examination described in Section IV.B., except that, in lieu of the official transcript described in Section III.B.1, an applicant may take the examination if the Board can confirm through FSBPT (or another Board-approved entity) that the applicant has completed all requirements for graduation.
- C. All applicants shall pay the required fees.
- D. All applicants must pass a jurisprudence exam approved by the Arkansas State Board of Physical Therapy.
- E. The Board shall require each initial applicant to submit to a background check in accordance with Ark. Code Ann. § 17-93-303 for Physical Therapist applicants or Ark. Code Ann. § 17-93-304 for Physical Therapist Assistant applicants.
- F. Pre-Licensure Criminal Background Check
1. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
 2. The individual must obtain the pre-licensure criminal background check petition form from the Board.
 3. The Board will respond with a decision in writing to a completed petition within a reasonable time.
 4. The Board's response will state the reason(s) for the decision.
 5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
 6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
 7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.
- G. Waiver Request
1. If an individual has been convicted of a felony offense, ~~except those permanently disqualifying offenses found A.C.A. § 17-2-102(e)~~, the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
 - a. An affected applicant for a license; or
 - b. An individual holding a license subject to revocation.
 2. The Board may grant a waiver upon consideration of the following, without limitation:

- a. The age at which the offense was committed;
 - b. The circumstances surrounding the offense;
 - c. The length of time since the offense was committed;
 - d. Subsequent work history since the offense was committed;
 - e. Employment references since the offense was committed;
 - f. Character references since the offense was committed;
 - g. Relevance of the offense to the occupational license; and
 - h. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
 4. The Board will respond with a decision in writing and will state the reasons for the decision.
 5. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

H. 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."

IV. Methods of Licensure

A. Licensure by Reciprocity

1. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
 - a. The applicant shall hold a substantially similar license in another United States' jurisdiction.
 - i. A license from another state is substantially similar to an Arkansas Physical Therapy / Physical Therapy Assistant license if the other state's licensure qualifications require a licensee to graduate from a Physical Therapy /Physical Therapist Assistant education program accredited by a national accreditation agency approved by the Board.
 - ii. The applicant shall hold his or her occupational licensure in good standing;
 - iii. The applicant shall not have had a license revoked for:
 1. An act of bad faith; or
 2. A violation of law, rule, or ethics;
 - iv. The applicant shall not hold a suspended or probationary license in a United States' jurisdiction;
 - b. The applicant shall be sufficiently competent in the field of physical therapy as described in Section IV.A.2.c.; and

- c. The applicant shall meet the Board's least restrictive requirements, which are described in Section IV.A.2.d.
- 2. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - a. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - i. Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board or from FSBPT (or another Board-approved entity); and
 - ii. Evidence that the other state's licensure requirements match those listed in IV.A.1.a.i. The Board may verify this information online or by telephone to the other state's licensing board or from FSBPT (or another Board-approved entity).
 - b. To demonstrate that the applicant meets the requirement in IV.A.1.a.ii. through iv., the applicant shall provide the Board with:
 - i. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - ii. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in in IV.A.1.a.iii. and does not hold a license on suspended or probationary status as described in IV.A.1.a.iv. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
 - c. As evidence that the applicant is sufficiently competent in the field of physical therapy, an applicant shall provide the Board with evidence from FSBPT (or another Board-approved entity) that a physical therapy applicant has passed the National Physical Therapy Examination ("NPTE") or that a Physical Therapist Assistant applicant has passed the NPTE-PTA.
 - d. As evidence that the applicant meets the Board's least restrictive requirements, an applicant shall:
 - i. Take and pass an Arkansas jurisprudence exam; and
 - ii. Submit to a background check in accordance with Ark. Code Ann. § 17-93-303 for Physical Therapist applicants or Ark. Code Ann. § 17-93-304 for Physical Therapist Assistant applicants.

3. Temporary and Provisional License

- a. The Board shall issue a temporary and provisional license upon request immediately upon receipt of the required fee and the documentation required to show that the applicant has a license from another jurisdiction that is in good standing and is substantially similar to an Arkansas Physical Therapy / Physical Therapist Assistant license.
- b. An applicant shall submit a completed application with all required remaining documentation in order to receive a license.
- c. The temporary license shall be effective for 90 days or until the Board makes a decision on the application, whichever occurs first.

