

Occupational Authorizations

for the meeting of the

ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE

Thursday, March 14, 2024 at 2:00 PM

Department of Health

ARTIST INSTRUCTOR

Authorization Type:	Licensure	# of Individuals Regulated:	176
Entity Division Name:	Cosmetology and Body Art Section		
Scope of Practice:	An Artist Instructor is an individual licensed by the Department who: (1) Has been licensed by the Department of Health as an artist for at least five (5) years in the specified field of body art in which he or she will offer training; (2) Has worked in a body art establishment licensed by the Department for at least five (5) years and has been in compliance with Department rules governing body artists; (3) Has completed the course required under Ark Code § 20-27-1506; (4) Is a registered instructor for the specified field of body art with the Department of Health; (5) Has completed a course in safety and sanitation guidelines and requirements by the Department; (6) Shall not exceed a ratio of one (1) instructor to eight (8) students per instruction hour; (7) Is at least twenty-one (21) years of age; and (8) Has completed two hundred and fifty (250) instructional hours from a state approved permanent cosmetics instructor program, if the artist instructor is a permanent cosmetics artist instructor.		
Statutory Requirement(s):	Arkansas Code §17-26-601, et seq., requires any body artists (including tattoo artist, body piercers, artist trainers, and permanent cosmetics artist) to be licensed with the Department of Health, and states the Department may adopt appropriate rules regarding the artists, premises, equipment, procedures, and conditions of establishments which perform procedures subject to this subchapter to assure that the premises, equipment, procedures, and conditions are aseptic and do not constitute a health hazard. The Department establishes standards for the application of body art, require licensing of artists and establishments, and require inspections of such establishments.		

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Initial Artist Instructor Fee	\$150.00	Once

Administrative Rules Documents

Document Type	Document
Rules	Body Art Rules 2020 (5).pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire- Body Art FINAL.pdf

BODY PIERCERS

Authorization Type:	Licensure	# of Individuals Regulated:	277
Entity Division Name:	Cosmetology and Body Art Section		
Scope of Practice:	A body piercer is an individual licensed for body piercing field of body art utilizing the puncturing of a part of a live human being to create a hole for ornamentation or decoration or a single-point perforation of a body part to insert an anchor with a single stud protruding or flush with the skin. Body piercing or		

Department of Health (Continued)**BODY PIERCERS (Continued)**

body piercing procedure shall not include piercing an earlobe with a pre-sterilized disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe.

Statutory Requirement(s): Arkansas Code §17-26-601, et seq., requires any body artists (including tattoo artist, body piercers, artist trainers, and permanent cosmetics artist) to be licensed with the Department of Health, and states the Department may adopt appropriate rules regarding the artists, premises, equipment, procedures, and conditions of establishments which perform procedures subject to this subchapter to assure that the premises, equipment, procedures, and conditions are aseptic and do not constitute a health hazard. The Department establishes standards for the application of body art, require licensing of artists and establishments, and require inspections of such establishments.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Body Artist Licensing Fee	\$100.00	Annually
Fee	Examination Fee	\$50.00	Once
Fee	Guest Artist License (educational purposes only)	\$50.00	Once
Fee	Reciprocity Application Fee	\$200.00	Once
Fee	Reinstatement Fee	\$100.00	Once

Administrative Rules Documents

Document Type	Document
Rules	Body Art Rules 2020 (5).pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire- Body Art FINAL.pdf

PERMANENT COSMETIC ARTIST

Authorization Type: Licensure # of Individuals Regulated:

427

Entity Division Name: Cosmetology and Body Art Section

Scope of Practice: A Permanent Cosmetic Artist is an individual licensed for the permanent cosmetic field of body art to utilize the application of pigment placed in the skin by a needle or other instrument to beautify the body, including without limitation for the purposes of: (1) Scar camouflaging; (2) Scalp micropigmentation; (3) Pigment lightening; (4) Applying permanent eyebrows, including without limitation: (A) Microblading; (B) Manual methods; (5) Applying permanent eyeliner; (6) Applying permanent lip liner or lip color; and (7) Applying three-dimensional nipples and areola. Permanent cosmetics does not include tattooing or a tattooing procedure.

