

ARKANSAS
STATE BOARD OF HEALTH

**RULES FOR ORTHOTIC, PROSTHETIC, AND
PEDORTHIC PROVIDERS IN ARKANSAS**



Promulgated under the Authority of Ark. Code Ann. § 17-107-101 et seq.

~~Revision effective date: February 15, 2021~~

ARKANSAS DEPARTMENT OF HEALTH
HEALTH FACILITY SERVICES

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SECRETARY OF HEALTH

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SECTION 1: AUTHORITY.

These Rules are promulgated under the authority of the Arkansas Orthotics, Prosthetics and Pedorthics Practice Act of 2007, Ark. Code Ann. § 17-107-101 et seq., as amended.

SECTION 2: PURPOSE

In addition to the purposes provided by the Act, these Rules are promulgated to protect the health and safety of individuals receiving orthotic, prosthetic, or pedorthic services in Arkansas.

SECTION 3: DEFINITIONS

- A. **Act** means the Arkansas Orthotics, Prosthetics and Pedorthics Practice Act of 2007, as may be amended, and codified at Ark. Code Ann. § 17-107-101 et seq.
- B. **Advisory Board** or **board** means the Arkansas Orthotics, Prosthetics and Pedorthics Advisory Board.
- ~~B.C.~~ **Automatic Licensure** means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- ~~C.D.~~ **Board for Certification in Pedorthics** has merged and is now known as the American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc.
- ~~D.E.~~ **Automatic Licensure** means granting the occupational licensure without an individual having met occupational licensure requirements provided by the rules of the occupational licensing entity.
- ~~E.F.~~ **Board of Health** means the Arkansas State Board of Health.
- ~~F.G.~~ **Department** means the Arkansas Department of Health.
- ~~G.H.~~ **Custom Fabricated and Fitted Devices.**
1. Custom fabricated and fitted device means an orthosis, prosthesis, or pedorthic device which is fabricated to original measurements or a mold for use by a patient in accordance with a prescription from a health care practitioner authorized by law to write such prescriptions and which requires substantial clinical and technical judgment in its design and fitting.
 2. Custom fitted device means a prefabricated orthosis, prosthesis, or pedorthic device sized or modified for use by the patient in accordance with a prescription from a health care practitioner authorized by law to write such prescriptions and which requires substantial clinical judgment and substantive alteration for appropriate use.
 3. Custom fabricated devices and custom fabricated and fitted devices must be dispensed by a licensed health care practitioner or by a person licensed under these rules in accordance with a prescription from a licensed health care practitioner.
- ~~H.I.~~ **Off-the-shelf device** means a prefabricated prosthesis or orthosis sized or modified for use by the patient in accordance with a prescription from a health care practitioner authorized by law to write such prescriptions and which does not require substantial clinical judgment and substantive alteration for appropriate use.
1. The sale of over-the-counter and off-the-shelf devices by non-licensed persons is not prohibited by these rules.

~~1.J.~~ **Orthosis** means an external device that is:

~~2.1.~~ Intended to restore physiological function or cosmesis to a patient; and

~~3.2.~~ Custom-designed, fabricated, assembled, fitted, or adjusted for the patient using the device prior to or concurrent with the delivery of the device to the patient.

~~4.3.~~ Orthosis does not include a cane, crutch, corset, dental appliance, elastic hose, elastic support, fabric support, generic arch support, low-temperature plastic splint, soft cervical collar, truss, or other similar device that:

- a) Is carried in stock and sold without therapeutic modification by a corset shop, department store, drug store, surgical supply facility, or similar retail entity; and
- b) Has no significant impact on the neuromuscular, musculoskeletal, or neuromusculoskeletal functions of the body.

K. **Orthotics** means the science and practice of providing or managing the provision of an orthosis based on clinical assessment, technical judgment, and an order from a healthcare practitioner authorized by law to write an order for an orthosis.

L. **Orthotic assistant** means an individual who is licensed under this chapter to assist an orthotist or an orthotist/prosthetist with patient care services and fabrication of orthoses or pedorthic devices under the supervision of an orthotist or an orthotist/prosthetist.

M. **Orthotic education program** means a course of instruction in orthotics:

1. Accredited by the Commission on Accreditation of Allied Health Education Programs; and
2. Approved by the Advisory Board.