B. Licensure by Examination

1. Applicants who comply with qualifications in accordance with the Arkansas Physical Therapy Practice Act shall be permitted to sit for examination.
2. Form of Examination
 - a. The Board selects and approves the National Physical Therapy Examination ("NPTE") for Arkansas Physical Therapist applicants and the NPTE-PTA for Arkansas Physical Therapist Assistant applicants.
 - b. The examination will be administered by Prometric or another Board-approved examination administrator. Written guidelines and procedures will be provided at time of application.
 - c. The examination must be completed by the date provided by FSBPT (or another Board-approved entity) or a portion of the fee will be forfeited.
3. Passing Level
 - a. For each examination given on or after March, 1996, a passing score will be established by FSPBT.
4. Scoring and Reporting of Examinations
 - a. Results of the examinations will be kept on file by the Board.
 - b. Examination scores will be reported directly to each candidate by the Board.
5. Failure to Pass Examination
 - a. A candidate who fails to pass the examination will be notified. The candidate is ineligible for a license in Arkansas as a Physical Therapist or a Physical Therapist Assistant until the examination is passed.
 - b. Upon payment of an appropriate fee, applicants who do not pass the examination after the first attempt may re-take the examination one (1)

additional time without re-application for licensure. This must occur within six (6) months from the first failure.

- c. Prior to being approved by the Board for each subsequent test beyond two (2) attempts, individuals shall re-apply and demonstrate evidence satisfactory to the Board of having successfully completed additional education. Additional education may be one or more of the following:
 1. A commercial review course.
 2. An individual tutorial. The completed tutorial must be signed by the tutor and include the tutor's curriculum vitae. If the applicant is applying for a PT license, the tutor must be a licensed PT. If the applicant is applying for a PTA license, the tutor must be a licensed PT, or a licensed PTA.
 - d. An applicant may not sit for the exam more than six (6) times without approval from both the Board and FSBPT (or another Board-approved entity).
- C. Licensure for Active Duty Service Members, Returning Military Veterans, and Spouses
1. As used in this ~~rule: subsection,~~
~~"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 this rule;~~
 - a. "Uniformed service member" means:
 - 1.i. An active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard;
 - 2.ii. An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or
 - 3.iii. An active or reserve component member of the United States Commissioned Corps of the Public Health Service; and
 - b. ~~"Returning military Uniformed service~~ veteran" means a former member of the United States Uniformed Services Armed Forces ~~who was~~ discharged ~~from active duty~~ under circumstances other than dishonorable.
 2. The Board shall grant expedited licensure to an individual who ~~holds a substantially equivalent license in another U.S. jurisdiction and~~ is:
 - a. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in Arkansas;
 - c. The spouse of
 - i. ~~a~~ A person under C.2. a. or bi. above;
 - 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 expedited licensure upon receipt of all the below:

- a. Payment of the initial licensure fee;
- b. Evidence that the individual holds a substantially equivalent license in
another state; An application showing the applicant meets the licensure
requirements, including passing the required examinations, in the
Board's statutes and rules;
- c. Evidence that the applicant is a qualified applicant under Ssubsection B
C.2., above; and
- d. Results of a background check in accordance with Ark. Code Ann. §
17-93-303 for Physical Therapist applicants or Ark. Code Ann. § 17-93-
304 for Physical Therapist Assistant applicants, if the background check
does not reveal a felony conviction.

4. Military Temporary

- a. The Board's Director shall issue a temporary license immediately upon
receipt of the documentation required under subsection C.3.a., b, and
c., above.
- b. The temporary license shall be effective for 90 days or until the Board
receives the results of the background check described in subsection
C.3.d. above.

5. 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.

6. 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. Licensure under Physical Therapy Licensure Compact

Any person who desires to exercise the privilege to practice under the
Physical Therapy Licensure Compact must complete the terms and provisions
of the compact as prescribed in Ark. Code Ann. § 17-93-501, et seq.

V. Foreign-educated Physical Therapists & Physical Therapist Assistants

- A. The foreign-educated Physical Therapist or Physical Therapist Assistant is required to be eligible for licensure or authorized to practice without limitation in their home country. The applicant must provide written proof that the applicant's school of physical therapy is recognized by its own ministry of education or equivalent agency.
- B. Any foreign-educated Physical Therapist or Physical Therapist Assistant who plans to practice in Arkansas shall submit all credentials set forth in Section III of these rules.
- C. The foreign-educated Physical Therapist or Physical Therapist Assistant must also submit the following:
 - 1. Credentials evaluation statement from a credentials evaluation agency approved by the Board.
 - 2. Results from an English proficiency examination if the applicant's native language is not English. Both the examination and acceptable score on examination must be approved by the Board. The test must include both written and oral sections.