Statutory Requirement(s): Arkansas Code §17-26-601, et seq., requires any body artists (including tattoo artist, body piercers, artist trainers, and permanent cosmetics artist) to be licensed with the Department of Health, and states the Department may adopt appropriate rules regarding the artists, premises, equipment, procedures, and conditions of establishments which perform procedures subject to this subchapter to assure that the premises, equipment, procedures, and conditions are aseptic and do not constitute a health hazard. The Department establishes standards for the application of body art, require licensing of artists and establishments, and require inspections of such establishments.

Department of Health (Continued)**PERMANENT COSMETIC ARTIST (Continued)**

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

☐ Yes**Fees & Penalties**

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Body Artist Licensing Fee	\$100.00	Annually
Fee	Examination Fee	\$50.00	Once
Fee	Guest Artist License (educational purposes only)	\$50.00	Once
Fee	Reciprocity Application Fee	\$200.00	Once
Fee	Reinstatement Fee	\$100.00	Once

Administrative Rules Documents

Document Type	Document
Rules	Body Art Rules 2020 (5).pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire- Body Art FINAL.pdf

TATTOO ARTIST

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Cosmetology and Body Art Section

Scope of Practice: A tattoo artist is an individual licensed for the tattooing field of body art to utilize any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by introducing pigments, or by the production of scars to form indelible marks with the aid of needles or other instruments, but not to include permanent cosmetics.

Statutory Requirement(s): Arkansas Code §17-26-601, et seq., requires any body artists (including tattoo artist, body piercers, artist trainers, and permanent cosmetics artist) to be licensed with the Department of Health, and states the Department may adopt appropriate rules regarding the artists, premises, equipment, procedures, and conditions of establishments which perform procedures subject to this subchapter to assure that the premises, equipment, procedures, and conditions are aseptic and do not constitute a health hazard. The Department establishes standards for the application of body art, require licensing of artists and establishments, and require inspections of such establishments.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

☐ Yes**Fees & Penalties**

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Body Artist Licensing Fee	\$100.00	Annually
Fee	Examination Fee	\$50.00	Once
Fee	Reinstatement Fee	\$100.00	Once
Fee	Reciprocity Application Fee	\$200.00	Once

Department of Health (Continued)**TATTOO ARTIST (Continued)**

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Guest Artist License (educational purposes only)	\$50.00	Once

Administrative Rules Documents

Document Type	Document
Rules	Body_Art_Rules_2020_(5).pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire-Body_Art_FINAL.pdf

LEAD-BASED PAINT ABATEMENT CONTRACTOR/CONSULTANT

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: All lead-based paint activities, as defined by this rule, which are performed on target housing or child-occupied facilities must be performed by the following individuals certified in the particular disciplines set forth in this rule who are: (A) Employed by a licensed contractor or licensed consultant for that particular lead - based paint activity; or (B) Employed as an in-house employee for that particular lead - based paint activity. "Licensed contractor" means a firm, partnership, corporation, sole proprietorship, association, or other business entity that performs lead - based paint activities and has been issued a license by the Department. "Licensed consultant" means a firm, partnership, corporation, sole proprietorship, association, or other business entity that performs lead - based paint activities and has been issued a license by the Department.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Lead-Based Paint Abatement Contractor	\$1,200.00	Annually
Fee	Lead-Based Paint Abatement Consultant	\$1,200.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	2021_Lead_Based_Paint_Rules_Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire-Body_Art_FINAL.pdf

Department of Health (Continued)**LEAD-BASED PAINT ABATEMENT CONTRACTOR/CONSULTANT (Continued)**

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire Lead-Based Paint Program Final .pdf