N. **Orthotic resident** means an individual who has completed an orthotic education program and is continuing his or her clinical education in an orthotic residency program:

1. Accredited by the National Commission on Orthotic and Prosthetic Education; and
2. Approved by the Advisory Board.

- O. **Orthotic/prosthetic assistant** means an individual who is licensed under this chapter to assist both an orthotist and a prosthetist with patient care services and fabrication of prostheses, orthoses, or pedorthic devices under the supervision of an orthotist, an orthotist/prosthetist, or a prosthetist as appropriate.
- P. **Orthotist** means an individual who is licensed under this chapter to practice orthotics and pedorthics.
- Q. **Orthotist/prosthetist** means an individual who is licensed to practice orthotics, pedorthics, and prosthetics.
- R. **Over-the-Counter** means a prefabricated, mass-produced device that is prepackaged and requires no professional advice or judgment in either size selection or use, including fabric or elastic supports, corsets, generic arch supports and elastic hoses.
- S. **Pedorthic device** means therapeutic footwear, foot orthoses for use at the ankle or below, or footwear modified for therapeutic purposes as ordered by a licensed health care practitioner authorized by law to write an order for a pedorthic device.
“Pedorthic device” does not include:
1. Nontherapeutic accommodative inlays or nontherapeutic accommodative footwear regardless of method of manufacture;
 2. Shoes modified or made for nontherapeutic purposes;
 3. Unmodified shoes; or
 4. Prefabricated foot care products;
- T. **Pedorthic education program** means a course of instruction in pedorthics:
1. Accredited by the American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc.; and
 2. Approved by the Advisory Board.
- U. **Pedorthics** means the science and practice of providing or managing the provision of a pedorthic device based on clinical assessment, technical judgment, and an order from a health care practitioner authorized by law to write an order for a pedorthic device;
- V. **Pedorthist** means an individual who is licensed under this chapter to practice pedorthics.
- W. **Prefabricated device** means a mass-produced device that:

1. Is prepackaged, carried in stock, and sold off the shelf or over the counter by a corset shop, department store, drug store, surgical supply facility, or similar retail entity; and
 2. Does not require clinical assessment, technical judgment, or therapeutic modification for appropriate use by the customer.
 3. “Prefabricated device” may include a cane, a crutch, a corset, an elastic hose, an elastic support, a fabric support, a generic arch support, a low-temperature plastic splint, a soft cervical collar, a truss, or other similar device.
- X. **Prosthesis** means an external device that is:
1. Intended to replace an absent external body part for the purpose of restoring physiological function or cosmesis to a patient; and
 2. Custom-designed, fabricated, assembled, fitted, or adjusted for the patient using the device prior to or concurrent with being delivered to the patient.
 3. “Prosthesis” does not include an artificial eye, an artificial ear, a dental appliance, a cosmetic device, such as artificial eyelashes or wigs, an artificial facial device, or other device that does not have a significant impact on the neuromuscular, musculoskeletal, or neuromusculoskeletal functions of the body.
- Y. **Prosthetic assistant** means an individual who is licensed under this chapter to assist a prosthetist or orthotist/prosthetist with patient care services and fabrication of prostheses under the supervision of a prosthetist or an orthotist/prosthetist.
- Z. **Prosthetic education program** means a course of instruction in prosthetics:
1. Accredited by the Commission on Accreditation of Allied Health Education Programs; and
 2. Approved by the Advisory Board.
- AA. **Prosthetic resident** means an individual who has completed a prosthetic education program and is continuing his or her clinical education in a prosthetic residency program:
1. Accredited by the National Commission on Orthotic and Prosthetic Education; and
 2. Approved by the Advisory Board.
- BB. **Prosthetics** means the science and practice of providing or managing the provision

of a prosthesis based on clinical assessment, technical judgment, and an order from a health care practitioner authorized to write an order for a prosthesis.

- CC. **Prosthetist** means an individual who is licensed under this chapter to practice prosthetics.
- DD. **Returning military veteran** means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.
- EE. **Therapeutic Footwear.** The following actions with respect to therapeutic footwear and medical devices for the foot and ankle must be performed by a licensed health care practitioner who is acting within his or her lawful scope of practice:
1. Modifications or additions to the interior or exterior of footwear for therapeutic purposes, including but not limited to heel lifts, outflare heels, Thomas heels, full sole lifts, wedged soles, rocker bottom soles, metatarsal bars, metatarsal raises or inserts that have fillers as part of their construction, toe fillers, and partial foot fillers;
 2. Permanent or temporary attachment of an orthosis to the footwear;
 3. Addition or modification of a removable or attached therapeutic foot device inside the shoe which was fabricated based on a cast, impression, mold, scan, imprint or tracing;
 4. Creation of an image of a person's foot or ankle through the use of a mold, cast, scanning device, digital appliance, tracing, pressure sensitive device or other similar device; and
 5. Analysis, evaluation, measurement, assessment, or screening of a foot for the purpose of making a therapeutic recommendation.

FF. **Uniformed Service Member** means 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; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

GG. **Uniformed Service Veteran** means a former member of the United States uniformed services discharged under conditions other than dishonorable.

