

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17 H3/20/17
A Bill

HOUSE BILL 1835

By: Representative Dotson

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND THE LAW CONCERNING LICENSING, REGISTRATION, AND CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A SYSTEM OF RECIPROCITY FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

Subtitle

TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO ESTABLISH A SYSTEM OF RECIPROCITY FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR CERTAIN PROFESSIONS.

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

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

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

~~(2) It is the intent of the General Assembly to ensure that a~~



~~person may be credentialed to work in Arkansas if he or she generally demonstrates the skills and ethics required by state law based on the person's experience and credentials in another state.~~

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

(1) Demonstrates that he or she:

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

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

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

(i) An act of bad faith; or

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

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

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

(2) Pays any reinstatement fee required by law.

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

(1) Proficiency testing;

(2) Letters of recommendation; or

(3) Both proficiency testing and letters of recommendation.

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

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

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

~~(f)(e)~~ *If a criminal background check is required of an applicant for*

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

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

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

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

17-1-108. Reciprocity.

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

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

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

(1) Demonstrates that he or she:

(A) Was previously licensed, registered, or certified for a term specified by rule of the licensing entity to practice in the field of his or her profession in another state;

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

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

(i) An act of bad faith; or

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

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

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

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

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

(B) The rule under subdivision (c)(1)(A) of this section shall provide the procedure by which a licensing entity shall grant a one-year temporary reciprocal license or permit to a person under subsection (b) of this section by presenting evidence of current and active licensure, registration, or certification in another state.

(2) If a state does not require licensing, registration, or certification for a profession that requires licensing, registration, or certification in this state, a licensing entity shall adopt a rule that is least restrictive to permit a person to obtain licensing, registration, or certification for that profession in this state.

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

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

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

(e) If a criminal background check is required of an applicant for an original license, registration, or certification, or of a person currently holding a license, registration, or certification, then the licensing entity may require a person seeking reinstatement under this section to meet the

same criminal background check requirements as the applicant for an original license, registration, or certification, or as the person currently holding a license, registration, or certification.

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

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

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

(h) This section shall not apply to:

(1) Reciprocity provisions under §§ 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-43-307, 17-53-208, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308, 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

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

/s/Dotson