LEAD-BASED PAINT ABATEMENT INSPECTOR

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: "Certified inspector" means an individual who has been trained by a licensed training program, as defined by the rules, or a training program which has been accredited by EPA or a state or Indian Tribal program which has been approved by EPA pursuant to 40 CFR Section 745.324 and the individual has been certified by the Department to conduct lead - based paint inspections. A certified inspector also samples for the presence of lead in dust and soil for the purposes of lead - based paint abatement clearance testing. A certified inspector must perform lead - based paint inspections for a licensed contractor or consultant, or as an in-house employee.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Inspector License Fee	\$150.00	Annually
Fee	Third Party Exam Fee	\$50.00	Once

Administrative Rules Documents

Document Type	Document
Rules	2021 Lead Based Paint Rules Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire Lead-Based Paint Program Final .pdf

LEAD-BASED PAINT ABATEMENT PROJECT DESIGNER

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: "Certified project designer" means an individual who has been trained by a licensed training program, as defined by this rule, or a training program which has been accredited by EPA or a state or Indian

LEAD-BASED PAINT ABATEMENT PROJECT DESIGNER (Continued)

Tribal program which has been approved by EPA pursuant to 40 CFR Section 745.324 and the individual has been certified by the Department to prepare lead - based paint abatement project designs, occupant protection plans, and abatement reports. A certified project designer must perform lead - based paint project designs, occupant protection plans, and abatement reports for a licensed contractor or consultant, or as an in-house employee.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Project Designer License Fee	\$150.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	2021_Lead_Based_Paint_Rules_Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_Lead-Based_Paint_Program_Final_.pdf

LEAD-BASED PAINT ABATEMENT RISK ASSESSOR

Authorization Type: Licensure # of Individuals Regulated: 9

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: "Certified risk assessor" means an individual who has been trained by a licensed training program as defined by this rule, or a training program which has been accredited by EPA or a state or Indian Tribal program which has been approved by EPA pursuant to 40 CFR Section 745.324, and the individual has been certified by the Department to conduct lead - based paint risk assessments and also sample for the presence of lead in dust and soil for the purpose of abatement clearance testing. A certified risk assessor must perform lead - based paint risk assessments and sampling for lead in dust and soil for the purposes of abatement clearance testing for a licensed contractor or consultant, or as an in-house employee.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and

LEAD-BASED PAINT ABATEMENT RISK ASSESSOR (Continued)

any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Risk Assessor License Fee	\$150.00	Annually
Fee	Third-Party Exam Fee	\$50.00	Once

Administrative Rules Documents

Document Type	Document
Rules	2021_Lead_Based_Paint_Rules_Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_Lead-Based_Paint_Program_Final_.pdf

LEAD-BASED PAINT ABATEMENT SUPERVISOR

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: "Certified supervisor" means an individual who has been trained by a licensed training 5 program as defined by this rule, or a training program which has been accredited by EPA or a state or Indian Tribal program which has been approved by EPA pursuant to 40 CFR Section 745.324 and the individual has been certified by the Department to conduct and supervise abatements, and to prepare occupant protection plans and abatement reports. A certified supervisor must conduct and supervise lead - based paint abatements, and must prepare occupant protection plans and abatement reports for a licensed contractor or consultant, or as an in-house employee.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and a uniformed service member who

Yes

Department of Health (Continued)**LEAD-BASED PAINT ABATEMENT SUPERVISOR (Continued)**

is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Supervisor License Fee	\$150.00	Annually
Fee	Third-Party Exam Fee	\$50.00	Once

Administrative Rules Documents

Document Type	Document
Rules	2021_Lead_Based_Paint_Rules_Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_Lead-Based_Paint_Program_Final_.pdf

LEAD-BASED PAINT ABATEMENT TRAINING PROVIDER

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: "Licensed training provider" means a firm, partnership, corporation, sole proprietorship, association, or other business entity that performs lead - based paint training for lead - based paint activities and has been licensed by the Department.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Training Provider License	\$900.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	2021_Lead_Based_Paint_Rules_Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_Lead-Based_Paint_Program_Final_.pdf

Department of Health (Continued)**LEAD-BASED PAINT ABATEMENT WORKER**

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Epidemiology, Lead-Based Paint Program

Scope of Practice: "Certified abatement worker" means an individual who has been trained by a licensed lead - based paint activities training program, as defined by this rule, or a training program which has been accredited by EPA or a state or Indian Tribal program which has been approved by EPA pursuant to 40 CFR Section 745.324 and the individual has been certified by the Department to perform lead - based paint abatements. A certified abatement worker must perform lead - based paint abatements for a licensed contractor or consultant, or as an in-house employee.