SECTION 4: RESTRICTIONS ON THE PRACTICE OF ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

- A. A licensed orthotist, prosthetist or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed health care practitioner authorized to issue such an order.
- B. A licensed orthotist, prosthetist, or pedorthist must provide services from a facility which has appropriate clinical and laboratory space and equipment to allow that licensee to provide orthotic, prosthetic, or pedorthic care.
- C. The scope of practice of a licensed orthotist, prosthetist, or pedorthist does not include the right to diagnose a medical problem or condition or the right to give medical advice as to the nature, cause, or treatment for the problem or condition for which the orthosis, prosthesis, or pedorthic device is being dispensed. However, the scope of practice of a licensed orthotist, prosthetist, or pedorthist does include the right to provide information or demonstration or training, regarding the proper use and care of the device and to make adjustments to the device as needed.
- D. Assistant orthotist/prosthetist must practice within a one (1) hour radius of the supervising practitioner.
- E. A licensed orthotist, prosthetist, or pedorthist may utilize one or more non-licensed persons to assist in the provision of services, but the non-licensed person shall be limited to the performance of minor repairs on devices which have been previously dispensed to a patient.

SECTION 5: NECESSITY OF LICENSURE

Upon promulgation of these Rules, no person shall practice orthotics, prosthetics, or pedorthics in Arkansas, or hold himself or herself out as being able to practice such professions, or dispense an orthosis, prosthesis, or pedorthic device, unless such person is licensed in Arkansas.

SECTION 6: QUALIFICATIONS FOR LICENSURE

- A. Orthotist – To qualify for a license to practice orthotics, a person shall:
1. Complete an orthotics education program which is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;
 2. Possess a baccalaureate degree or have successfully completed the number of semester hours equivalent to four (4) years of study at a four-year college or university;
 3. Successfully complete a clinical NCOPE residency in orthotics; and
 4. Successfully complete one of the following national certification examinations:
 - a) American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc. (“ABCOPP”);
 - b) Board of Certification/Accreditation (“BOC”); or
 - c) equivalent as determined by the Advisory Board.
- B. Prosthetist – To qualify for a license to practice prosthetics, a person shall:
1. Complete a prosthetics education program which is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;
 2. Possess a baccalaureate degree or have successfully completed the number of semester hours equivalent to four (4) years of study at a four-year college or university;
 3. Successfully complete a clinical NCOPE residency in prosthetics; and
 4. Successfully complete one of the following national certification examinations:
 - a) ABCOPP;
 - b) BOC; or
 - c) equivalent as determined by the Advisory Board.
- C. Pedorthist – To qualify for a license to practice pedorthics a person shall:
1. Possess a high school diploma or GED;

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2. Possess the Certified Pedorthist credential from either ABCOPP or BOC; and
 3. Successfully complete one of the following national certification examinations:
 - a) ABCOPP;
 - b) BOC; or
 - c) equivalent as determined by the Advisory Board.
- D. Assistant – An applicant for certification to practice as an orthotic assistant, prosthetic assistant, or orthotic/prosthetic assistant shall submit to the written evidence, verified by oath, that the applicant
1. Possesses a high school diploma or GED;
 2. Has a minimum of three (3) years of experience in the field in which the person is seeking licensure as an assistant; ~~or and~~
 - 2.3. Two (2) years experience in the field in which the individual is seeking license as an assistant and has a minimum of three (3) semester hours of higher education in the subject of human anatomy and physiology and medical terminology and
 4. Has written documentation from a licensed prosthetist or a licensed orthotist that the applicant is qualified to perform as an assistant in the field in which the person is seeking licensure as the assistant; ~~or-~~
 5. Has graduated from a master's level orthotics, prosthetic, or orthotic/prosthetic educational program approved by the National Commission on Orthotic and Prosthetic Education and is in a residency program.
 - 3.6. An orthotic assistant, an orthotic/prosthetic assistant, or a prosthetic assistant shall maintain certification until the completion of their residency program.
- E. Reciprocity. An applicant from another state or jurisdiction qualifies for a reciprocal license if:
1. The applicant holds a substantially similar license in another United States jurisdiction. A license from another state is substantially similar to an Arkansas license if the other state's licensure qualifications require:
 - a) Orthotists: items (1-4) in paragraph (A) above;
 - b) Prosthetists: items (1-4) in paragraph (B) above;
 - c) Pedorthists: items (1-3) in paragraph (C) above; and

- d) Prosthetic assistants: items (1-3) in paragraph (D) above;
- 2. The applicant holds his or her license in good standing;
- 3. The applicant has not had a license revoked for:
 - a) An act of bad faith; or
 - b) A violation of law, rule, or ethics; and
- 4. The applicant does not hold a suspended or probationary license in a United States jurisdiction;
- 5. The applicant is competent in orthotics; and
- 6. The applicant submits a fully executed application, fee, and the following documentation:
 - a) Evidence of current and active licensure in that state.
 - b) Evidence that the other state's qualifications match those in (E)(1);
 - c) The names of all states in which the applicant is currently licensed or has been previously licensed;
 - d) 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:
 - 1) An act of bad faith; or
 - 2) A violation of law, rule, or ethics.

