

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/4/19 S4/5/19
A Bill

HOUSE BILL 1255

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 ENDORSEMENT, RECOGNITION, AND RECIPROCITY FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING LICENSING, REGISTRATION, AND CERTIFICATION FOR CERTAIN PROFESSIONS; AND TO ESTABLISH A SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY FOR LICENSING.

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 – Definition.

~~(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 An occupational licensing entity shall by rule adopt reduced requirements for reinstatement of a license, registration, permit, or certification for a person who:

(1) Demonstrates that he or she:

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

(B) Held his or her license, registration, permit, or certification in good standing at the time of licensing, registration, permitting, or certification;

(C) Did not have his or her license, registration, permit, or certification 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, registration, permit, or certification 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 occupational 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 ~~(e)(2)(b)~~ of this section, the occupational 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, permitting, or certification of a new professional in the field.

(2) The occupational 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, permit, 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*, permit, 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, permit, or certification, or of a person currently holding a license, *registration*, permit, or certification, then the occupational 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, permit, or certification, or as the person currently holding a license, *registration*, permit, or certification.

~~(g)~~(f)(1) As used in this section, "occupational licensing entity" means an agency, office, council, bureau, 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, permit, 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 § 17-1-108, as added by Acts 2019, No. 426, is amended to read as follows:

17-1-108. Expedited temporary and provisional licensure – Legislative intent.

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

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

(1) "Individual" means a natural person, firm, association,

partnership, corporation, or other entity that may hold an occupational licensure;

(2) "Occupational licensing entity" means an office, board, commission, committee, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession; and

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

~~(b)(c)~~ An occupational licensing entity shall by rule adopt the least restrictive requirements for occupational licensure for an individual who:

(1) Demonstrates that he or she:

(A) Holds an occupational licensure that is substantially similar to practice in the field of his or her occupation or profession in another state, territory, or district of the United States;

(B) Holds his or her occupational licensure in good standing;

(C) Has not had his or her occupational licensure 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 occupational licensure in any state, territory, or district of the United States; and

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

(2) Pays any occupational licensure fee required by law or rule.

~~(e)(1)(A)(d)(1)(A)~~ An occupational licensing entity shall comply with the requirements under subsection ~~(b)(c)~~ of this section by adopting the least restrictive rule that allows for reciprocity or licensure by endorsement.

(B) The rule adopted under subdivision ~~(e)(1)(A)(d)(1)(A)~~ of this section shall provide the procedure by which an occupational licensing entity shall grant a temporary and provisional occupational licensure for ninety (90) days or longer to an individual under subsection

~~(b)~~(c) of this section if presented with evidence of a current and active occupational licensure that is substantially similar to practice in the field of his or her occupation or profession in another state, territory, or district of the United States.

(2) If a state, territory, or district of the United States does not require occupational licensure for a profession that requires occupational licensure in this state, an occupational licensing entity shall adopt a rule that is least restrictive to permit an individual who is sufficiently competent in his or her field to obtain occupational licensure for that occupation or profession in this state.

(3) The occupational licensing entity may require additional state-specific education for an individual with an occupational licensure in another state, territory, or district of the United States that does not offer reciprocity similar to reciprocity under this section to individuals with occupational licensure in this state.

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

(2) The occupational licensing entity may require the individual to participate in continuing education or training if the continuing education or training is required for all professionals in the field to maintain the occupational licensure.

~~(e)~~(f) If a criminal background check is required of an applicant for an initial occupational licensure or of ~~a person~~ an individual currently holding an occupational licensure, then the occupational licensing entity may require ~~a person~~ an individual seeking his or her occupational licensure under this section to meet the same criminal background check requirements as the applicant for an initial occupational licensure or as the ~~person~~ individual currently holding an occupational licensure.

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

~~(g)~~(h) This section shall not apply to:

(1) Reciprocity or license by endorsement provisions under §§ 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305, 17-43-307, 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 occupational licensing entities that administer the reciprocity provisions under subdivision ~~(g)(1)~~(h)(1) of this section.

~~(h)(i)~~ An occupational licensing entity may enter into written agreements with similar occupational licensing entities of another state, territory, or district of the United States as necessary to assure ~~for~~ that licensees in this state have comparable nonresident licensure opportunities as those opportunities available to nonresidents by occupational licensing entities in this state.

/s/Dotson