Statutory Requirement(s): Arkansas Code §20-27-2505 provides that the Department of Health shall (1) Require and regulate training and examinations for individuals engaged in performing lead-based paint activities under this subchapter; (2) Establish standards and procedures for the licensing and certification of firms and individuals engaged in lead-based paint activities and training providers engaged in training individuals for certification under this subchapter; (3) Enforce rules necessary or appropriate to the implementation of this subchapter, including without limitation taking legal action in a court of competent jurisdiction; (4) Issue licenses and certifications to all applicants that satisfy the requirements of this subchapter and any rule adopted under this subchapter; (5) Renew the licenses and certifications under this subchapter; and (6) Suspend or revoke the licenses and certifications under this subchapter for cause and after notice and opportunity for a hearing. Enforcement of the lead-based paint abatement rules are authorized by 40 CFR 745.324, and if not administered by the state, fall under the jurisdiction of the Environmental Protection Agency under 40 CFR 745.81.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Lead-Based Paint Abatement Worker	\$35.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	2021_Lead_Based_Paint_Rules_Final.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_Lead-Based_Paint_Program_Final_.pdf

ONSITE WASTEWATER SYSTEM MONITOR

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Health

Scope of Practice: A certified monitoring person is an individual certified by the Department to conduct assessments under the Onsite Wastewater Systems Monitoring Program.

Statutory Requirement(s): Arkansas Code §14-236-101, et seq., also known as the Arkansas Sewage Disposal Systems Act, provides that the Division of Environmental Health Protection of the Department of Health or its authorized agents shall have general supervision and authority over the location, design, construction, installation, and operation of individual sewage disposal systems, and shall be responsible for the administration of this chapter and of the rules adopted pursuant to this chapter.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the

Department of Health (Continued)**ONSITE WASTEWATER SYSTEM MONITOR (Continued)**

spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Onsite Wastewater System Monitor License Fee	\$50.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	FINAL_OnsiteWastewater_(2022)_signed.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire - Onsite Wastewater Final.pdf

SEPTIC SYSTEM DESIGNER/SEWAGE DISPOSAL SYSTEMS DESIGNATED REPRESENTATIVE

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Health

Scope of Practice: Designated Representative (DR). A person certified by the Department to make percolation tests, system designs, and inspections subject to the Authorized Agent's final approval. Designated Representatives shall be registered professional engineers, registered land surveyors, licensed master plumbers, registered sanitarians or other similarly qualified individuals holding current certificates from the State of Arkansas, and shall demonstrate to the satisfaction of the Authorized Agent prior to their designation as a "Designated Representative" their competency to make percolation tests, designs and final inspections for onsite wastewater systems in accordance with these Rules and when authorized by the Authorized Agent.

Statutory Requirement(s): Arkansas Code §14-236-101, et seq., also known as the Arkansas Sewage Disposal Systems Act, provides that the Division of Environmental Health Protection of the Department of Health or its authorized agents shall have general supervision and authority over the location, design, construction, installation, and operation of individual sewage disposal systems, and shall be responsible for the administration of this chapter and of the rules adopted pursuant to this chapter.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Designated Representative License Fee	\$100.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	FINAL_OnsiteWastewater_(2022)_signed.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational Entity Questionnaire - Onsite Wastewater Final.pdf

Department of Health (Continued)**SEPTIC TANK CLEANER**

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Health

Scope of Practice: Any person, firm, corporation, or association which cleans septic tanks, marine sanitation devices, portable toilets, or transports septage or sewage within the State of Arkansas.