F. Military

1. This Rule applies to a:

- a) uniformed service member stationed in the State of Arkansas;
- b) uniformed service veteran who resides in or establishes residency in the State of Arkansas;
- c) The spouse of (a) or (b) including a:
 - 1) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;
 - 2) 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 Arkansas.

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2. Automatic license may be granted to persons listed in Section F above if:
 - a) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and:
 - b) The person pays the licensure fee in §17-107-204.
3. Credit toward initial licensure
 - a) Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.
4. Expiration Dates and Continuing Education
 - a) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
 - b) A uniformed service member or spouse shall be exempt from continuing education requirements in Section 14 of these Rules for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
 - ~~F-c) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.~~
- ~~1. The following individuals are eligible for immediate licensing consideration based on military service or affiliation:~~
 - ~~a) An active duty military service member stationed in the State of Arkansas;~~
 - ~~b) A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or~~
 - ~~c) The spouse of a person under paragraphs (F)(1)(a) or (F)(1)(b) above.~~

G. Apprenticeship

1. An applicant shall receive a Pedorthist, Orthotist Assistant, Prosthetist Assistant, or Orthotist/Prosthetist Assistant license if the meet the criteria set forth below:
2. As used in this Rule, "apprenticeship" means a program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship.
 - a) An applicant for licensure under this Rule shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program. This documentation may be in the form of a certificate, diploma, or similar official credential, or letter on official program letterhead.
 - b) An applicant for licensure under this Rule shall provide satisfactory documentation that the completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and that the program has been

~~approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services .~~

- ~~c) An applicant for licensure under this Rule shall meet all the other non-educational requirements for licensure under these Rules, including section 6.~~
- ~~d) If an applicant is denied a license for failing to meet the criteria in (a)-(c), the applicant shall be provided the reason for denial in writing~~

~~2. — Such applicant shall submit:~~

~~a) — Payment of the initial licensure fee;~~

~~b) — Evidence that the individual holds a substantially equivalent license in another state; and~~

~~c) — Evidence that the applicant:~~

~~1) — is qualified military under paragraph (F)(1)(a), (F)(1)(b)~~

~~2) — or (F)(1)(c) above; and~~

~~meets qualifications under paragraph (E).~~

~~3) —~~

~~G.H.~~ 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 reasons 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 and all decisions made by the Board in response to a pre-licensure criminal background check petition are not subject to appeal.
7. The Board will keep and maintain a copy of the petition and response, which will be reviewed during the formal application process.
8. Waiver Request

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

I. Initial Licensure Fee Waiver

1. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. 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);

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- 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 Department 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 (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.
- e)4. _____

SECTION 7: PROCEDURES FOR LICENSURE

- A. An applicant shall obtain a current application packet from the Advisory Board, respond truthfully and completely to every question or request for information contained in the application form, and submit it, along with all documents and fees required, to the Department. It is the intent of this Rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all materials be filed simultaneously.
- B. An applicant shall complete the application with the supporting documentation proscribed to the Arkansas Department of Health.
- C. An applicant shall disclose the fact of and the circumstances surrounding any of the following:
 - 1. Conviction of a crime; or plea of guilty, nolo contendere, or a finding of guilt of a felony listed under § 17-3-102 in any country, state, or municipality, except minor traffic violations;
 - 2. The denial of certification or licensure application by any other state or country, or the discipline of the certificate holder or licensee in any state or country;
 - 3. Loss, restriction, or voluntary surrender of certification or licensure privileges; and
 - 4. Any judgment or settlement in a civil suit in which the applicant was a party defendant, including malpractice, unethical conduct, breach of contract, or any other civil action remedy recognized by the country's or state's statutory, common law, or case law.
- D. When necessary, all required documents shall be translated into English and such translation, together with the original document, shall be certified as to authenticity by the issuing source. Both versions must be submitted simultaneously.
- E. Application review, approval, denial, and interview decisions shall be made by the Advisory Board.
- F. The requirement for licensure under these Rules shall not apply to:
 - A person who is an employee of any bureau, division, or agency of the federal government while in the discharge of the employee's official duties;
 - 1. A student enrolled in an educational program at a college or university which will enable that student to obtain a license to practice orthotics, prosthetics, or pedorthics upon graduation from the program;

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2. A resident continuing such resident's clinical education in a residency accredited by the National Commission on Orthotic and Prosthetic Education; and
 3. A student in a qualified work experience program or internship in pedorthics.
- G. Licensee shall notify the Advisory Board within thirty (30) days of any:
1. Extension of the discipline of practice,
 2. Name and address changes.