VI. Renewals and Reinstatement

- A. Licenses must be renewed annually by March 1. Physical Therapists and Physical Therapist Assistants who have not paid annual renewal fees by March 1 are in violation of the Practice Act and shall not engage in practice. Practice without a valid license is subject to a fine of up to \$1,000 per day.
- B. It is the responsibility of the individual to notify the Board of an address change in writing. The licensee is required to provide written notice to the Board of any change of address within ten working days of the change.
- C. Unrenewed licenses lapse after March 1. To return to regular status, the previous year's continuing education requirements must be met and a late fee and annual renewal fee must be paid.
- D. Individuals wishing to be placed on inactive status must submit a written request to the Board. To return to regular status, an individual must pay a reinstatement fee, an annual renewal fee, and complete continuing education as described below.
 - 1. A Physical Therapist or Physical Therapist Assistant on inactive status may not engage in the provision of physical therapy services.
 - 2. To return to active status, the applicant must demonstrate completion of continuing education requirements that were missed during the period that the person was inactive, up to a maximum of four (4) units (40 contact hours) for a Physical Therapist and two (2) units (20 contact hours) for a Physical Therapist Assistant.

E. Physical Therapists and Physical Therapist Assistants will be required to complete appropriate continuing education, which includes passing a jurisprudence examination approved by the Arkansas State Board of Physical Therapy for renewal in odd numbered years.

F. Reinstatement under Ark. Code Ann § 17-1-107.

1. Pursuant to Ark. Code Ann. 17-1-107, as amended, the Board shall not require a person who meets licensing requirements to participate in the education or training required as a prerequisite to licensing registration or certification of a new professional in the field.
2. The Board may reinstate the license of a person who demonstrates that:
 - i. He or she was previously licensed, registered, or certified to practice in the field of his or her profession at any time in the State of Arkansas;
 - ii. Held his or her license in good standing at the time of licensing;
 - iii. Did not have his or her license revoked for:
 - a. An act of bad faith;
 - b. A violation of law, rule, or ethic;
 - iv. Is not holding a suspended or probationary license in any state; and
 - v. Is sufficiently competent in his or her field;
 - vi. He or she has completed continuing education requirements that were missed during the period that the person was inactive, up to a maximum of four (4) units (40 contact hours) for a Physical Therapist and two (2) units (20 contact hours) for a Physical Therapist Assistant; and
 - vii. Pays any reinstatement fee required.
3. A person shall not be required to comply with requirements to obtain reinstatement of his or her license if the person meets the requirements for reciprocity.
4. If a criminal background check is required of a person currently holding a license, registration, or certification, then the Board may require a person seeking reinstatement under this section to meet the same criminal background check requirements as the person currently holding a license.

VII. Fees

The fees for various services of the Board are as follows:

A. Physical Therapists:

Application Fee - \$50.00

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Endorsement (Reciprocity) - \$100.00
Annual Renewals - \$70.00
Late Fee - \$100
Jurisprudence Examination Fee - \$10.00
Reinstatement Fee - \$75

B. Physical Therapist Assistants:

Application Fee - \$50.00
Endorsement (Reciprocity) - \$100.000
Annual Renewals - \$45.00
Late Fee - \$100
Jurisprudence Examination Fee - \$10.00
Reinstatement Fee - \$50

C. Miscellaneous Fees and Penalties:

~~Continuing Education Approval Fee for Sponsors - \$100.00~~
~~Continuing Education Approval Fee for Licensees - \$20.00~~
Penalty for Late Continuing Education - \$50.00 per month
Compact Privilege - \$50.00

D. Initial Fee Waiver for Eligible Applicants

1. Pursuant to Act 725 of 2021, an eligible applicant may receive a waiver of the initial license fee. Eligible applicants are applicants who:

- a. Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
- b. Were approved for unemployment within the last twelve (12) months; or
- c. Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

2. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

a. For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Division of Human Services (DHS), or current state of residence equivalent agency;

b. For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or

c. For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

3. Applicants shall attest that the documentation provided under subsection D.2. is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