Statutory Requirement(s): Arkansas Code § 17-45-101, et seq., provides the Department of Health with the authority to promulgate rules regulating the septic tank cleaning business, and that so person, firm, corporation, partnership, or association shall engage in the business of septic tank cleaning for compensation without first obtaining a license as provided under law.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Septic Tank Cleaner License Fee	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	FINAL_2022_SEPTIC_TANK_CLEANER_Rule_(signed.pdf)

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_Septic_Tank_Cleaners_2024.pdf

SEPTIC TANK INSTALLER

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Environmental Health

Scope of Practice: A Septic Tank Installer means any person, firm, corporation, association, municipality, or governmental agency licensed by the department, which constructs, installs, alters, or repairs onsite wastewater systems for others.

Statutory Requirement(s): Arkansas Code §14-236-101, et seq., also known as the Arkansas Sewage Disposal Systems Act, provides that the Division of Environmental Health Protection of the Department of Health or its authorized agents shall have general supervision and authority over the location, design, construction, installation, and operation of individual sewage disposal systems, and shall be responsible for the administration of this chapter and of the rules adopted pursuant to this chapter.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; 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; and 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?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Septic Tank Installer License Fee	\$100.00	Annually

Administrative Rules Documents

Department of Health (Continued)

SEPTIC TANK INSTALLER (Continued)

Document Type	Document
Rules	FINAL_OnsiteWastewater_(2022)_signed.pdf

Supporting Evidence Documents

Document Type	Document
Public Health and Safety	Occupational_Entity_Questionnaire_-_Onsite_Wastewater_Final.pdf

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire
Cosmetology and Body Art

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? What instances of specific and substantial harm have been documented in the past year?

The consumers would be at risk of substantial harm if the State of Arkansas did not have this occupational authorization. Body Art is one of the few occupations that require direct person to person contact, including, but not limited to, the use of chemicals and preparations to be applied to the skin and other appropriate tools where the public may be harmed from the improper use or failure of protection from the potential fumes and other environmental safety concerns. Notable dangers and concerns of a potentially unsafe environment to vulnerable individuals including sexual misconduct with or without consent from the client, infections, such as fungus, folliculitis, impetigo, ringworm, lice, mycobacterium, methicillin-resistant staphylococcus aureus (“MRSA”), conjunctivitis, and staph, use of equipment and needles that have not been properly sanitized in between clients, not properly disposing of sharps and use of products and chemicals that have not been approved by the State of Arkansas or the U.S. Food and Drug Administration.

To ensure the safety of the licensee and the public, the body art occupation is commonly regulated across the states for health and safety practices. We have received complaints against individuals practicing body art and not licensed by the Arkansas Department of Health (“ADH”) or engaging in practice outside the training and certifications the artist has received. The complaints alleged unlicensed and unauthorized individuals performed unsafe procedures to individuals in the public, and alleged licensed artist who are engaging in practices outside the scope of their licensure and without the required proper training for those practices. This can cause serious harm to the public because these individuals did not have the proper training, experience, and requirements to provide sanitary and safe services on the public free from harm.

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? What specific action was taken by the occupational entity?

The Department has received 11 complaints regarding unauthorized practitioners of which the Department sent ten cease and desist letters, and one was referred to the local prosecuting attorney.

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? What specific action was taken by the occupational entity?

The Department has received one complaint regarding an infection. There were also multiple complaints on establishments for unsanitary practices and establishments serving alcohol on the premises. Most complaints resulted in an inspection followed by a

ALC – Occupational Licensing Review Subcommittee

Occupational Entity Questionnaire

warning letter to comply with the relevant law. The Department also received a complaint regarding a licensed body artist charged with multiple prohibiting offenses, for which the Department suspended the body artist's license pending adjudication of the charges.

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? If so, why?