SECTION 8: FEES

- A. License fee for initial licensure and renewal of licensure for the practice of orthotics, prosthetics, or pedorthics, shall be three hundred dollars (\$300) every two (2) years.
- B. License fee for initial licensure and renewal of licensure as an orthotic assistant, an orthotic/prosthetic assistant or a prosthetic assistant shall be one hundred dollars (\$100.00) every two (2) years.
- C. Late Renewal \$100.00.
- D. Reinstatement \$300.00.
- E. Reinstatement for Assistant \$100.00.
- F. All fees are non-refundable.

SECTION 9: RENEWAL OF LICENSURE

- A. Licenses are valid through December 31st of the expiration year.
- B. Renewal notifications will be sent by the Department Health Facility Services Section of the Arkansas Department of Health, to the last address on file with the Advisory Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
- C. A license issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit an application on or before the expiration date the following:
 - 1. A completed renewal application form; and
 - 2. The renewal fee as required.
- D. To be eligible for renewal an individual must have completed the continuing education requirements and must attest to such completion on the renewal application. An individual who fails to obtain continuing education hours will be ineligible for renewal. **A Uniformed Service Member may be granted additional time to complete. See Section 6.F.4.**
- E. Any licensee who fails to renew his or her license as provided in this section may be reinstated by the board on payment of the renewal fee plus a late fee unless waived by the Board.
- F. Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:
 - 1. Payment of all past due renewal fees;
 - 2. Payment of the late renewal fee; and
 - 3. Compliance with continuing education requirements.

SECTION 10: INACTIVATION & REACTIVATION

- A. Inactive status:
1. An individual licensed or certified under this chapter may place his or her license or certification on inactive status by notifying the Advisory Board in writing.
 2. The holder of an inactive license or certification is excused from payment of renewal fees and shall not practice in his or her area of licensure or certification in this state.
- B. A person who holds an active license may apply for inactive status in the following manner:
1. Obtain, complete, and submit to the Advisory Board an affidavit of retirement form; and
 2. Submit any supporting documentation which may be required to the Advisory Board's administrative office.
- C. A licensee whose certificate has been inactivated may re-enter active status by doing the following:
1. Submit an application and pay the renewal fee; and
 2. Submit verification of successful completion of continuing education hours for the period of inactivity.
- D. Any person who engages in practice while his or her license or certification is inactive shall be considered to be practicing without a license, which shall be grounds for discipline under § 17- 107-310.

SECTION 11: SUSPENSION AND REVOCATION AND DISCIPLINARY ACTION

Licenses are subject to denial, suspension, restriction and revocation as provided by the Act. See Ark. Code Ann. § 17-107-310.

SECTION 12: HEARINGS

Individuals may appeal a disciplinary action within ten (10) calendar days of notice of the action. A request for appeal shall be made in writing to the Advisory Board. Mail or deliver notice to: OPP Advisory Board 5800 West 10th Street Suite 400 72204. Hearings will be conducted according to the Arkansas Administrative Act, Ark. Code Ann § 25-15-201 et seq.

SECTION 13: ADVERTISING

Advertising shall not be false, fraudulent, deceptive, or misleading.

SECTION 14: CONTINUING EDUCATION

- A. Required hours:
1. Orthotists and prosthetists must biennially complete thirty (30) hours of continuing education in courses applicable to his/ her profession. A person who is licensed in more than one (1) profession under these rules shall biennially complete forty (40) hours of continuing education in courses applicable to the professions in which he/she is licensed.
 2. Pedorthotists must complete 22 hours biennially.
 3. Assistants must complete 15 hours if employed in one discipline or 20 hours if employed in both, biennially.
 4. At least six (6) hours of the continuing education each year shall be offered to licensees from providers in the state of Arkansas.
- B. Acceptable continuing education shall consist of courses provided, approved, or sponsored by:
1. The American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc.;
 2. The Board for Orthotist/Prosthetist Certification;
 3. The Pedorthic Footwear Association;
 4. Any other entity whose education programs have been approved by the Advisory Board.
- C. Each licensee must maintain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was required. This documentation must be produced for inspection and verification, if requested in writing by the Advisory Board during its verification process.
- D. Each licensee must, within thirty (30) days of a request from the Advisory Board, provide evidence of continuing education activities. Certificates verifying the individual's attendance or documents from course providers are such evidence.
- E. Violations: Any person who falsely attests to attendance and completion of the required hours of continuing education may be subject to disciplinary action.
- F. Continuing Education completion timeframe may be extended for a Uniformed Service Member. (See Section 6.F.4.)