VIII. Disciplinary Action

- A. The Board may refuse to license, refuse to renew a license, revoke a license, and/or take other disciplinary action as provided by law regarding any Physical Therapist or Physical Therapist Assistant who is guilty of a felony or any of the acts as set forth in Ark. Code Ann. § 17-93-308. "Unprofessional conduct" pursuant to Ark. Code Ann. Section 17-93-308(a)(3) shall include but not be limited to the following:
 - 1. Engaging in any type of sexual conduct of a verbal or physical nature or engaging in a sexual/romantic relationship, including, but not limited to kissing, sexual contact, and sexual intercourse, with a current patient or with any person who was treated as a patient within the preceding six months. A patient's consent to, initiation of, or participation in the sexual contact or sexual/romantic relationship does not change the nature of the conduct nor the prohibition. This provision shall not prohibit a Physical Therapist or Physical Therapist Assistant from treating any person with whom there has been a preexisting sexual or romantic relationship.
 - 2. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.
 - 3. Failing to adhere to the recognized standards of ethics of the physical therapy profession.
 - 4. Charging unreasonable or fraudulent fees for services performed or not performed.
 - 5. Failing to report to the Board any act or omission of a license holder, applicant or any other person who violates the provisions of the Arkansas Physical Therapy Act, as amended.
- B. Each facility offering physical therapy services shall be required to publicly display the name and contact information of the Arkansas State Board of Physical Therapy.
- C. Any person may file a complaint in writing to the Board against any licensed Physical Therapist or Physical Therapist Assistant or unlicensed person in this state, charging said person with having violated the provisions of any part of the Arkansas Physical Therapy Practice Act. The Board may act upon its own motion

or upon written complaint. The person named in the complaint will be notified and a response from that individual will be requested.

D. Re-Licensure for Revoked or Surrendered License

1. No individual who has had his or her license revoked or who has surrendered his or her license while under investigation by the Board will be re-licensed, except on petition made to the Board. The application for re-licensure is not allowed until at least five years after the revocation or surrender of license while under investigation took effect.
2. Following license revocation or surrender of licensure while under investigation, the applicant bears the burden of proving that he or she is rehabilitated, can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and is otherwise qualified for the license pursuant to Ark. Code Ann. §§ 17-93-101 et seq.
3. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.
4. The Board may require that the person seeking re-licensure take the licensing examination and/or jurisprudence examination.

IX. Physical Therapist Assistant Supervision

- A. The practice of the Physical Therapist Assistant shall be performed only under the supervision of the licensed Physical Therapist who retains moral, ethical, and legal responsibility for patient care.
- B. The supervising therapist must be readily available for consultation, evaluations, and establishment of each program.
- C. In direct consultation with the (supervising) Physical Therapist, the Physical Therapist Assistant may:
 1. Recommend changes in the treatment, plan of care or goals as appropriate.
 2. Within the plan of care, recommend appropriate equipment, assistive devices or modification of architectural barriers.
 3. Within the plan of care, perform appropriate examination procedures.
- D. The Physical Therapist Assistant may alter treatment in response to adverse changes in the patient's physiological state.

X. Physical Therapy Aide Functions

- A. The functions of the Physical Therapy Aide may be performed under the direct supervision of a Physical Therapist or Physical Therapist Assistant. However, the Physical Therapist shall retain moral, ethical and legal responsibility for patient care.
- B. A Physical Therapy Aide must receive inservice training by a Physical Therapist or Physical Therapist Assistant. Once the aide is trained in treatments which can be completed within the realm of inservice as determined by a Physical Therapist, he/she may perform treatments only under direct supervision by a Physical Therapist and/or Physical Therapist Assistant.
- C. The Physical Therapy Aide may not:
 - 1. change any treatment;
 - 2. perform evaluative and assessment procedures;
 - 3. alter a plan of care or goals.

XI. Continuing Education Requirements

- A. The licensed Physical Therapist must complete, by December 31, in each biennium, two (2) CEUs. CEUs are required to be submitted prior to odd numbered year renewals. Beginning January 1, 2023, for each odd numbered year renewal, licensees are required to maintain continuing education and shall only submit such proof if so requested by the Board pursuant to the audit process.
- B. The licensed Physical Therapist Assistant must complete, by December 31, in each biennium, one (1) CEU. CEUs are required to be submitted prior to odd numbered year renewals. Beginning January 1, 2023, for each odd numbered year renewal, licensees are required to maintain continuing education and shall only submit such proof if so requested by the Board pursuant to the audit process.
- C. Qualifying Continuing Education Units
 - 1. One CEU is defined as 10 contact hours of an accredited course or program. A contact hour is equal to 60 minutes of in-person attendance at a seminar or workshop. Program content must be of clinical application, clinical management, behavioral science, or science.
 - A. No more than 50% of continuing education can be taken through online courses.
 - B. Physical Therapists and Physical Therapist Assistants ~~will be~~ are required to pass a Board approved jurisprudence exam ~~approved by the Board~~ as part of the required continuing education. The jurisprudence examination is counted as a one hour ~~an~~ online course.

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C. Webinars that are both live and interactive are considered to be in-person attendance.