The Body Art Section is not aware of any applicants whose license was denied and who otherwise met licensing requirements. Applicants are made aware of the requirements for licensure. If an individual meets all requirements and standards within the law and the Rules for Body Art and completes and - is not disqualified based on a criminal background check, then the applicant receives their license.

5. How much does the occupational entity collect annually in fees, and what are annual expenses? How much money does the occupational entity have in reserves?

Current anticipated revenues are \$128,889.63. Projected annual expenses for FY 2024 is \$78,130.45 dollars. Body Art currently has \$165,109.62 dollars in reserves.

6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? For what purpose?

The Department has not utilized any reserves since the occupational licensing was transferred to the Department of Health.

7. Does the occupational entity have any other sources of revenue? Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

No, the entity does not have any other source of income. The Department will continue to review the annual collections and increase in the reserves to determine the need for fee reductions in compliance with Act 114 of 2023.

8. How many applicants for the occupational authorization fail each year? Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities?

The Body Art Section does not track this information and is only aware of applicants after each submits their application for licensure upon graduation from a body art school or approved apprenticeship program and passage of the required licensure exam, and does not have any information for failures that are veterans, women, or minorities.

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Occupational Entity Questionnaire

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicant's complete apprenticeships?

To be licensed as an artist in Arkansas, an applicant can attend and complete a program from an Arkansas Licensed Postsecondary Body Art Institution. There is currently no federally approved apprenticeship programs for the purposes of the Earn and Learn Act.

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

Licensure ensures that body artists in Arkansas meet the standards and education requirements needed to protect the public and licensees in the state properly. Licensure also protects the public by providing a review of complaints and implementation of disciplinary actions. Through licensure verification, citizens and entities can ensure that the individual has met all requirements to practice body art and have the training, knowledge, and experience to provide safe services to their clients. The reduction in requirements would put the citizens of Arkansas at harm because the artists would not have the proper training to perform services in a safe and sanitary way.

Public health and safety concerns for potential harm addressed by this licensure and the training requirements include the proper and improper use of chemicals on the skin, sanitary practices, and improper massage techniques. Notable dangers and concerns include infections, such as fungus, folliculitis, impetigo, ringworm, lice, mycobacterium, MRSA, conjunctivitis, and staph, in addition to risks of burns, improper application of hot stones, use of linens that have not been properly sanitized in between clients, and use of products and chemicals that have not been approved by the State of Arkansas or the U.S. Food and Drug Administration. The training and licensure required for the body art occupation should not be reduced or eliminated as it helps protect the public from these potential dangers and concerns from unlicensed artist and licensed artist engaging in procedures outside the scope of the training and certifications.

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Occupational Entity Questionnaire
Lead-Based Paint Program

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

Occupational Entity: Arkansas Department of Health Lead-Based Paint Program

Contact Information

Main Email: ADH.LBP@Arkansas.gov

Main Office: 501-671-1472

Name: Ashley Mason, Lead-Based Paint Program Epidemiologist

Ashley.Mason@Arkansas.gov

Office: 501-671-1549

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? What instances of specific and substantial harm have been documented in the past year?
 - The Rules for the Arkansas Department of Health (ADH) Lead-Based Paint program (LBP) program are federally mandated. The Environmental Protection Agency (EPA) is over the program and provides Arkansas with a grant to run the program at a State level. Arkansas can remove occupational authorization at a State level, but the grant and the administration of the Rules will be reabsorbed and enforced by the EPA.
 - The EPA, as with other government agencies, is understaffed. If the EPA were to regain authority over the LBP program for Arkansas, it could take much longer for Arkansans to get pertinent information and have their Arkansas-specific questions addressed. This could lead to a delay in work for companies. There would also be a delay in having complaints addressed as it would be much more difficult for someone with the EPA to visit Arkansas for a site investigation. With that understanding, Arkansas consumers could potentially be at substantial harm if Arkansas, at a State level did not have this occupational authorization.