SECTION 15: SEVERABILITY

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

Addendum A: Code of Ethics

1) PREAMBLE. The purpose of a code of ethics is to acknowledge a professions acceptance of the responsibility and trust conferred upon it by society and to recognize the internal obligations inherent in that trust. The following paragraphs delineate the standards governing the conduct of Orthotic, Prosthetic and Pedorthic Providers in their professional interactions with patients, colleagues, other health professionals and the general public. Realizing that no code can encompass all ethical responsibilities of the Orthotic, Prosthetic and Pedorthic Providers, this enumeration of obligations in the code of ethics is not comprehensive and does not constitute a denial of the existence of other obligations, equally imperative, and not specifically mentioned herein. This code of ethics shall be binding on all Orthotic, Prosthetic and Pedorthic Providers in Arkansas.

a. CANON 1

Orthotic, Prosthetic and Pedorthic Providers must uphold the dignity and honor of the profession, accept its disciplines and expose without hesitation illegal, unethical and incompetent conduct.

INTERPRETIVE STATEMENTS

Orthotic, Prosthetic and Pedorthic Providers are part of a collaborative effort to deliver proper health care to the patient under the Orthotic, Prosthetic and Pedorthic Provider's care.

The Orthotic, Prosthetic and Pedorthic Provider has a personal, as well as a professional, obligation to protect and safeguard the patients from illegal and/or unethical actions or the incompetence of any person.

The Orthotic, Prosthetic and Pedorthic Provider must maintain personal integrity and establish the appropriate means to fully protect his freedom of conscience for the delivery of services to the patient.

The Orthotic, Prosthetic and Pedorthic Provider who demonstrates incompetence or illegal conduct as it pertains to the Code of Ethics shall be exposed to the proper authorities.

b. CANON 2

Orthotic, Prosthetic and Pedorthic Providers shall respect the patient's rights and dignity and shall uphold the doctrine of confidentiality regarding privileged patient information.

INTERPRETIVE STATEMENTS

Information about the patient's clinical situation will be kept confidential, unless otherwise required by law, in order to protect the welfare of an individual or community.

Written guidelines or protocols of an institution or department may be instrumental in deciding the manner in which confidential information is handled for release.

c. CANON 3

Orthotic, Prosthetic and Pedorthic Providers shall provide only those services for which they are qualified. Orthotic, Prosthetic and Pedorthic Providers shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, identity or services.

INTERPRETIVE STATEMENTS

Orthotic, Prosthetic and Pedorthic Providers will accept responsibility for the exercise of sound judgment in the delivery of services to the patient and shall be accountable for the quality of the service provided.

Orthotic, Prosthetic and Pedorthic Providers will provide accurate information about the profession, and services they provide, as well as the Orthotic, Prosthetic and Pedorthic Provider's own qualifications.

Orthotic, Prosthetic and Pedorthic Providers shall not engage in practices beyond their competence or training.

Orthotic, Prosthetic and Pedorthic Providers shall not delegate to a less qualified person any activity, which requires the unique skill, knowledge and judgment of a formally educated Orthotic, Prosthetic and Pedorthic Provider. Services rendered by supportive personnel will be under the supervision of a formally educated Orthotic, Prosthetic and Pedorthic Provider.

d. CANON 4

Orthotic, Prosthetic and Pedorthic Providers shall strive to improve their medical knowledge and skills on a continuing basis.

INTERPRETIVE STATEMENTS

Orthotic, Prosthetic and Pedorthic Providers shall support quality didactic and clinical education.

Professional conduct will be maintained toward Orthotic, Prosthetic and Pedorthic Providers peers, students, medical staff and patients.

Orthotic, Prosthetic and Pedorthic Providers shall participate in educational activities, either by individual study or through continuing education, which will enhance their basic knowledge in order to continue to provide quality health care to the patient.

e. CANON 5

Orthotic, Prosthetic and Pedorthic Providers shall maintain and promote high standards for their practice and include education, research and scientific presentations and/or publications.

f. CANON 6

An Orthotic, Prosthetic and Pedorthic Provider shall at all times hold the well-being of the patient to be paramount and shall not act in such a way as to bring the member's interests into conflict with the patient's interests. An Orthotic, Prosthetic and Pedorthic Provider shall deliver health care services without regard to race, color, creed, national origin, sex, age, religion, sexual preference or physical and/or mental condition.

INTERPRETIVE STATEMENTS

Orthotic, Prosthetic and Pedorthic Provider's practice and adherence to ethical principles shall take preference over business practices. Orthotic, Prosthetic and Pedorthic Providers shall place service before material gain.

Orthotic, Prosthetic and Pedorthic Providers shall fully disclose to clientele other business practices that may appear as conflict of interest to clientele and/or public. These may include but are not limited to:

- 1) Consultant for fee.
 - 2) Clinical instructor (support staff for industry).
 - 3) Sales representative.
 - 4) Technical advisor.
 - 5) Lecture for fee.
 - 6) Acceptance of fees, gratuities, funding from industry.
- 2) To this end, the State Board of Health holds that each Orthotic, Prosthetic and Pedorthic Provider has the following ethical and professional responsibilities:
- a. The Orthotic, Prosthetic and Pedorthic Provider will always attempt to fairly evaluate all competing products and services, with the principal selection criteria being that of regard for patient safety and well-being.
 - b. The Orthotic, Prosthetic and Pedorthic Provider shall always base any decision on product and service selection on clinical evaluations and documented clinical and scientific data.

