

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/4/19

A Bill

HOUSE BILL 1255

5 By: Representative Dotson
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
10 SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
11 THE LAW CONCERNING LICENSING, REGISTRATION, AND
12 CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
13 SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
14 FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
15 CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.
16
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Subtitle

19 TO AMEND THE LAW CONCERNING LICENSING,
20 REGISTRATION, AND CERTIFICATION FOR
21 CERTAIN PROFESSIONS; AND TO ESTABLISH A
22 SYSTEM OF ENDORSEMENT, RECOGNITION, AND
23 RECIPROCITY FOR LICENSING.
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:
29 17-1-107. Reinstatement of licenses – Definition.

30 ~~(a)(1) It is not the intent of the General Assembly to cause the~~
31 ~~licensing entity to engage in simple comparisons of the required hours of~~
32 ~~training and other personal qualifications under Arkansas’s occupational~~
33 ~~licensing statutes with those qualifications required in the state where the~~
34 ~~person is credentialed.~~

35 ~~(2) It is the intent of the General Assembly to ensure that a~~
36 ~~person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

3 ~~(b)(a)~~ A licensing entity shall by rule adopt reduced requirements for
4 reinstatement of a license, registration, or certification for a person who:

5 (1) Demonstrates that he or she:

6 (A) Was previously licensed, registered, or certified to
7 practice in the field of his or her profession at any time in this state;

8 (B) Held his or her license in good standing at the time
9 of licensing;

10 (C) Did not have his or her license revoked for:

11 (i) An act of bad faith; or

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

13 (D) Is not holding a suspended or probationary license in
14 any state; and

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

16 (2) Pays any reinstatement fee required by law.

17 ~~(e)(b)~~ The licensing entity may require that sufficient competency in
18 a particular field be demonstrated by:

19 (1) Proficiency testing;

20 (2) Letters of recommendation; or

21 (3) Both proficiency testing and letters of recommendation.

22 ~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this
23 section, the licensing entity shall not require a person who meets the
24 requirements of subsection (a) of this section to participate in the
25 apprenticeship, education, or training required as a prerequisite to
26 licensing, registration, or certification of a new professional in the field.

27 (2) The licensing entity may require the person to participate
28 in continuing education or training if the continuing education or training
29 is required for all professionals in the field to maintain the license,
30 registration, or certification.

31 ~~(e)(d)~~ A person shall not be required to comply with requirements
32 under this section to obtain reinstatement of his or her license,
33 registration, or certification if the person meets the requirements for
34 reciprocity.

35 ~~(f)(e)~~ If a criminal background check is required of an applicant for
36 an original license, registration, or certification, or of a person currently

1 holding a license, registration, or certification, then the licensing entity
2 may require a person seeking reinstatement under this section to meet the
3 same criminal background check requirements as the applicant for an original
4 license, registration, or certification, or as the person currently holding a
5 license, registration, or certification.

6 ~~(g)(f)(1)~~ As used in this section, "licensing entity" means an agency,
7 board, commission, department, committee, or other authority of the
8 government of the State of Arkansas, whether within or subject to review by
9 another agency, ~~except the General Assembly, the courts, and the Governor,~~
10 that has the duty to license, register, certify, or otherwise approve a
11 person to work in a particular field or industry.

12 (2) As used in subdivision (f)(1) of this section "agency"
13 does not include the General Assembly, the courts, or the Governor.
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15 SECTION 2. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
16 to add an additional section to read as follows:

17 17-1-108. Endorsement, recognition, and reciprocity of licenses,
18 registrations, or certifications.

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

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

28 (b)(1) As used in this section "licensing entity" means an agency,
29 board, commission, department, committee, or other authority of the
30 government of the State of Arkansas, whether within or subject to review by
31 another agency, that has the duty to license, register, certify, or otherwise
32 approve a person to work in a particular field or industry.

33 (2) As used in subdivision (g)(1) of this section "agency" does
34 not include the General Assembly, the courts, or the Governor.

35 (c) A licensing entity shall by rule adopt the least restrictive
36 requirements for licensing, registration, or certification for a person who:

1 (1) Demonstrates that he or she:

2 (A) Was previously licensed, registered, or certified for
3 a term specified by rule of the licensing entity to practice in the field of
4 his or her profession in another state that has substantially similar
5 licensure, registration, or certification requirements;

6 (B) Holds his or her license in good standing;

7 (C) Has not had his or her license revoked for:

8 (i) An act of bad faith; or

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

10 (D) Is not holding a suspended or probationary license in
11 any state; and

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

13 (2) Pays any licensing, registration, or certification fee
14 required by law.

15 (d)(1)(A) A licensing entity shall comply with the requirements under
16 subsection (b) of this section by adopting a rule that is least restrictive
17 that allows for state-to-state reciprocity.

18 (B) The rule under subdivision (d)(1)(A) of this section
19 shall provide the procedure by which a licensing entity shall grant a ninety-
20 day, or any additional time the licensing entity deems necessary, temporary
21 reciprocal license or permit to a person for the person to complete the
22 licensure process under subsection (c) of this section by presenting evidence
23 of current and active licensure, registration, or certification in another
24 state that has substantially similar licensure, registration, or
25 certification requirements.

26 (2) If a state does not require licensing, registration, or
27 certification for a profession that requires licensing, registration, or
28 certification in this state, a licensing entity shall adopt a rule that is
29 least restrictive to permit a person to obtain licensing, registration, or
30 certification upon demonstrating sufficient competency for that profession in
31 this state.

32 (3) The licensing entity may require additional state-specific
33 education for persons certified or licensed in other states that do not offer
34 reciprocity similar to reciprocity under this section to persons licensed or
35 certified in this state.

36 (e)(1) Except as provided under subdivision (e)(2) of this section, a

1 licensing entity shall not require a person who meets the requirements of
2 subsection (c) of this section to participate in the apprenticeship,
3 education, or training required as a prerequisite to licensing, registration,
4 or certification of a new professional in the field.

5 (2) The licensing entity may require the person to participate
6 in continuing education or training if the continuing education or training
7 is required for all professionals in the field to maintain the license,
8 registration, or certification.

9 (f) If a criminal background check is required of an applicant for an
10 original license, registration, or certification, or of a person currently
11 holding a license, registration, or certification, then the licensing entity
12 may require a person seeking reinstatement of a license, registration, or
13 certification under this section to meet the same criminal background check
14 requirements as the applicant for an original license, registration, or
15 certification, or as the person currently holding a license, registration, or
16 certification.

17 (g) The licensing entity may require the person or entity applying for
18 licensure, registration, or certification under this section to meet any
19 bonding, financial statement, or insurance requirements that are applicable
20 to all applicants.

21 (h) This section shall not apply to:

22 (1) Reciprocity or endorsement provisions under §§ 17-12-308,
23 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305, 17-43-307,
24 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308, 17-93-414,
25 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

26 (2) The licensing entities that administer the reciprocity or
27 endorsement provisions under subdivision (h)(1) of this section.

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29 /s/Dotson
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