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Occupational Entity Questionnaire

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? What specific action was taken by the occupational entity?
 - Complaints made to the ADH LBP program based on lead abatement are uncommon. The LBP program oversees lead abatement in Arkansas, which is the complete removal of lead-based paint. In contrast, the EPA is over the Renovate, Repair, Paint (RRP) rules and program, which addresses most of the complaints in Arkansas. With that being stated, it is difficult to provide an exact number to how many complaints were made to the LBP program given that the medical case management and surveillance side of the program is tightly connected to the enforcement and licensing side of the program. On average, we have approximately 275 elevated blood lead cases each year in Arkansas. However, the LBP program may receive less than a handful of direct complaints against specific contractors each year submitted by the public. In addition, due to the overlap inherent with the ADH LBP program being a federally created and lead grant program, a significant portion of the actual contractor complaints likely go through the EPA directly versus the LBP office at the State level. The EPA does not report the number of complaints from Arkansas to the ADH LBP program. Our program will, however, assist the EPA in providing information to the public regarding the Rules in Arkansas for both abatement and RRP.
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? What specific action was taken by the occupational entity?
 - No complaints were made to the ADH LBP program by consumers being harmed by authorized practitioners licensed through the LBP program. No action was needed by the ADH LBP program as there were no complaints regarding authorized practitioners to address.
4. Were any applicants who otherwise met authorization requirements denied authorization in the past year? If so, why?
 - No, there were no applicants who applied to the ADH LBP program who met authorization requirements and were denied licensure in the past year.

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Occupational Entity Questionnaire

5. How much does the occupational entity collect annually in fees, and what are annual expenses? How much money does the occupational entity have in reserves?
 - The total amount of fees collected annually by the ADH LBP program varies and depends on if a company or licensee renews their license, if new companies and their workers apply for licensure, etc. The ADH LBP program collects approximately \$17,000 annually in fees. The ADH LBP program is grant-funded by the EPA and as such, does not have money in reserves. The fees collected by the ADH LBP program are applied to an ADH trust fund designated for emergency lead abatement activities, should they ever be needed. The LBP program grant provided by the EPA includes funding specifically to cover program expenses.
6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? For what purpose?
 - The ADH LBP program does not have money in reserves. The LBP program is grant-funded by the EPA. If there is a surplus for the LBP program at the end of the grant cycle, it is subtracted from the funding provided in the next grant cycle by the EPA.
7. Does the occupational entity have any other sources of revenue? Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?
 - No, there are no other sources of revenue for the ADH LBP program. The fees collected by the ADH LBP program are not applied to the LBP program but are added to an ADH trust fund reserved for lead abatement emergencies.
8. How many applicants for occupational authorization fail each year? Does the occupational entity track how many applicants who do not progress are veterans, women, or minorities?
 - No applicants that meet the requirements for the LBP program licensure fail. The ADH LBP program staff provides information and guidance to applicants to

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Occupational Entity Questionnaire

ensure that all the requirements are met, and their applications are complete. Since no applicants who meet the requirements for the LBP program licensure fail, the LBP program does not track how many applicants who fail are veterans, women, or minorities.

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicants complete apprenticeships?

- No, applicants cannot complete the ADH LBP program training requirements with vocational or non-traditional education. Applicants must take EPA-approved courses and pass exams to meet the requirements for licensure as stated by federal mandate.

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

- The Rules for the ADH LBP program are federally mandated. Although Arkansas can remove occupational authorization at a State level, the grant and the administration of the Rules will be absorbed and enforced by the EPA at a Federal level. Therefore, Arkansas consumers could potentially be at substantial harm if Arkansas, at a State level did not have this occupational authorization.

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Occupational Entity Questionnaire

Environmental Health -- On-site Wastewater

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? What instances of specific and substantial harm have been documented in the past year?