In conclusion, it is the responsibility of the Orthotic, Prosthetic and Pedorthic Provider to make decisions regarding the selection of clinical products with the patient as the primary concern.

CERTIFICATION

This will certify that the foregoing revisions to the Rules and Regulations for Orthotic, Prosthetic and Pedorthic Providers in Arkansas were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the 1st day of August, 2020.



J SE Romero, M.D., FAAP, FIDSA, FPIDS, FAAAS
Secretary of Health
Arkansas Board of Health

1/22/21

Date

1 State of Arkansas As Engrossed: S1/19/21 S1/26/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 78

4
5 By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
6 By: Representatives Lynch, Cozart, Brown, Evans

7
8 **For An Act To Be Entitled**

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

16
17
18 **Subtitle**

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

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code § 17-1-106 is repealed.

28 ~~17-1-106. Automatic licensure for active duty service members,~~
29 ~~returning military veterans, and spouses—Definitions.~~

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

31 ~~(1) “Automatic licensure” means the granting of occupational~~
32 ~~licensure without an individual’s having met occupational licensure~~
33 ~~requirements provided under this title or by the rules of the occupational~~
34 ~~licensing entity;~~

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 17-4-101. Title.

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

6
7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

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

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

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

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

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

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

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

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

36 (1) Providing:

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

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

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

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

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

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

19
20 17-4-103. Definitions.

21 As used in this chapter:

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

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

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

1 (4) "Uniformed service member" means:

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

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

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

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

13
14 17-4-104. Applicability.

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

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

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

20 (3) The spouse of:

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

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

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

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

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

33 (1) Listed in § 17-4-104; and

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

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

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

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

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

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

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

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

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

28 (1) A uniformed service member; or

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

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

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

1 uniformed service member's return from deployment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 An occupational licensing entity shall:

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

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

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

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

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

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

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

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

/s/Hill

APPROVED: 2/23/21

1 State of Arkansas As Engrossed: S2/9/21 S3/4/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 22

4

5 By: Senator Irvin

6 By: Representative L. Johnson

7

8

For An Act To Be Entitled

9 AN ACT TO MODIFY THE APPLICATION PROCESS FOR
10 CERTIFICATION TO PRACTICE AS AN ORTHOTIC ASSISTANT,
11 ORTHOTIC/PROSTHETIC ASSISTANT, OR PROSTHETIC
12 ASSISTANT; AND FOR OTHER PURPOSES.

13

14

15

Subtitle

16

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21

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

23

24 SECTION 1. Arkansas Code § 17-107-304 is amended to read as follows:

25 17-107-304. Orthotic assistants, orthotic/prosthetic assistants, and
26 prosthetic assistants.

27 An applicant for certification to practice as an orthotic assistant, an
28 orthotic/prosthetic assistant, or a prosthetic assistant shall submit to the
29 Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board written
30 evidence verified by oath that the applicant either:

31 (1) Meets the following requirements:

32 (A) Possesses a high school diploma or comparable
33 credential approved by the board;

34 ~~(2)~~(B) Has a minimum of:

35 (i) Three ~~three~~ (3) years of experience in the field
36 in which the individual is seeking licensure as an assistant; or



1 (ii) Two (2) years of experience in the field in
2 which the individual is seeking licensure as an assistant and has a minimum
3 of three (3) semester hours of higher education in the subjects of human
4 anatomy and physiology and medical terminology; and

5 ~~(3)(C)~~ Has written documentation from a prosthetist or an
6 orthotist that the applicant is qualified to perform as an assistant in the
7 field in which the individual is seeking licensure as an assistant; or

8 (2)(A) Has graduated from a master's level orthotic,
9 prosthetic, or orthotic/prosthetic educational program approved by the
10 National Commission on Orthotic and Prosthetic Education and is in a
11 residency program.

12 (B) An orthotic assistant, an orthotic/prosthetic
13 assistant, or a prosthetic assistant certified under subdivision (2)(A) of
14 this section shall maintain certification until he or she completes the
15 residency program.

16
17
18 /s/Irvin

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21 **APPROVED: 3/24/21**
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1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/10/21

A Bill

SENATE BILL 153

5 By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, 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

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

Subtitle

16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

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

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.

1 17-4-104. Fee waiver.

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

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

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

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

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

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

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

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

24 A licensing entity shall:

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

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

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

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

30
31 SECTION 3. EFFECTIVE DATE.