2. Program content and CEUs accreditation must be approved by the Board or a Board-approved entity. Prior to the renewal due by March 1, 2023 proof of continuing education and a completed "Continuing Education Units" form must be submitted to the Board for approval of a program for CEUs and should be submitted within 60 days after course completion. Proof of CEUs may be copies of the original completion certificate. ~~Proof of college courses completed for CEUs is a transcript or grade report.~~ Beginning January 1, 2023 licensees are required to maintain continuing education and shall only submit such proof if so requested by the Board pursuant to the audit process.
3. College or university courses in the area of clinical application, clinical management, behavioral science, science, or scientific research may be accepted. Courses will be credited one (1) CEU for each satisfactorily completed credit hour (grade C or higher). Prior to the renewal due by March 1, 2023 ~~renewal~~ A "Continuing Education Units" form and transcript or grade report must be submitted to the Board office. Beginning January 1, 2023 licensees are required to maintain continuing education and shall only submit such proof if so requested by the Board pursuant to the audit process
4. A licensee who has written an article or research that has been published may submit such work to the Board for consideration of up to one-half the biennium CEU requirement. This request, along with the publication, must be presented to the Board office for Board approval.
5. The Board will not accept as qualifying CEUs previously submitted credit hours.

D. Failure to Comply

1. Licensees failing to complete the CEU requirement by December 31, 2022 ~~of the year prior to renewal~~ must pay \$50.00 per month penalty until continuing education is completed and accepted by the Board.
2. Licensees failing to comply with the CEU requirement by the March 1, 2023 license renewal deadline will not receive license renewal and shall not engage in the provision of physical therapy services.
3. Continuing education audits begin after the renewal due by March 1, 2025. A licensee who fails to comply with continuing education requirements, including the audit process, may be subject to disciplinary action.

E. Continuing Education Audits

1. Beginning with the renewal due by March 1, 2025, all licensees shall certify by attestation, under oath and under penalty of perjury, that the licensee completed the required continuing education, and that the continuing

education obtained meets the acceptable continuing education criteria specified.

2. After each odd-numbered year renewal, the Board office shall randomly select 10% of licensees for an audit of continuing education requirements. Licensees that are selected for audit will be notified and given twenty (20) days to submit proof of continuing education for the previous biennium.
3. Each licensee is responsible for maintaining proof of continuing education courses for a minimum of four years from the date of completion of the course. Copies of such proof shall be submitted to the Board upon request. Such proof shall include:
 - (1) date, place, course title, schedule, presenter(s), etc.,
 - (2) number of contact hours for the activity,
 - (3) certificate of completion, transcript, or grade report.

XII. Declaratory Orders

A. Purpose and Use of Declaratory Orders

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the Board. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

B. The Petition

The process to obtain a declaratory order is begun by filing with the Arkansas State Board of Physical Therapy a petition that provides the following information:

1. The caption shall read: Petition for Declaratory Order Before the Arkansas State Board of Physical Therapy.
2. The name, address, telephone number, and email address of the petitioner.
3. The name, address, telephone number, and email address of the attorney of the petitioner, if the petitioner has an attorney.
4. The statutory provision(s), Board rule(s), or Board order(s) on which the declaratory order is sought.

5. A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue or which petitioner seeks a declaratory order.
6. The signature of the petitioner or petitioner's attorney.
7. The date.
8. Request for hearing, if desired.

C. Board Disposition

4. The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with the Administrative Procedure Act, A.C.A. §§ 25-15-201 et seq.
5. The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

XIII. Amendments to these rules may be proposed by presenting the amendments in writing at any meeting of the Board. If the proposed amendment receives a majority vote of the Board, then the procedures for adoption outlined in the Administrative Procedures Act shall be followed.

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

A Bill

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~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, 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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1 State of Arkansas

As Engrossed: S3/10/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 153

4
5 By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flippo, T. Garner, K. Hammer, Hester,*
6 *B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

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

For An Act To Be Entitled

10
11 AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
12 AND FOR OTHER PURPOSES.

Subtitle

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16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

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

21
22 SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
23 to add an additional section to read as follows:

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

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

29 (b) Appropriate state entities shall:

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

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

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

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



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

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

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

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

10 (a) The General Assembly finds that:

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

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

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

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

22
23 17-4-103. Definitions.

24 As used in this chapter:

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

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

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

17-4-104. Fee waiver.

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

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

(1) A criminal background check;

(2) An examination or a test; or

(3) A medical or drug test.

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

17-4-105. Licensing entity duties.

A licensing entity shall:

(1) Publish notice of the fee waiver on:

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

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

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

SECTION 3. EFFECTIVE DATE.

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

/s/Gilmore

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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