This licensing group oversees the Individual Sewage Disposal Act. Designated Representatives review the soils, layout a proposed system, and submits the permit and drawing for approval. Installers are tested to ensure their knowledge of proper installation, and Certified Monitoring Personnel ensure compliance for experimental or discharging systems. The department receives too many complaints across the state on sewage disposal system to completely quantify. Most issues are handled locally by staff. Undeveloped Lots in Arkansas for homesites can be very expensive as well as the installation of approved systems. Failure to make sure each step is properly done can result in either a failing system or the extra expense of the best available treatment.

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? What specific action was taken by the occupational entity?

The Department received 671 complaints in the past year, typically filed at county local health units, regarding general sanitation and sewage issues. The Environmental Health Specialists across the state receiving the complaints work to investigate and move non-compliant systems and parties into compliance as soon as possible, including holding permits for systems until the installer is properly licensed. The Department does not track these complaints based on licensee's status but rather the type of problem with the malfunctioning or unauthorized system.

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? What specific action was taken by the occupational entity?

Please see answer #2 above.

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? If so, why?

None.

5. How much does the occupational entity collect annually in fees, and what are annual expenses?

The Department will collect approximately \$125,000 during the FY2024. As this program combined with other environmental health programs utilizes staff in incur

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Occupational Entity Questionnaire

expenses throughout the state at local health units, as well as staff at the main office location, the estimated annual expenses are estimated to exceed \$2,000,000.

6. How much money does the occupational entity have in reserves?

There is no reserve.

7. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? For what purpose?

N/A

8. Does the occupational entity have any other sources of revenue? Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

Yes, \$ 25 is collected and enter this account for each individual sewage permit issued in the state. Reduction of fees would cause the program to be further underfunded.

9. How many applicants for the occupational authorization fail each year? Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities?

The Department does not track applicants failing to qualify for licensure. Any applicants that fail to meet the requirements such as the examination scores are allowed to retake the exam at a later time. The Department does not track failures, so it is not known how many are veterans, women, or minorities.

10. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicants complete apprenticeships?

The Designated Representative license does have an apprenticeship structure for applicants to work with current Designated Representatives. Less than 5% of applicants utilize this method.

11. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

These licensees have specific knowledge of onsite wastewater systems and their corresponding roles to ensure each system has the ability to function as approved. Failure on any step in the process can subject the current and future homeowners to many additional risks when unknowledgeable individuals are employed. Errors made and not corrected leave the homeowner, financial institutions, and the public at risk.

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Occupational Entity Questionnaire
Environmental Health -- Septic Tank Cleaners

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? What instances of specific and substantial harm have been documented in the past year?

Onsite Wastewater Systems “Septic Systems” require maintenance. The Septic Tank Cleaners are licensed to remove the septage and must show proof of an approved site to dispose of it. Without specific regulation for cleaning, transporting, and disposing of septage, public health and safety may be at risk for contamination with drinking water and environmental concerns.

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? What specific action was taken by the occupational entity?

The Department has not received complaints on any unauthorized practitioners.

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? What specific action was taken by the occupational entity?

In the last year, two complaints were verified and resulted in a consent order signed by the parties with a reduced fine.

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? If so, why?

No.

5. How much does the occupational entity collect annually in fees, and what are annual expenses? How much money does the occupational entity have in reserves?

The Department has collected approximately \$5,000 in FY 2024. As this program, combined with other environmental health programs, utilizes staff that incur expenses throughout the state at local health units, as well as staff at the main office location, the estimated annual expenses are estimated to exceed \$2,000,000.

6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? For what purpose?

The Department currently does not carry a reserve.

7. Does the occupational entity have any other sources of revenue? Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?

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No.

8. How many applicants for the occupational authorization fail each year? We do not track. Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities?

The Department does not track applicants failing to qualify for licensure. Any applicants that fail to meet the requirements such as the examination scores are allowed to retake the exam at a later time. The Department does not track failures, so it is not known how many are veterans, women, or minorities.

9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicants complete apprenticeships?

There are no prerequisites for this license. Applicants are only required to pass an examination over the applicable law and rules.

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?

There would be little or no recourse for action taken in improperly disposing of septage and or portable toilet wastes.