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

34
35 /s/Gilmore

36 APPROVED: 4/15/21

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1875

5 By: Representative Bryant
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE EARN AND LEARN ACT; TO ALLOW
10 INDIVIDUALS TO WORK AND EARN A PAYCHECK WHILE ALSO
11 FULFILLING LICENSING REQUIREMENTS AND GAINING THE
12 SKILLS TO FILL THE NEEDS OF AN EXPANDING WORKFORCE;
13 AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO CREATE THE EARN AND LEARN ACT; AND TO
17 ALLOW INDIVIDUALS TO WORK AND EARN A
18 PAYCHECK WHILE ALSO FULFILLING LICENSING
19 REQUIREMENTS AND GAINING THE SKILLS TO
20 FILL THE NEEDS OF AN EXPANDING WORKFORCE.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

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

CHAPTER 4

EARN AND LEARN ACT

17-4-101. Title.

31 This chapter shall be known and may be cited as the "Earn and Learn
32 Act".
33
34

17-4-102. Legislative findings – Purpose.

35 (a) The General Assembly finds that:
36



1 (1) Apprenticeships prioritize on-the-job training and provide
2 workers the opportunity to earn a paycheck while working towards industry-
3 recognized credentials;

4 (2) Apprenticeships allow employers to build a skilled workforce
5 according to industry standards; and

6 (3) Occupational licensing prevents the citizens of this state
7 from taking full advantage of apprenticeships because many apprenticeship-
8 friendly jobs require a license to legally work in this state.

9 (b) It is the purpose of this chapter to allow individuals to work and
10 earn a paycheck while also fulfilling licensing requirements and gaining the
11 skills to fill the needs of an expanding workforce.

12
13 17-4-103. Definitions.

14 As used in this chapter:

15 (1) "Apprenticeship" means a program that meets the federal
16 guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and
17 existing programs currently implementing work requirements as approved by the
18 United States Office of Apprenticeship as meeting the requirements of an
19 apprenticeship;

20 (2) "License" means a license, certificate, registration,
21 permit, or other form of authorization required by law or rule that is
22 required for an individual to engage in a particular occupation or
23 profession; and

24 (3) "Licensing entity" means an office, board, commission,
25 department, council, bureau, or other agency of state government having
26 authority to license, certify, register, permit, or otherwise authorize an
27 individual to engage in a particular occupation or profession.

28
29 17-4-104. Treatment of apprenticeships regarding licenses.

30 (a) A licensing entity shall grant a license to an applicant who:

31 (1) Completes an apprenticeship in the licensed occupation or
32 profession;

33 (2) Passes an examination, if deemed to be necessary by the
34 licensing entity;

35 (3) Pays any fees deemed necessary by the licensing entity;

36 (4) Does not have a disqualifying criminal record as determined

1 by the licensing entity under state law; and

2 (5) Completes all other requirements for licensure unrelated to
3 training and education.

4 (b) If a licensing entity denies a license to an applicant under this
5 chapter, the licensing entity shall:

6 (1) Provide the applicant with a denial in writing; and

7 (2) Explain the reason for the denial in the written decision,
8 such as whether the licensing entity determined that the applicant's
9 apprenticeship program does not correspond to the profession or occupation or
10 level of license for which the applicant applied.

11 (c)(1) A licensing entity shall establish a passing score for
12 examinations that does not exceed the passing score required under the
13 standard licensing processes.

14 (2) If the licensing entity does not require an examination for
15 the standard licensing process for a profession or occupation, an applicant
16 who completes an apprenticeship for the profession or occupation is not
17 required to pass an examination.

18 (d)(1) A licensing entity shall establish a licensing fee that does
19 not exceed the licensing fee required under the standard licensing processes.

20 (2) If the licensing entity does not require a fee for the
21 standard licensing process for a profession or occupation, an applicant who
22 completes an apprenticeship in the profession or occupation is not required
23 to pay a fee.

24 (e) Except as otherwise required by federal law, an apprenticeship for
25 a profession or occupation is not required to exceed the number of hours
26 required by the licensing entity for the profession or occupation.

27
28 17-4-105. Construction.

29 This chapter does not apply to:

30 (1) A licensing entity that does not license individual workers
31 for which there is an apprenticeship program established under 29 C.F.R. Part
32 29, as existing on March 1, 2021;

33 (2) A license that requires the educational equivalent of a
34 bachelor's degree or higher; or

35 (3) A license issued by the State Board of Barber Examiners or
36 the Department of Health regarding cosmetology.

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SECTION 2. DO NOT CODIFY. Rules.

(a) All licensing entities as required under this act shall promulgate rules necessary to implement this act.

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

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

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

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

SECTION 3. EFFECTIVE DATE.

This act is effective on and after January 1, 2022.

APPROVED: 4/21/21